



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, Cromarty Firth, Fowey, Oban, Peterhead, Plymouth Shoreham and Troon (“the Listed Ports”)

DfT 2013-12

July 2013

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# Foreword

The purpose of this consultation document is to:

- explain the background and purpose of EU Directive 2005/65/EC (“**the Directive**”) 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.

This is the third in a series of such consultations, with others to follow until all ports deemed in-scope of the Directive have been consulted on.

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 (**DO's – see Annexes A-I**) 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 Cromarty Firth and the Port of Cromarty Firth Security Authority

Port of Fowey and the Port of Fowey Security Authority

Port of Oban and the Port of Oban Security Authority

Port of Peterhead and the Port of Peterhead Security Authority

Port of Plymouth and the Port of Plymouth Security Authority

Port of Shoreham and the Port of Shoreham Security Authority

Port of Troon and the Port of Troon Security Authority

- 1.2 The policy objective is to enhance security at ports in accordance with the Directive and in so doing supplement existing measures with formal arrangements to ensure security coordination across the wider port area to help prevent successful maritime security incidents, in particular, 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 (see details on page 6).

- 1.4 **Barrow and Cardiff (including Newport and Barry) are being consulted on for the second time** as improved Port Security Authority (**PSA**) boundary plans are annexed to their respective Designation Orders. An Addendum to the previous consultation (DfT 2012-40 which ran from 19 November 2012 to 4 January 2013) was issued on 18 December to consultees advising that replacement plans would be issued for Barrow and Newport. Responses to the previous consultation in respect of these two ports will be considered alongside any comments arising from the current consultation.

# How to respond

The consultation period began on Monday 08 July 2013 and will run until Friday 16 August 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/dft](http://www.gov.uk/dft) or you can contact Caroline Wall if you would like alternative formats (Braille, audio CD, etc).

**By e-mail**

**MARITIMESECURITY@dft.gsi.gov.uk**

**Please quote “Port Security Directive DfT-2013-12” and the name of the relevant port(s) in the subject box**

**or**

**By post to:**

Caroline Wall  
Zone 2/32  
Department for Transport  
Great Minster House  
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London  
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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 L. 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) came into force on 14 December 2005. It extended the existing port security regime for EU Member States (Regulation (EC) No 725/2004 on enhancing ship and port security “**the EC Regulation**”) beyond the immediate 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 - “**the PSRs**”) which came into force on 1 September 2009.
2. The Directive defines “port” as “*any specified area of land and water, with boundaries defined by the Member State in which the port is situated, containing works and equipment designed to facilitate commercial maritime transport operations.*” The European Commission expressed its concerns in October 2012 about the UK’s, in its view, too narrow interpretation of the in-scope ports and the UK has had to reconsider its approach. In determining the remaining ports in scope we have had regard to a Commission study entitled “Technical Aspects of Port Area Security (“TAPS II”) which aims to provide guidance to Member States on the implementation of the Directive. The report recommends considering 8 “port cohesion” elements to determine whether a port facility is stand alone (and effectively exempt from the Directive as the EC Regulation would then take precedence over the Directive), or whether it should be included with others to form a “port”. The criteria include common infrastructure, common essential port services, (pilotage, towage, mooring etc) and common water zones. A copy of the full TAPS II study is available on request from the Department’s Maritime Security Division: [MARITIMESECURITY@dft.gsi.gov.uk](mailto:MARITIMESECURITY@dft.gsi.gov.uk).
3. Taking into account the TAPS II study and the requirements of the Directive, the Department has developed some non-binding port selection and boundary definition criteria as a basis for determining ports in scope of the Directive:
  - For the provisions of the EC Regulation to take precedence over the Directive, the boundaries of a single port facility would need to be co-extensive with the port and share, with no other port facility *no more than one* of the following three important assets or infrastructure which it is important to protect, namely:

- a) **common port infrastructure**, such as breakwaters and/or seawalls;
  - b) **common port services** such as pilotage and/or boatmen services; and
  - c) **common water zones**, such as seaward and/or inland waterways.
- On the other hand, ports subject to the requirements of the Directive consist either of:
- (i) a single port facility, covered by an approved port facility security plan (PFSP) pursuant to the EC Regulation where the boundaries of the port within the meaning of the Regulation are not co-extensive with the port boundaries
  - (ii) two or more port facilities, each covered by an approved PFSP pursuant to the EC Regulation including all such facilities that share two or more of the aforementioned three important assets or infrastructure which it is important to protect

The above guidelines are not definitive and in determining the eventual PSA boundary account must be taken of local circumstances.

## The requirements of the Port Security Regulations 2009

4. The PSRs 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 (**PSRA**). The PSRA will identify any sub-areas within the port which may require further security and mitigation measures. The PSA will also be responsible for developing, implementing and maintaining an agreed port security plan (**PSP**) based on the PSRA.

5. 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. Once the DO comes into force, the PSRs will have effect. The PSRA will then cover all commercial maritime operations within the boundary delineated in that Order. Draft DO's for each of the Listed Ports are set out in Annexes A to I

6. The Department does not envisage that the establishment of PSAs will impose any additional liabilities on its members. The purpose of the legislation is to establish formal arrangements to ensure security coordination across the wider port area; with those who are currently responsible for the security measures continuing to retain that responsibility when the PSA is

established. For example port facilities are required under the EC Regulation to have port facility security plan in place. The PSP would not re-do that plan but reference it, and the responsibility would lie, as it does now, with the owners, operators, agents or contractors of the facility

7. The Department is making resource available (at no cost) from the maritime security compliance team. This will be made available if PSAs commit to delivery of the PSRA and PSP for approval soon after the DO has come into force, significantly ahead of the deadlines in the PSRs, such that the respective approvals can be given by December 2013. That is the date by which the European Commission is due to submit its second, 5 year evaluation report to the European Parliament and the Council on the timeliness and effectiveness of the implementation of the Directive by Member States.

## Port Security Authority (PSA) composition and procedure

8. Following the coming into force of the DO, the PSA must meet to appoint a chairperson and a Port Security Officer (**PSO**), along with agreeing the membership. The appointment of the PSA members will then need to be agreed by Maritime Security Policy Division at the Department for Transport on behalf of the Secretary of State for Transport.

9. The proposed PSA membership is not set out in the draft DO. 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.

10. The PSA must meet at least twice a year and will include other key local stakeholders such as the police and Home Office immigration enforcement officials (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 PSO, as also elected by the PSA and approved by the Secretary of State. The costs of these and the other measures to the Listed Ports are included in an Impact Assessment at Annex J.

11. Schedule 2 to the draft Designation Order sets out the proposed

working procedures and the proposed constitution of the PSA. 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 Maritime Security Policy Division in advance of the first meeting.

## Port Related Areas

12. It may be desirable or necessary to include sites or facilities within a “port related area” (PRA - defined in regulation 2 of the PSRs as “*an area of land or property that is affecting or is likely to affect the security of a port and has been designated as a port related area in relation to that port*”) in the overall PSP. 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 PRA 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.

13. If a site is designated by the DO as a PRA then, even if it is not involved in a commercial maritime operation, the PSRs will have effect in relation to that site. This means that for the purposes of the regulations a PRA security manager must be a member of the PSA, to provide input to the PRSA to develop and maintain a PRA security plan. The full requirements for the PRA and security managers are set out in Schedule 1 to the PSRs.

14. None of the Listed Ports at present includes any PRA(s). However, the PSRs allow for the establishment of PRAs, 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 PRA(s) included in the Designation Order for a Listed Port.

## Working procedures of the Port Security Authority

15. Schedule 2 to the Draft Designation Order sets out the proposed working procedures and the proposed constitution of the PSA. 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 Maritime Transport Security Division in advance of the first meeting.

## Impact on Small Firms

16. We would like to hear from any micro (less than 10 employees) or small businesses (less than 50 employees) that will be directly affected by any of the Listed Ports' draft DO's.

# 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 micro, 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 PSA, PSO, PSRA and PSP** (n.b. Government parent Departments/Agencies or the police who are “Advisors” bear their own costs associated with their representatives attending Port Security Committees (and future PSAs which will replace them) and are not therefore included the “Stakeholder” headcount estimates.) If you are not content with the estimates, 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.
- Q9. 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.

# What will happen next?

A summary of responses, including the next steps, will be published within three months of the consultation closing on 16 August 2013. Paper copies will be available on request.

# Question and answer brief

**The proposed PSA has 5 facilities. Will the PSA be responsible for the facilities?**

- Each facility is the responsibility of the port operator and Port Facility Security Officer. Responsibility will not be transferred to the PSA. The purpose of the legislation is to establish formal arrangements to ensure security coordination across the wider port area; with those who are currently responsible for the security measures continuing to retain that responsibility when the authority is established.

**Will the Department for Transport determine the operation, working procedures and terms of reference of the PSA?**

- The actual operation, working procedures and terms of reference of the PSA is down to its members. In accordance with the Port Security Regulations 2009, the Secretary of State will only become involved if there is a suspected breach of the legislation.

**The proposed PSA will include facilities which are in commercial competition with each other. Will this cause a conflict?**

- The Department's view is that there should not be commercial conflict in being members of a PSA as commercially sensitive information should not need to be shared on a regular basis. The focus of the PSA is one of security coordination.

**What are the practical effects of the PSA boundary?**

- The boundary designated by the designation order is not a physical boundary. The boundary is a virtual boundary established to delineate the port security authority area.

## **What role will the police have?**

- Within legislation, the overarching responsibility for waterside security within the curtilage and boundary of a port rests with the port itself. However, where available, the police can support this response. The police are impact driven, vulnerability focussed and intelligence led when deciding upon the most appropriate use of their assets. The police have significant maritime responsibilities which cover the wider coastline and territorial waters within their force area. Police resources may also be used to protect the Port Security Authority Area (landside and waterside) in a manner that the Chief Constable considers to be proportionate to the risk and commensurate with the threat.

## **What assistance will be provided to meet the implementation deadline of 31 December 2013?**

- Compliance inspectors from the Maritime Transport Security Division of DfT will provide assistance in the preparation of the PSRA and PSP based on it. This assistance is provided at no cost.

## **What are the next steps in the process?**

1. Following the consultation, the Designation Orders progress through the government regulatory clearance processes.
2. After the government regulatory clearance processes, the Designation Orders enter the parliamentary process.
3. Upon completion of the parliamentary process with the coming into force of the Designation Orders, the PSA inaugural meetings are held.

## **Further background information can be found at:**

<https://www.gov.uk/government/policies/managing-the-risk-to-transport-networks-from-terrorism-and-other-crimes/supporting-pages/maritime-security>

If you still have questions after you have read this section please contact:

Name: Caroline Wall

Address: Zone 2/32 Great Minster House,  
33 Horseferry Road, London SW1P 4DR

Email: MARITIMESECURITY@dft.gsi.gov.uk

## Annex A – Barrow

**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(1).

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(2).

**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(3), the boundary of the Port of Barrow is shown by the inner edge of the red line on the plans 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.

(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

---

(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.

(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(4)) 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 [INSERT DATE] 2018.

(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

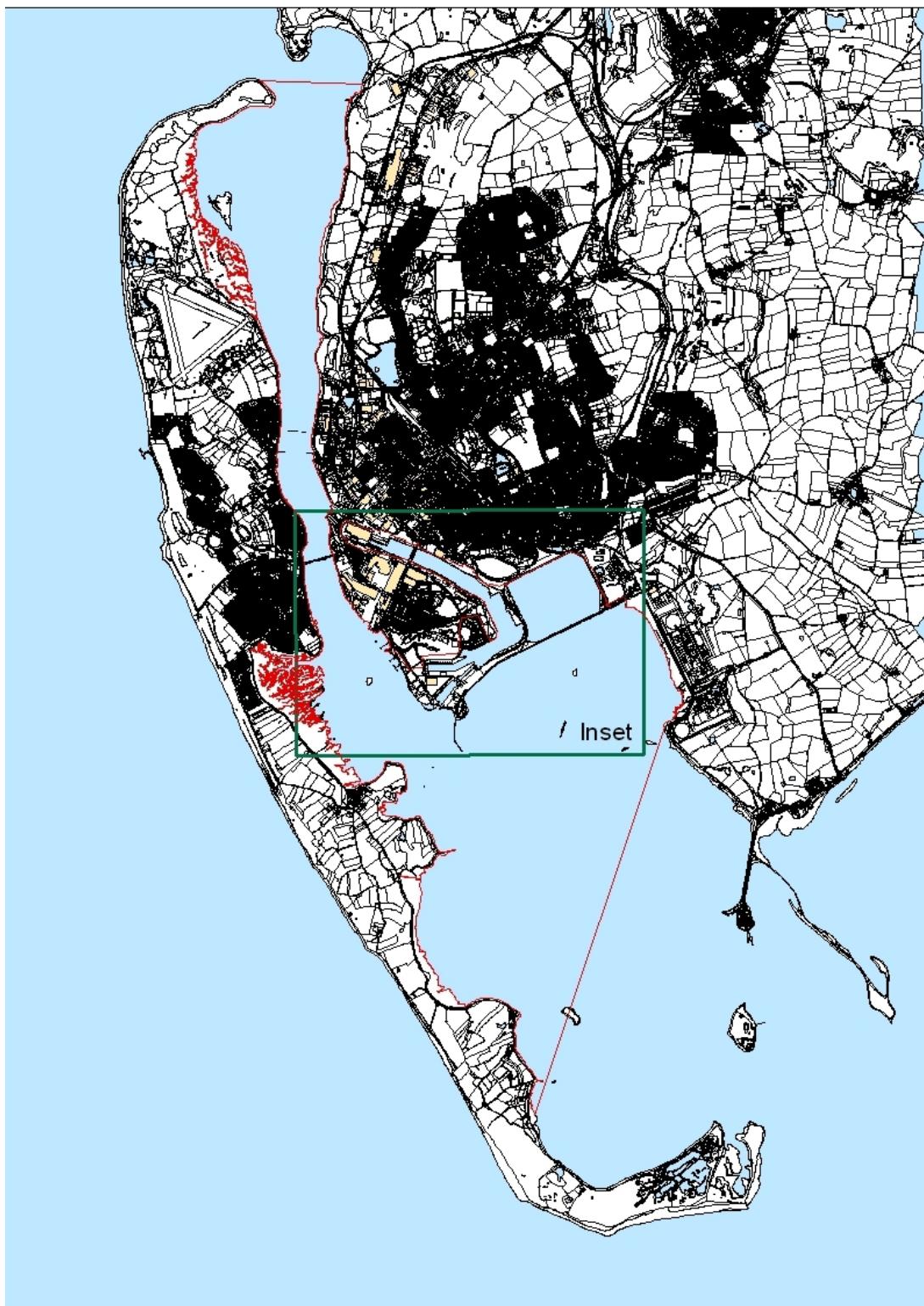
*Name*

Parliamentary Under Secretary of State  
Department for Transport

Date

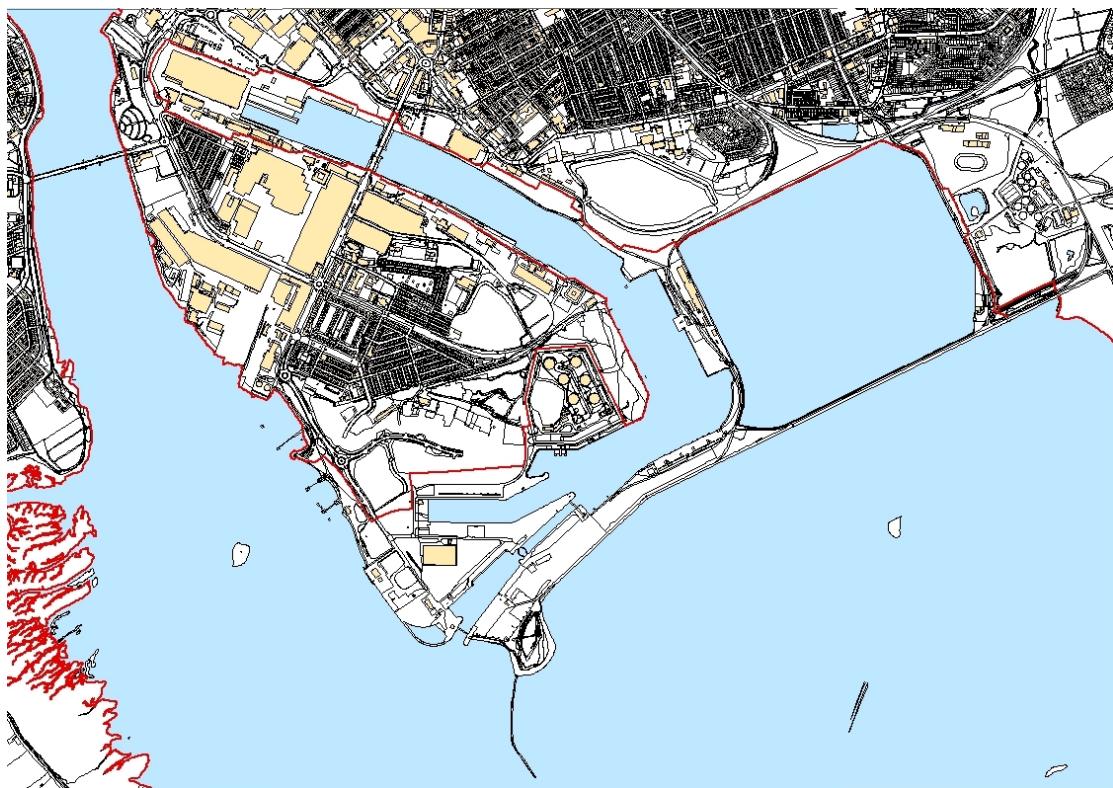
**SCHEDULE 1**  
**Boundary of the Port of Barrow**

Article 2



SCHEDULE 1 continued

INSET PLAN



## 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 sub-paragraph (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 sub-paragraph (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 sub-paragraph (7).

(10) Any person who fails to comply with the provisions of sub-paragraph (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 sub-paragraph (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 [INSERT DATE] 2018 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 2/32, 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 B – Cardiff

**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

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

*Made* - - - - - *2013*

*Laid before Parliament* *2013*

*Coming into force* - - - *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(5).

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(6).

**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(7)—

- (a) the boundary of the Port of Cardiff is shown by the inner edge of the red line on the plan in Part 1 of Schedule 1;
- (b) the boundary of the Port of Barry is shown by the inner edge of the red line on the plan in Part 2 of Schedule 1; and
- (c) the boundary of the Port of Newport is shown by the inner edge of the red line on the plans in Part 3 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 Cardiff, Barry and Newport Port Security Authority**

**3.**—(1) For the purposes of the Port Security Regulations 2009, the Cardiff, Barry and Newport 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.

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(5) 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).

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

(7) 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(**8**)) 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 [INSERT DATE] 2018.

(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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(8) S.I. 2009/2048.

## SCHEDULE 1

Article 2

### PART 1

Article 2(1)(a)

#### Boundary of the Port of Cardiff



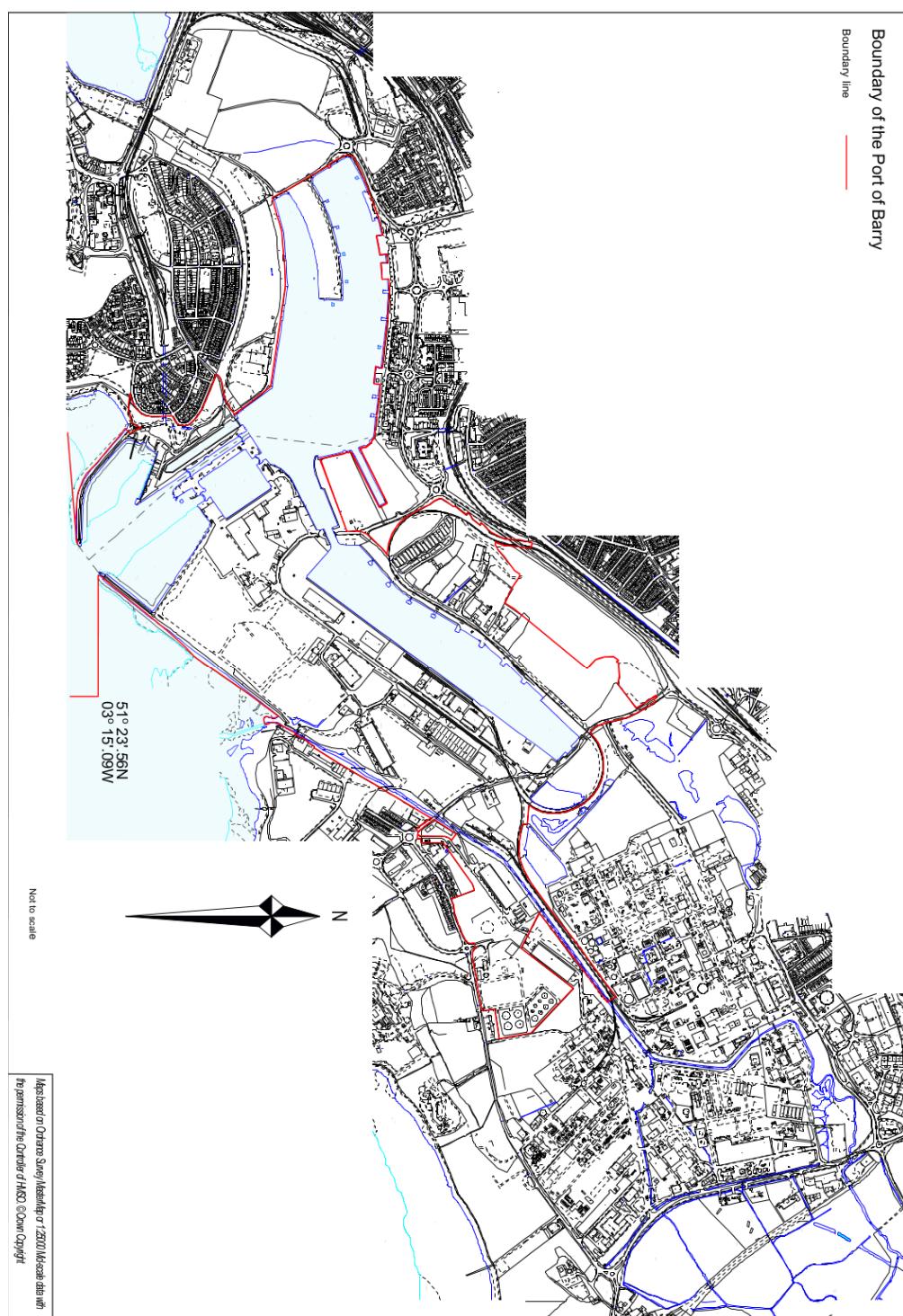
Boundary of the Port of Cardiff

Boundary line —

not to scale

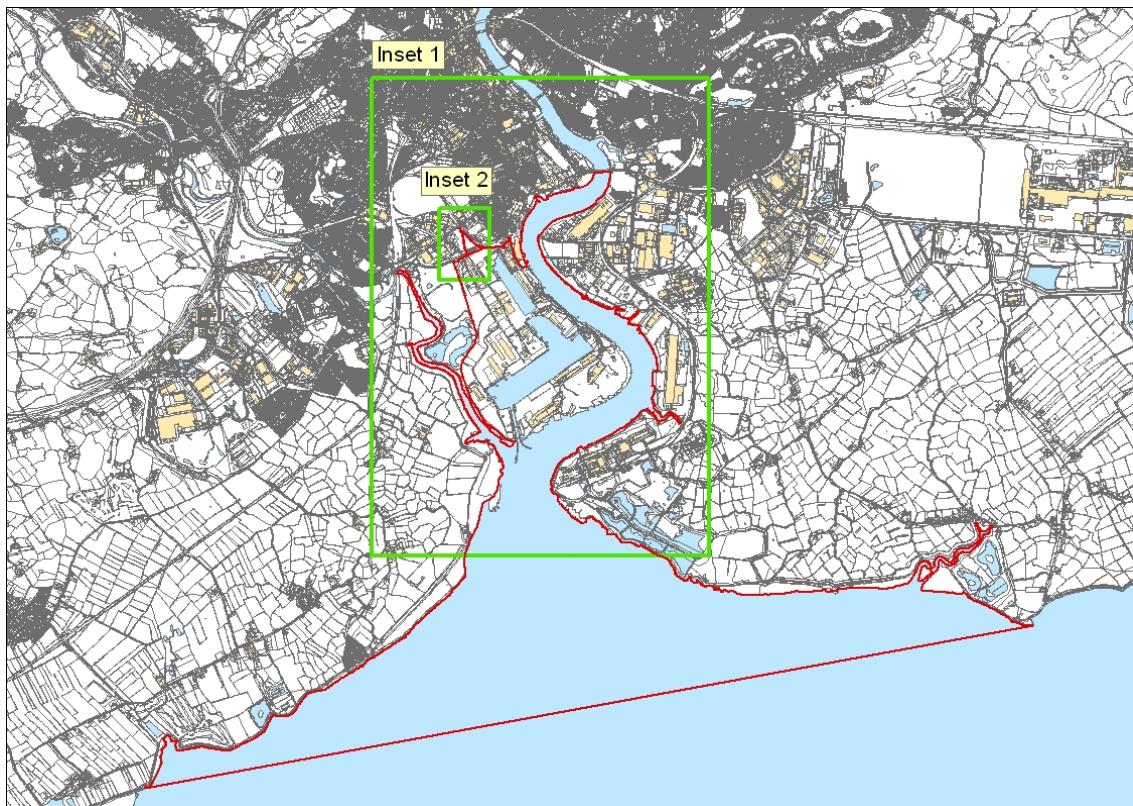
PART 2  
Boundary of the Port of Barry

Article 2(1)(b)



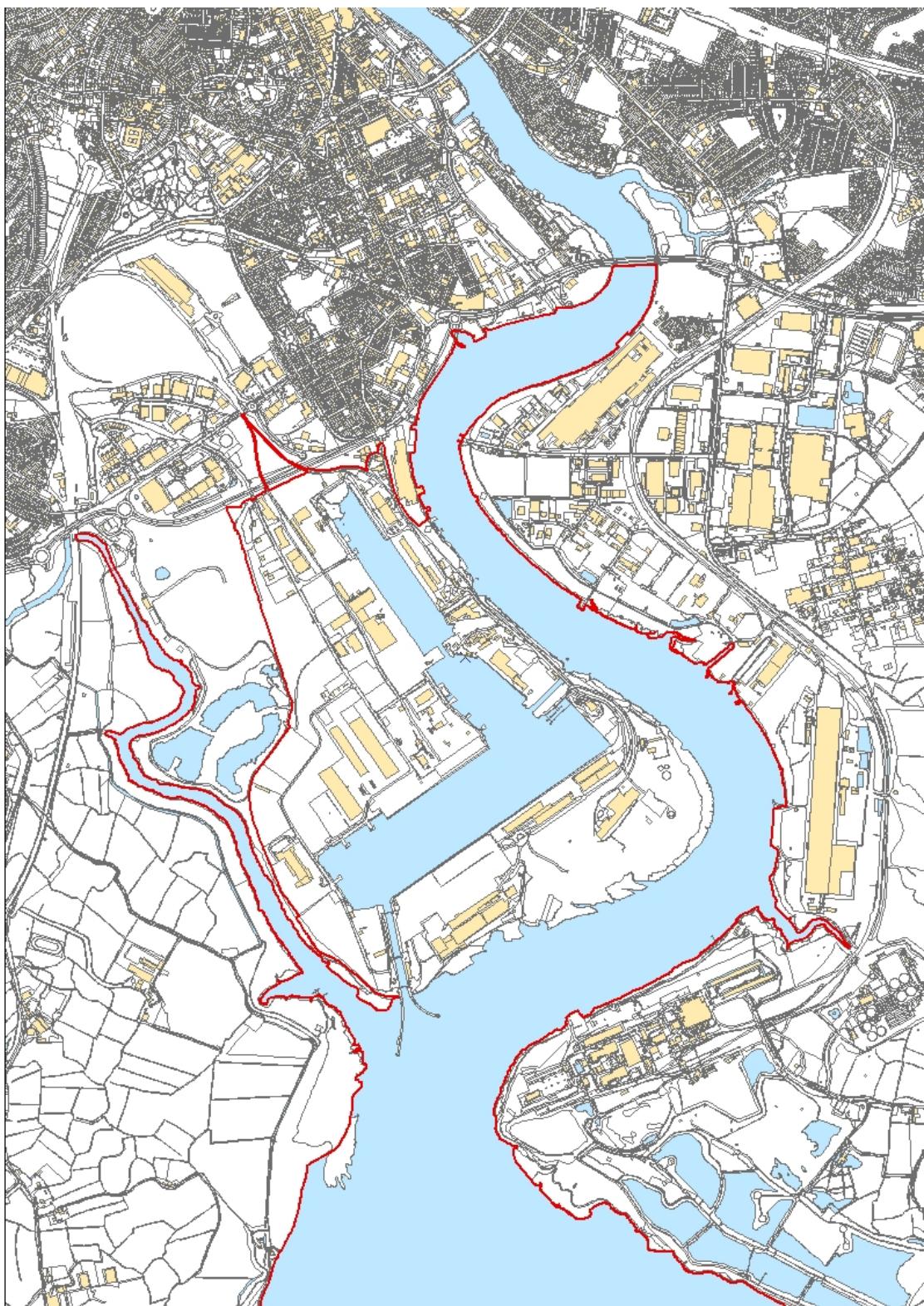
PART 3  
Boundary of the Port of Newport

Article 2(1)(c)

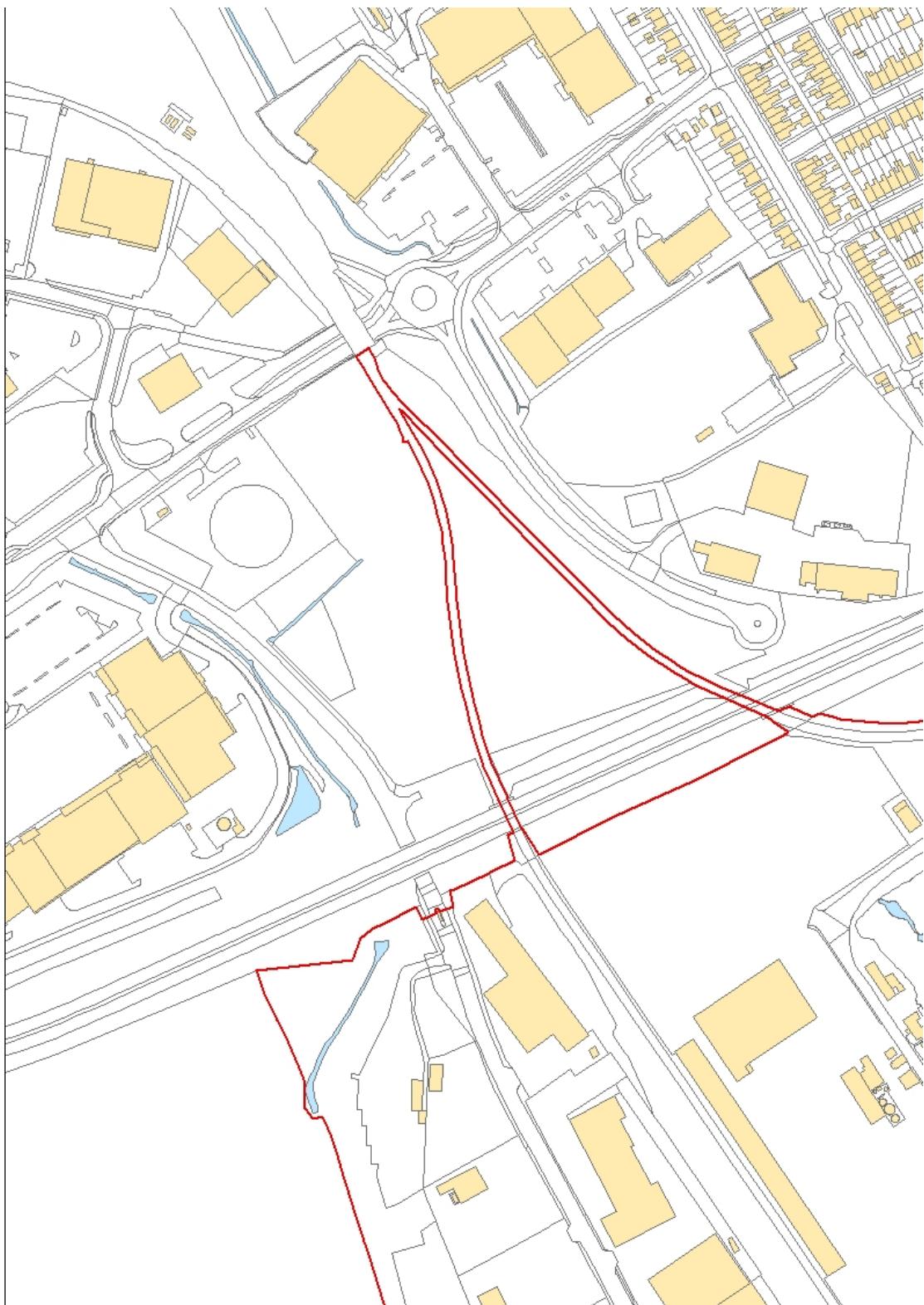


PART 3 continued

NEWPORT INSET PLAN No.1



PART 3 continued  
NEWPORT INSET PLAN No.2



## SCHEDULE 2

## 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 sub-paragraph (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 sub-paragraph (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 sub-paragraph (7).

(10) Any person who fails to comply with the provisions of sub-paragraph (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 sub-paragraph (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 Cardiff, Barry and Newport 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 [INSERT DATE] 2018 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 2/32, 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 – Cromarty Firth

**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

**The Port Security (Port of Cromarty Firth) Designation Order 2013**

*Made* - - - - - *2013*

*Laid before Parliament* *2013*

*Coming into force* - - - *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(9).

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(10).

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Cromarty Firth) 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(11), the boundary of the Port of Cromarty Firth is shown by the inner edge of the red line on the plans 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.

(3) The landward boundary—

(a) is more particularly shown by a straight line drawn from Ardullie Point on the north shore to Findon Pier on the south shore; and

(b) with respect to the areas known as—

(i) Evanton,

(ii) Port Authority and Admiralty Pier,

(iii) Saltburn, and

(iv) Nigg,

is more particularly shown by a red line on the inset plans headed with those names in Schedule 1.]

(4) The seaward boundary consists of an imaginary line drawn around the area comprising on the north a straight line drawn from the rock which dries 6 feet situated about 0.45 miles 190° from Port Righ to a position in

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(9) 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).

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

(11) S.I. 2009/2048.

latitude  $57^{\circ} 42.5'$  north, longitude  $3^{\circ} 52'$  west; on the east a straight line drawn from a position latitude  $57^{\circ} 42.5'$  north, longitude  $3^{\circ} 52'$  west to a position latitude  $57^{\circ} 38'$  north, longitude  $3^{\circ} 57'$  west; on the south so much of a straight line drawn from Navity Chimney to a position in latitude  $57^{\circ} 38'$  north, longitude  $3^{\circ} 57'$  west as lies to seaward of the coast.

## **The Cromarty Firth Port Security Authority**

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

(2) Schedule 2 has effect with respect to the Cromarty Firth 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(**12**))) 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 [INSERT DATE] 2018.

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

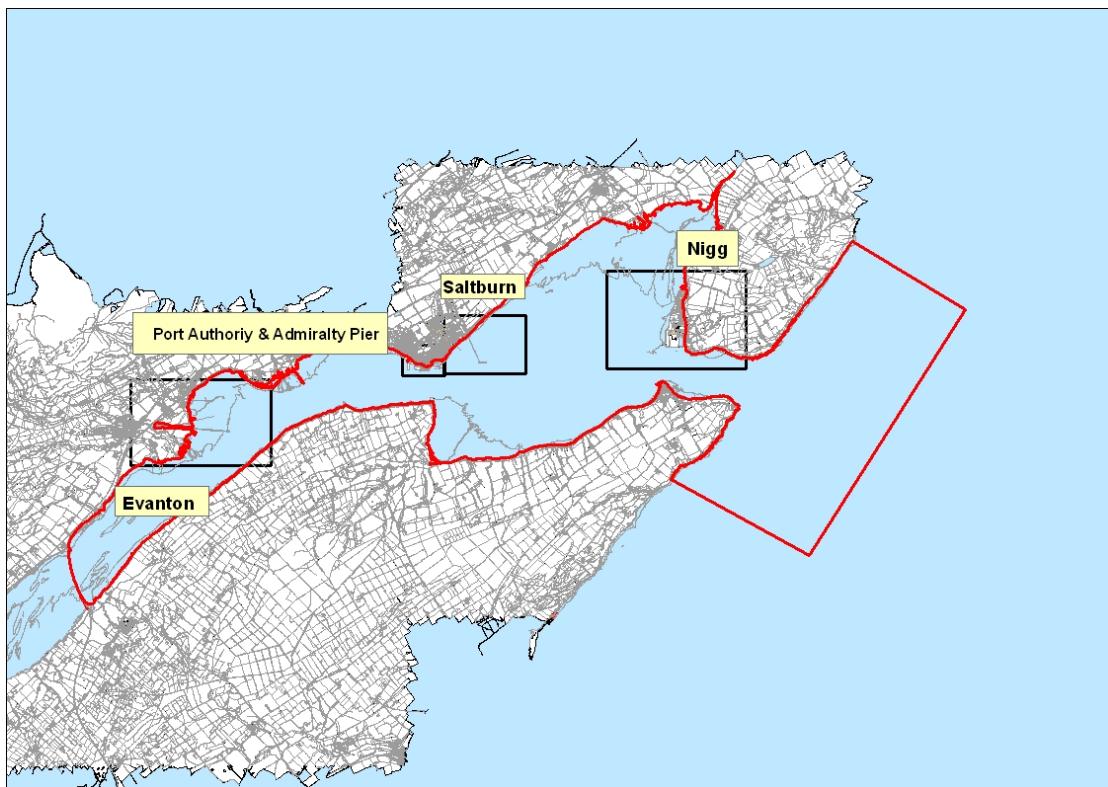
Signed by authority of the Secretary of State for Transport

*Name*  
Parliamentary Under Secretary of State  
Department for Transport

(12) S.I. 2009/2048.

SCHEDULE 2  
Boundary of the Port of Cromarty Firth

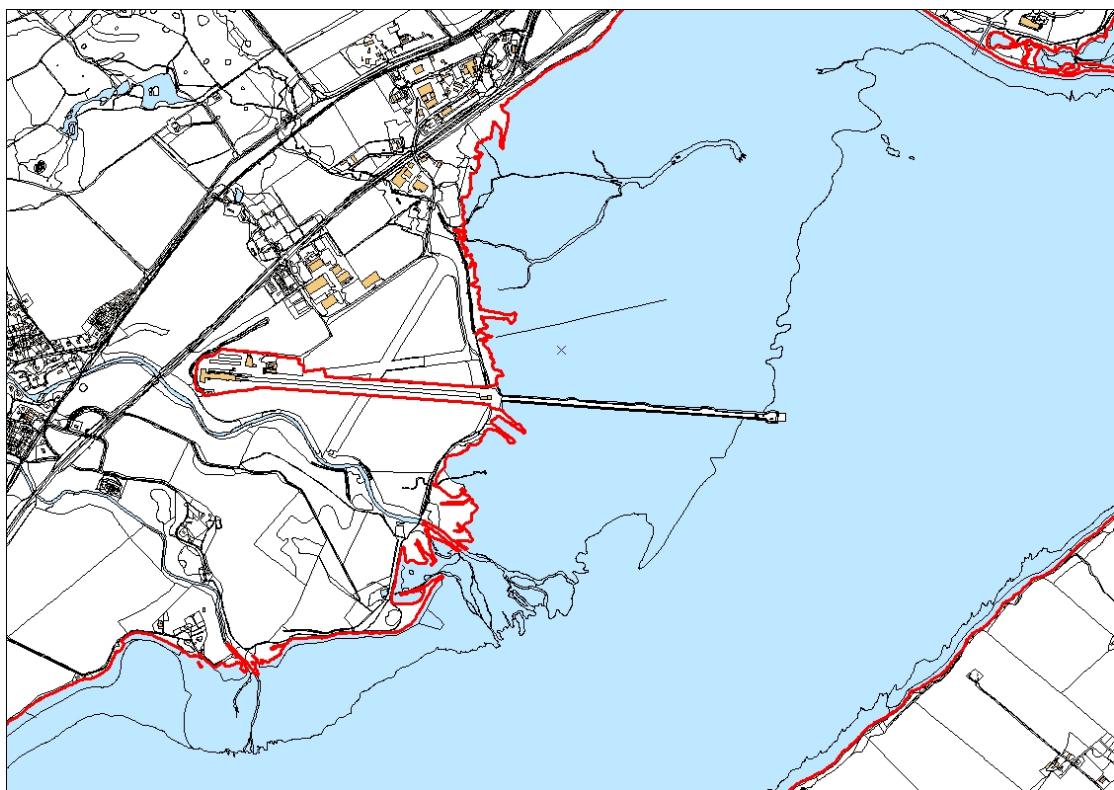
Article 2



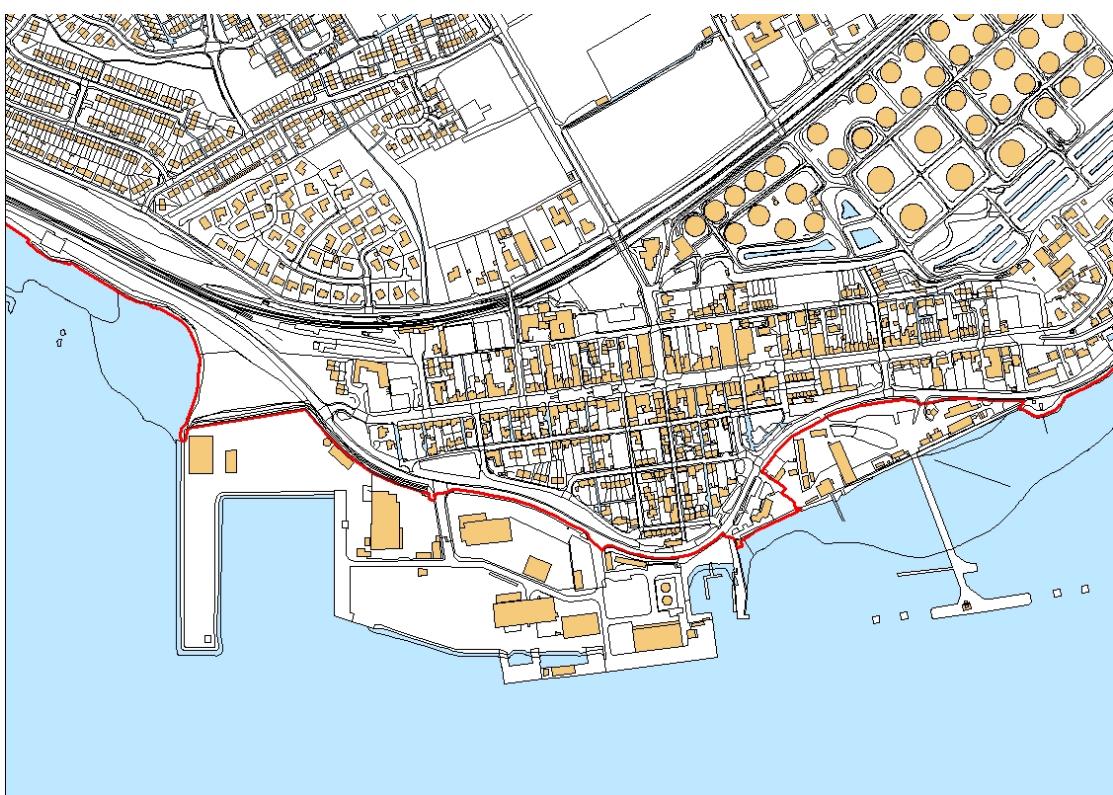
SCHEDULE 1 continued

EVANTON

INSET PLAN No. 1



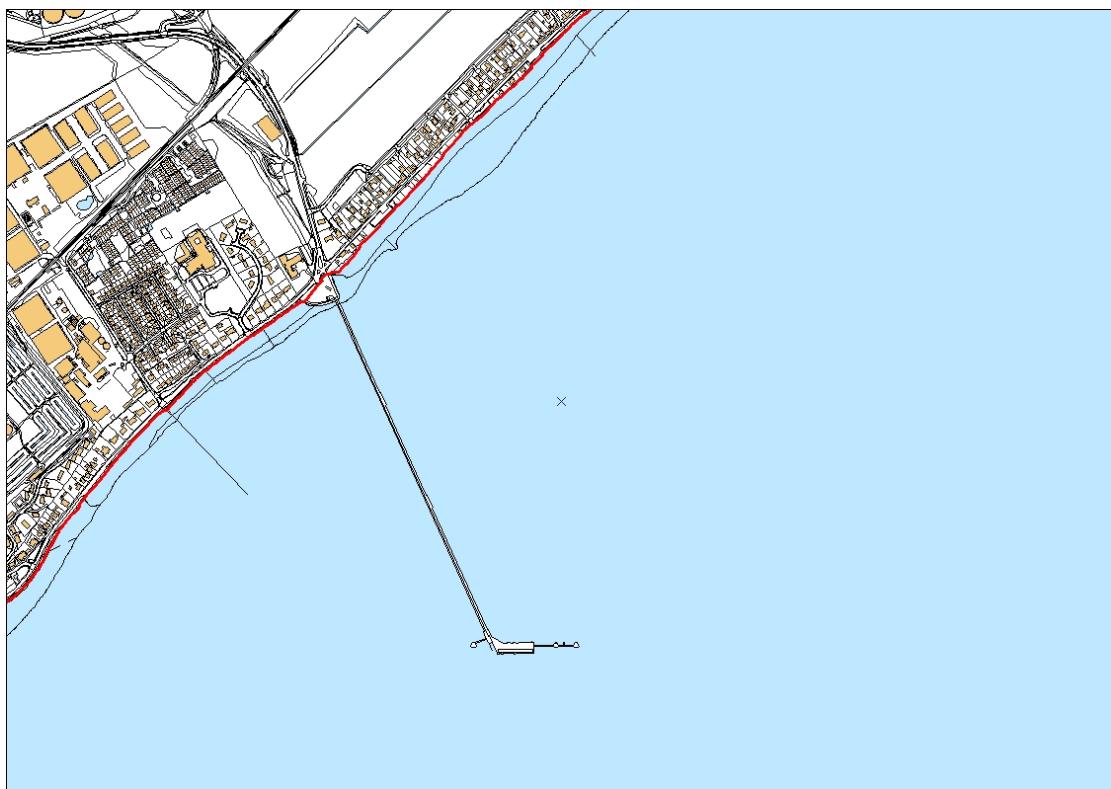
SCHEDULE 1 continued  
PORT AUTHORITY AND ADMIRALTY PIER  
INSET PLAN No. 2



SCHEDULE 1 continued

SALT BURN

INSET PLAN No. 3



SCHEDULE 1 continued

NIGG

INSET PLAN No. 4



## SCHEDULE 2

## Article 3(2)

### The Cromarty Firth Port Security Authority

#### Members

- 1.—(1) The Cromarty Firth 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 sub-paragraph (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 sub-paragraph (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 sub-paragraph (7).

(10) Any person who fails to comply with the provisions of sub-paragraph (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 sub-paragraph (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 Cromarty Firth for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Cromarty Firth Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Cromarty Firth. *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 [INSERT DATE] 2018 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 2/32, 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 – Fowey

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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 Fowey) 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(**13**).

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(**14**).

**Citation and commencement**

**1.** This Order may be cited as the Port Security (Port of Fowey) 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(**15**), the boundary of the Port of Fowey is shown by the inner edge of the red line on the plans 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 Fowey Port Security Authority**

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

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

**Review**

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

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(**13**) 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).

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

(**15**) 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(16)) 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 [INSERT DATE] 2018.

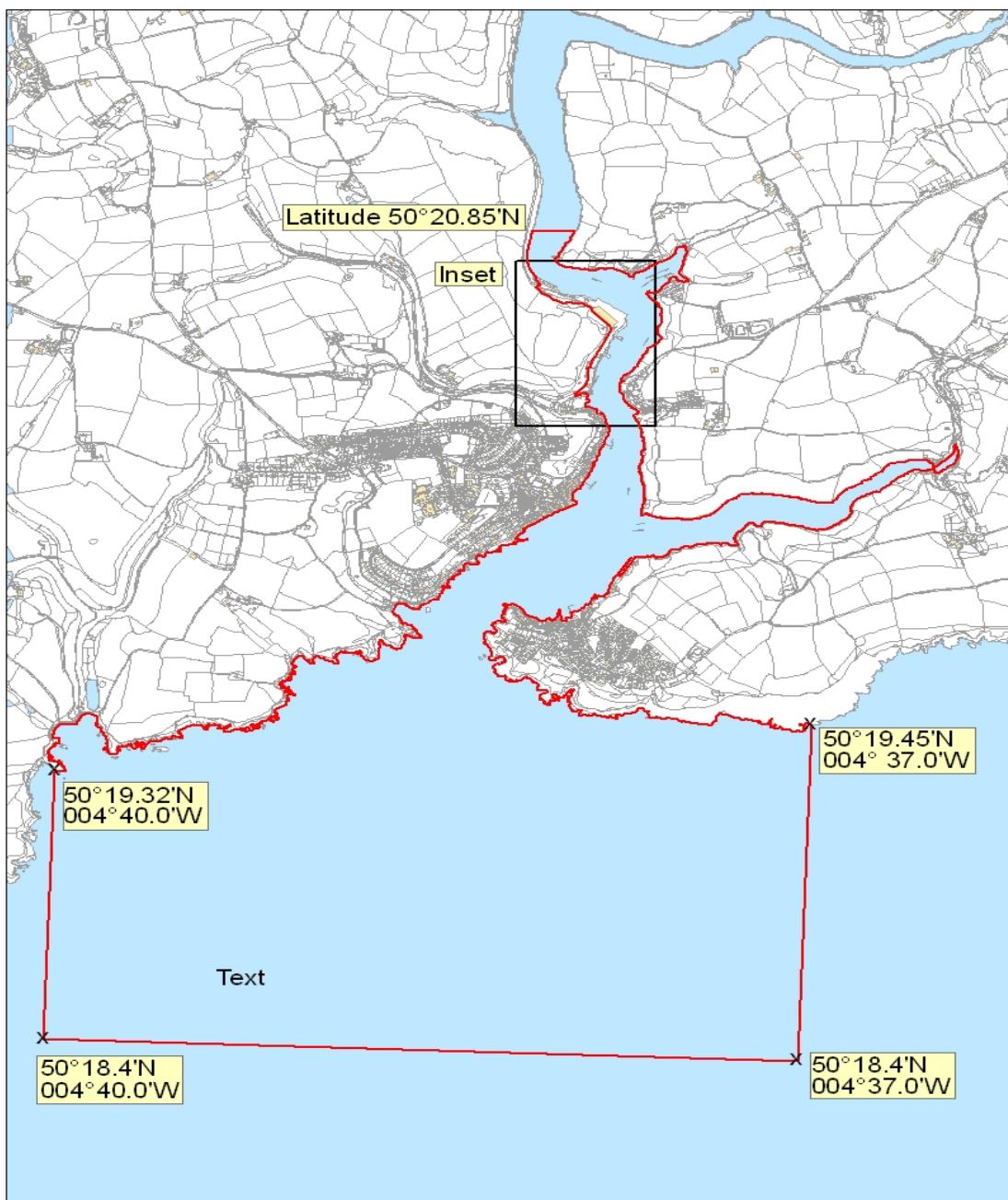
(5) Reports under this article are afterwards to be published at intervals not exceeding five years.

Signed by authority of the Secretary of State for Transport

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

SCHEDULE 1  
Boundary of the Port of Fowey

Article 2



FOWEY INSET PLAN  
SCHEDULE 1 continued



## SCHEDULE 2

## Article 3(2)

### The Fowey Port Security Authority

#### Members

- 1.—(1) The Fowey 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 sub-paragraph (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 sub-paragraph (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 sub-paragraph (7).

(10) Any person who fails to comply with the provisions of sub-paragraph (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 sub-paragraph (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 Fowey for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Fowey Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Fowey. *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 [INSERT DATE] 2018 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 2/32, 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 – Oban

**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

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

*Made* - - - - - *2013*

*Laid before Parliament* *2013*

*Coming into force* - - - *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(**17**).

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(**18**).

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Oban) 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(**19**), the boundary of the Port of Oban is shown by the inner edge of the red line on the plans 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.

(3) With respect to the areas known as—

- (a) the Northern Lighthouse Board Pier,
- (b) the Railway Pier, and
- (c) the North Pier,

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

(4) The seaward side of the red line on the Schedule 1 key plan is shown more particularly by the coordinates.

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(17) 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).

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

(19) S.I. 2009/2048.

## **The Oban Port Security Authority**

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

(2) Schedule 2 has effect with respect to the Oban 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(**20**))) 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 [INSERT DATE] 2018.

(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

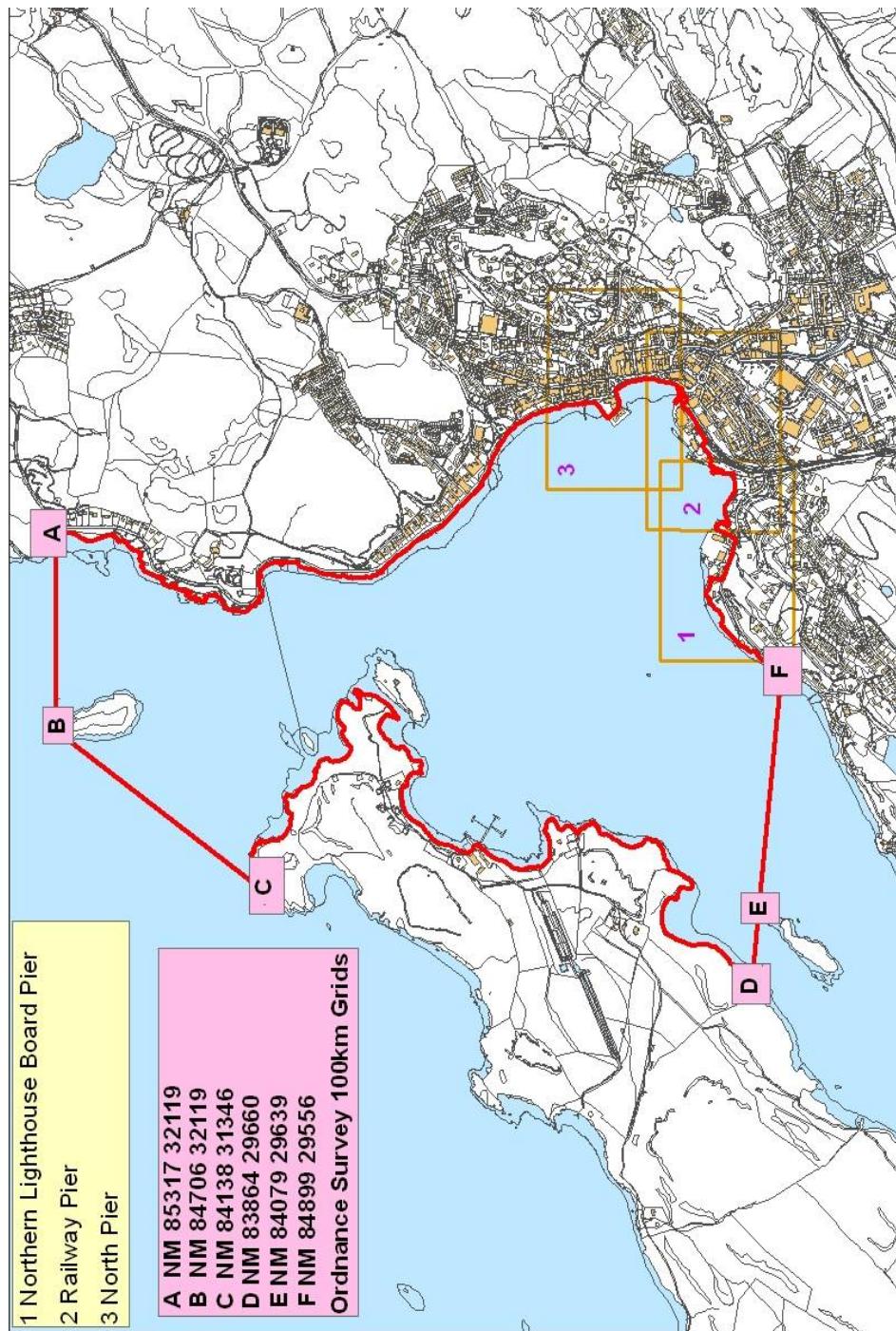
Date \_\_\_\_\_  
*Name*  
Parliamentary Under Secretary of State  
Department for Transport

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(20) S.I. 2009/2048.

SCHEDULE 1  
Boundary of the Port of Oban

Article 2



SCHEDULE 1 continued  
NORTHERN LIGHTHOUSE BOARD PIER  
INSET PLAN No. 1



SCHEDULE 1 continued

RAILWAY PIER

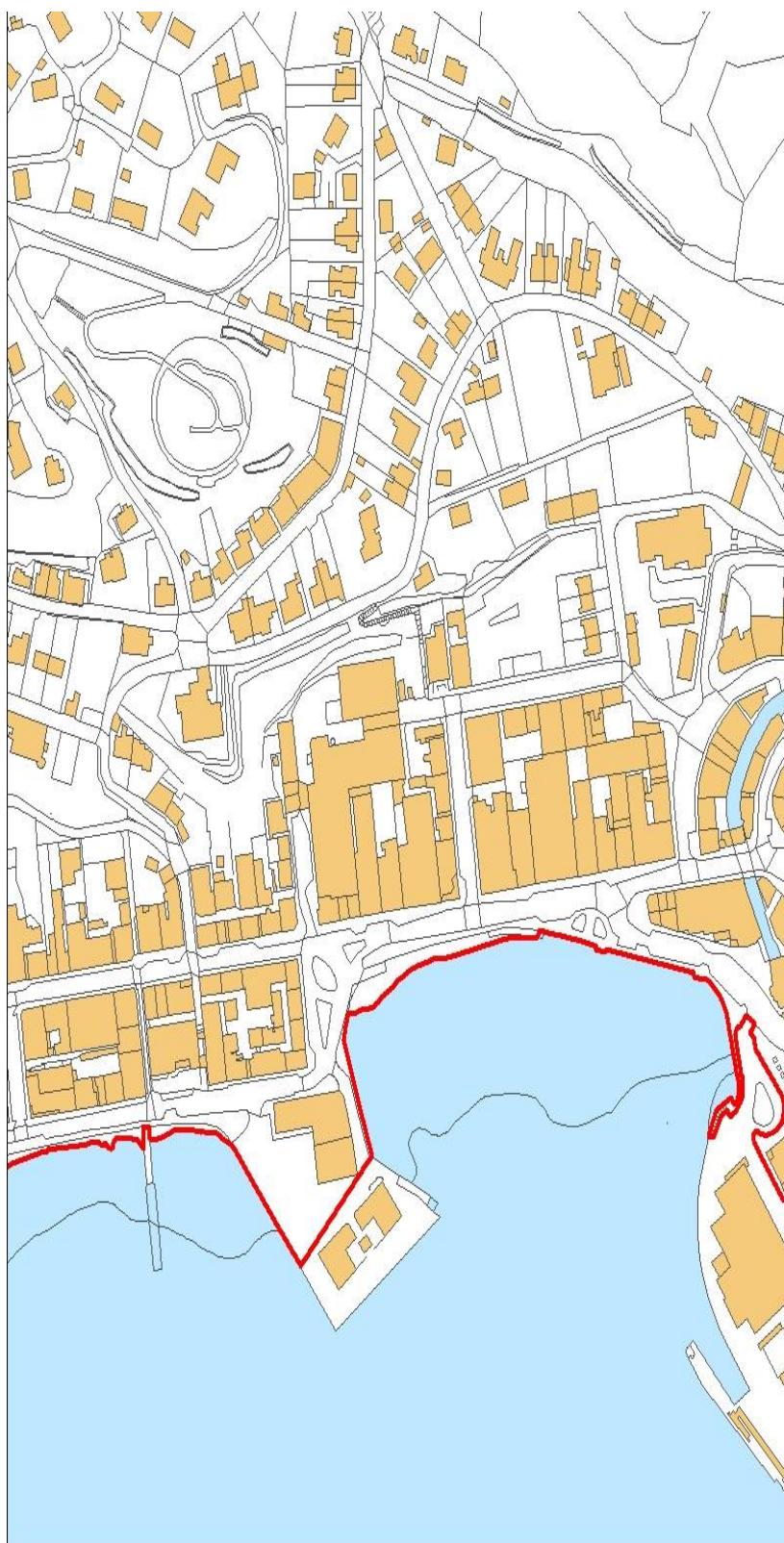
INSET PLAN No. 2



SCHEDULE 1 continued

NORTH PIER

INSET PLAN No. 3



## SCHEDULE 2

Article 3(2)

### The Oban Port Security Authority

#### Members

- 1.—(1) The Oban 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 sub-paragraph (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 sub-paragraph (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 sub-paragraph (7).

(10) Any person who fails to comply with the provisions of sub-paragraph (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 sub-paragraph (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 Oban for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Oban Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Oban. *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 [INSERT DATE] 2018 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 2/32, 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 F – Peterhead

**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

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

*Made* - - - - - *2013*

*Laid before Parliament* *2013*

*Coming into force* - - - *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(**21**).

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(**22**).

**Citation and commencement**

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

**Port boundary**

**2.**—(1) For the purposes of regulation 3(2)(a) of the Port Security Regulations 2009(**23**) the boundary of the Port of Peterhead—

- (a) is delineated by the red line on the key plan in Schedule 1; and
- (b) with respect to the landward boundary is more particularly delineated on so much of that boundary as is shown on the plans marked “Inset 1” and “Inset 2” in that Schedule.

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

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(**21**) 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).

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

(**23**) S.I. 2009/2048.

(3) The points numbered 1 to 12 on the key plan have the coordinates specified in the following table—

**Table**

<i>Number</i>	<i>Co-ordinates</i>
1.	570 30.68'N 0010 46.56'W
2.	570 30.68'N 0010 46.22'W
3.	570 30.49'N 0010 46.18'W
4.	570 29.90'N 0010 46.18'W
5.	570 29.90'N 0010 44.00'W
6.	570 28.32'N 0010 44.00'W
7.	570 28.32'N 0010 45.00'W
8.	570 28.74'N 0010 45.87'W
9.	570 28.88'N 0010 45.63'W
10.	570 28.99'N 0010 45.85'W
11.	570 28.86'N 0010 46.08'W
12.	570 29.31'N 0010 47.12'W

### **The Peterhead Port Security Authority**

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

(2) Schedule 2 has effect with respect to the Peterhead 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(**24**))) 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 [INSERT DATE].

(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

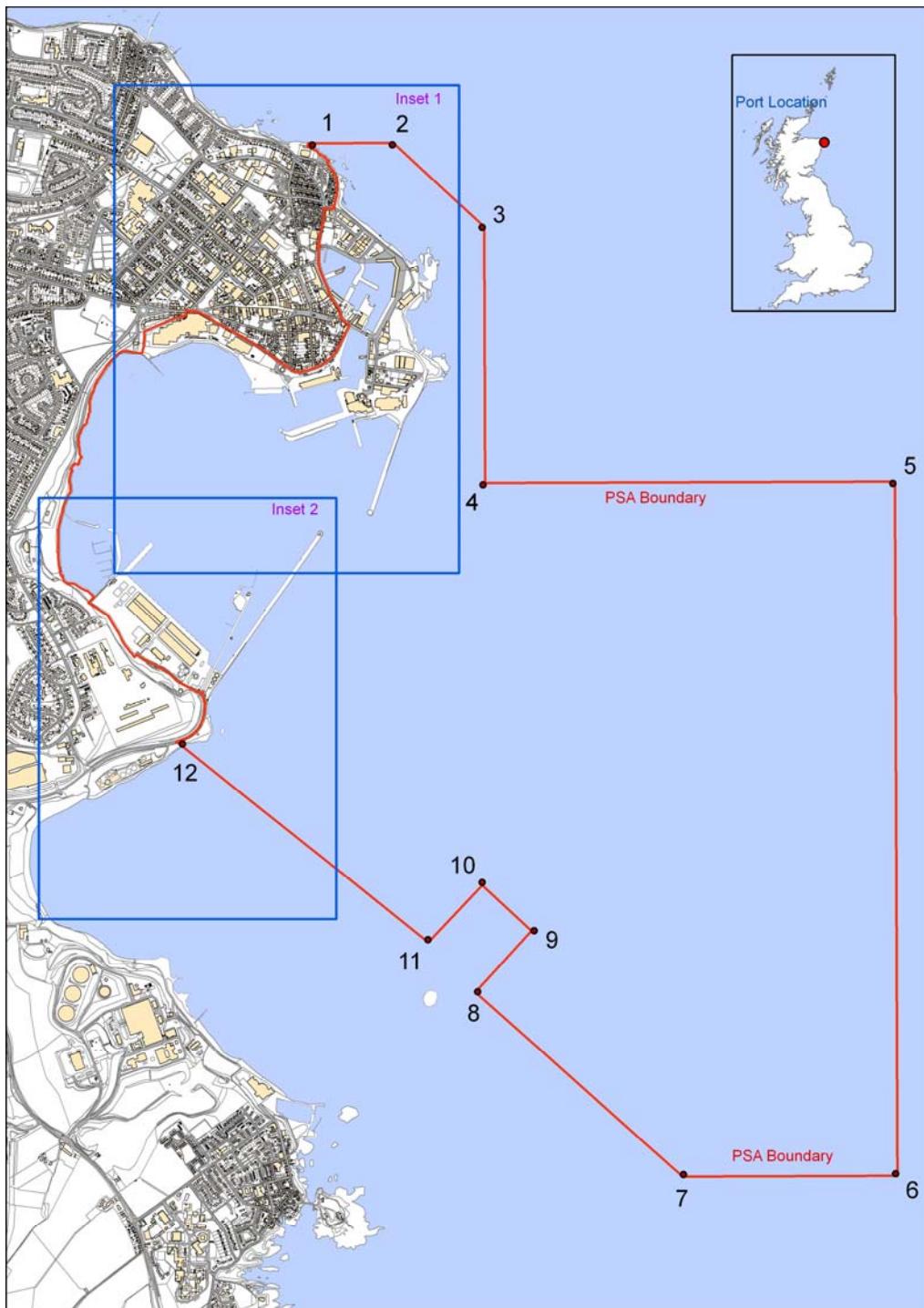
*Name*  
Parliamentary Under Secretary of State  
[INSERT DATE] 2013 Department for Transport

(24) S.I. 2009/2048.

## SCHEDULE 1

Article 2(1)

### Boundary of the Port of Peterhead KEY PLAN







## SCHEDULE 2

### The Peterhead Port Security Authority

Article 3(2)

#### **Members**

- 1.—(1) The Peterhead 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 Port of Peterhead for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Peterhead Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Peterhead. *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 – Plymouth

**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

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

*Made* - - - - - *2013*

*Laid before Parliament* *2013*

*Coming into force* - - - *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(**25**).

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(**26**).

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Plymouth) 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(**27**), the boundary of the Port of Plymouth is shown by the inner edge of the red line on the plans 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.

(3) With respect to the areas known as—

- (a) Yonderberry Jetty;
- (b) Millbay Dock;
- (c) Victoria Wharf;
- (d) Cattedown Wharf;
- (e) Corporation Wharf; and
- (f) Pomphelett Jetty,

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

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(25) 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).

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

(27) S.I. 2009/2048.

(4) The seaward boundary of the Port of Plymouth 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 first plan in Schedule 1.

(5) In paragraph (4)—

“the Seaward Limit” means an imaginary line drawn around the area comprising all the waters so far as the tide flows, to the northward of a line starting at a point on the shore due south (T) of the ruined chapel on Rame Head and proceeding in a south-easterly direction to a point 175° (T) 1.25 nautical miles from Rame Church, thence in a north-easterly direction to the Shag Stone and thence due east (T) to the shore;

“the Landward Limit” means the centre of Laira Bridge;

“the Inner Boundary” means the northern limit of Plymouth Dock Traffic control area – a line of latitude 50° 24.0' N (WGS 84) drawn between the line defining mean high water springs on the western and eastern banks of the River Tamar; and

“the Outer Boundary” means where the unitary authority boundary crosses the Lynher River between the line defining mean high water springs from Passage Point on the northern bank to Jupiter Point on the southern bank.

## The Plymouth Port Security Authority

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

(2) Schedule 2 has effect with respect to the Plymouth 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(**28**)) 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 [INSERT DATE] 2018.

(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

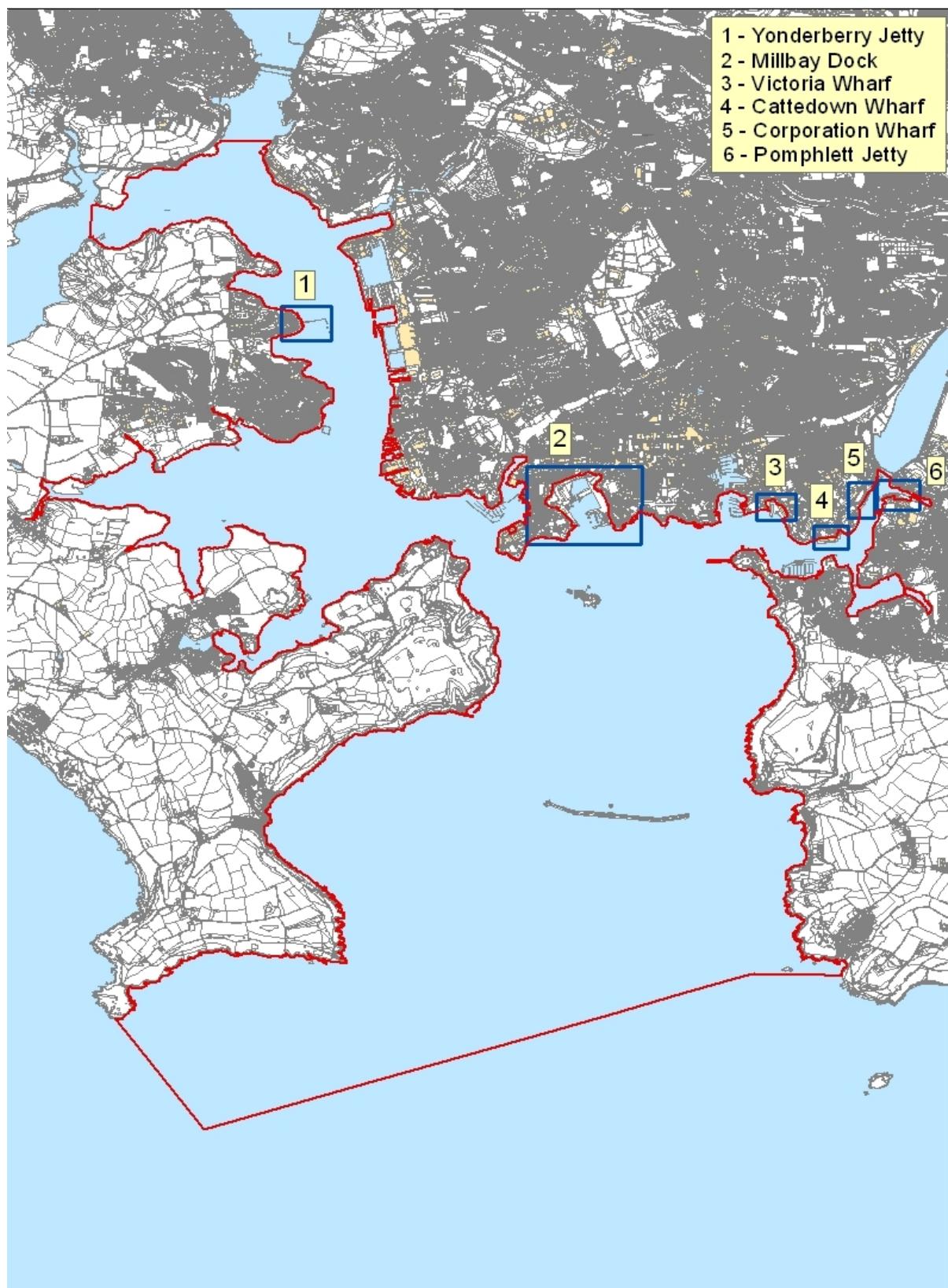
*Name*  
Parliamentary Under Secretary of State  
Department for Transport

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(28) S.I. 2009/2048.

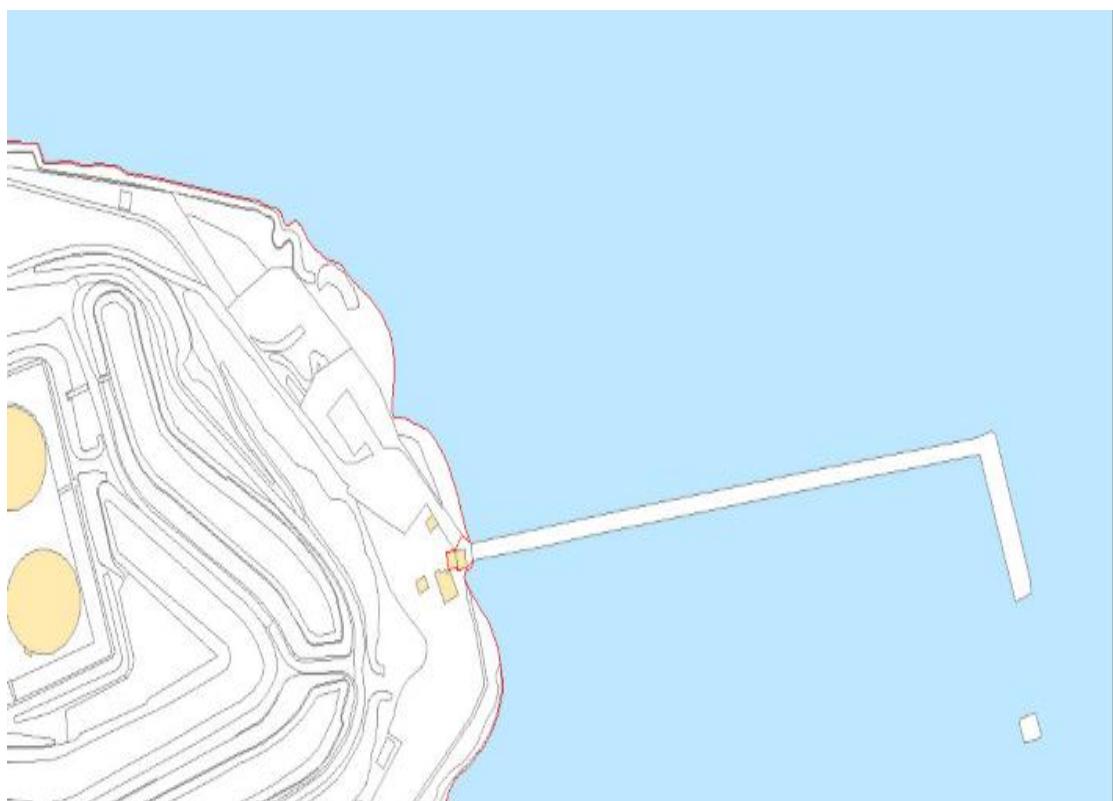
SCHEDULE 1  
Boundary of the Port of Plymouth

Article 2



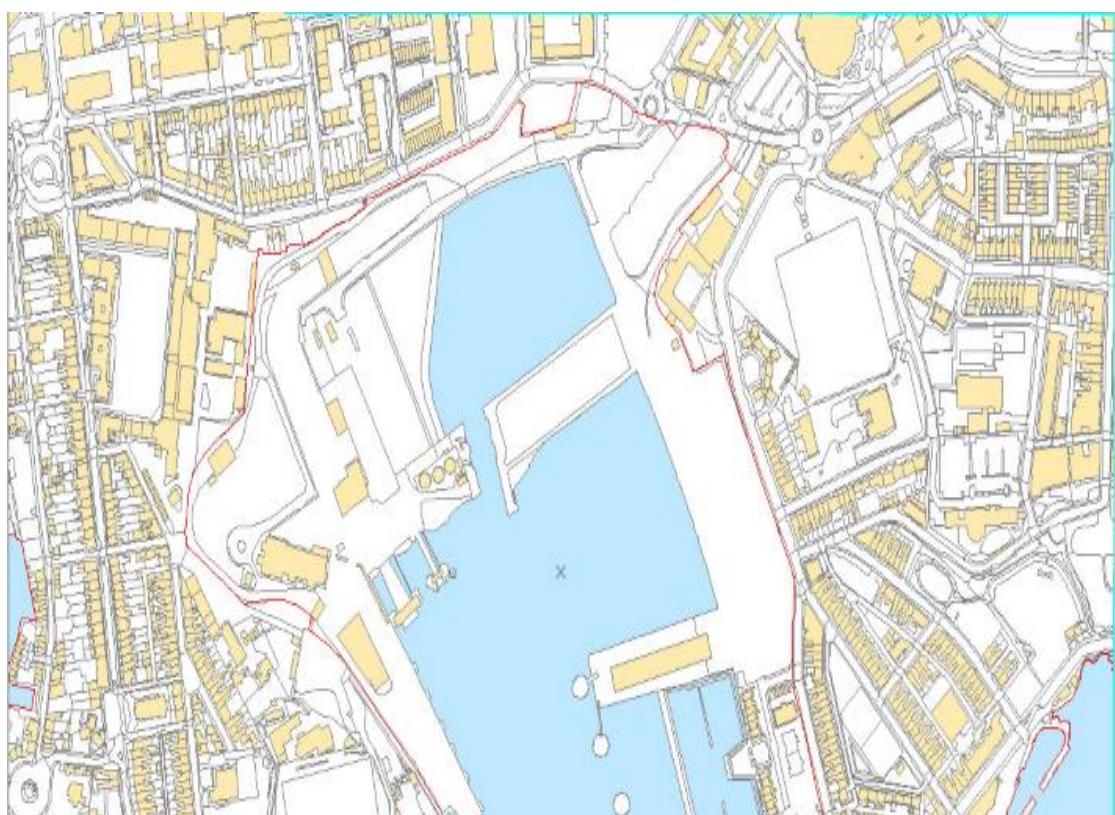
YONDERBERRY JETTY – PLYMOUTH INSET PLAN No. 1

SCHEDULE 1 continued



MILLBAY DOCK – PLYMOUTH INSET PLAN No. 2

SCHEDULE 1 continued



VICTORIA WHARF – PLYMOUTH INSET PLAN No. 3

SCHEDULE 1 continued



CATTEDOWN WHARF – PLYMOUTH INSET PLAN No. 4  
SCHEDULE 1 continued



CORPORATION WHARF – PLYMOUTH INSET PLAN No. 5  
SCHEDULE 1 continued



POMPHLETT JETTY – PLYMOUTH INSET PLAN No. 6

SCHEDULE 1 continued



## SCHEDULE 2

## Article 3(2)

### The Plymouth Port Security Authority

#### Members

- 1.—(1) The Plymouth 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 sub-paragraph (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 sub-paragraph (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 sub-paragraph (7).

(10) Any person who fails to comply with the provisions of sub-paragraph (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 sub-paragraph (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 Plymouth for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Plymouth Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Plymouth. *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 [INSERT DATE] 2018 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 2/32, 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 H – Shoreham

**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

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

*Made* - - - - - *2013*

*Laid before Parliament* *2013*

*Coming into force* - - - *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(**29**).

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(**30**).

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Shoreham) 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(**31**), the boundary of the Port of Shoreham is shown by the inner edge of the red line on the plans 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.

(3) With respect to the areas known as—

- (a) Kingston Railway Terminal,
- (b) Tubberville and Penny's Wharf,
- (c) the Harbour Office,
- (d) Cemex (Hall's Aggregates),
- (e) Brighton,
- (f) Fishergate, and
- (g) the Outer Lay-by and Pump House,

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

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(29) 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).

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

(31) S.I. 2009/2048.

(4) The seaward boundary consists of an imaginary line drawn around the area comprising the Shoreham Harbour Limits on Western Arm and River Adur at a North limit of 50° 50'.18N an East limit of 0° 14'.64W, a South limit of 50° 49'.34N and a West limit of 0° 17'.24W; the Eastern Arm and the Canal at a North limit of 50° 50'.18N, an East limit of 0° 11'.89W, a South limit of 50° 49'.34N and a West limit of 0° 15'.10W; and on the approaches to Shoreham at a North limit of 50° 50'.19N, an East limit of 0° 12'.28W, a South limit of 50° 46'.54N and a West limit of 0° 17'.40W.

### The Shoreham Port Security Authority

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

(2) Schedule 2 has effect with respect to the Shoreham 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(**32**))) 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 [INSERT DATE] 2018.

(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 \_\_\_\_\_

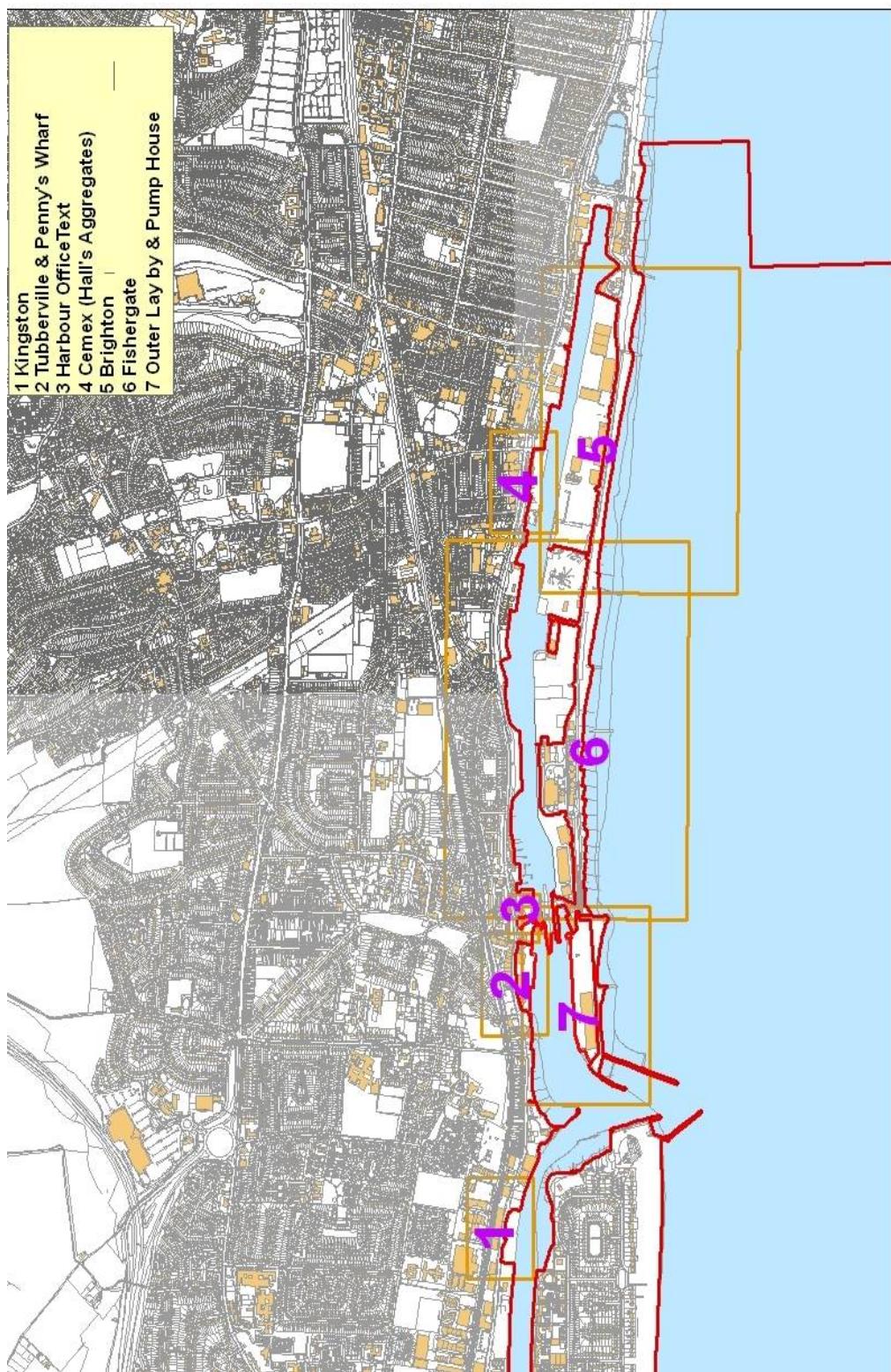
*Name*  
Parliamentary Under Secretary of State  
Department for Transport

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(32) S.I. 2009/2048.

SCHEDULE 1  
Boundary of the Port of Shoreham

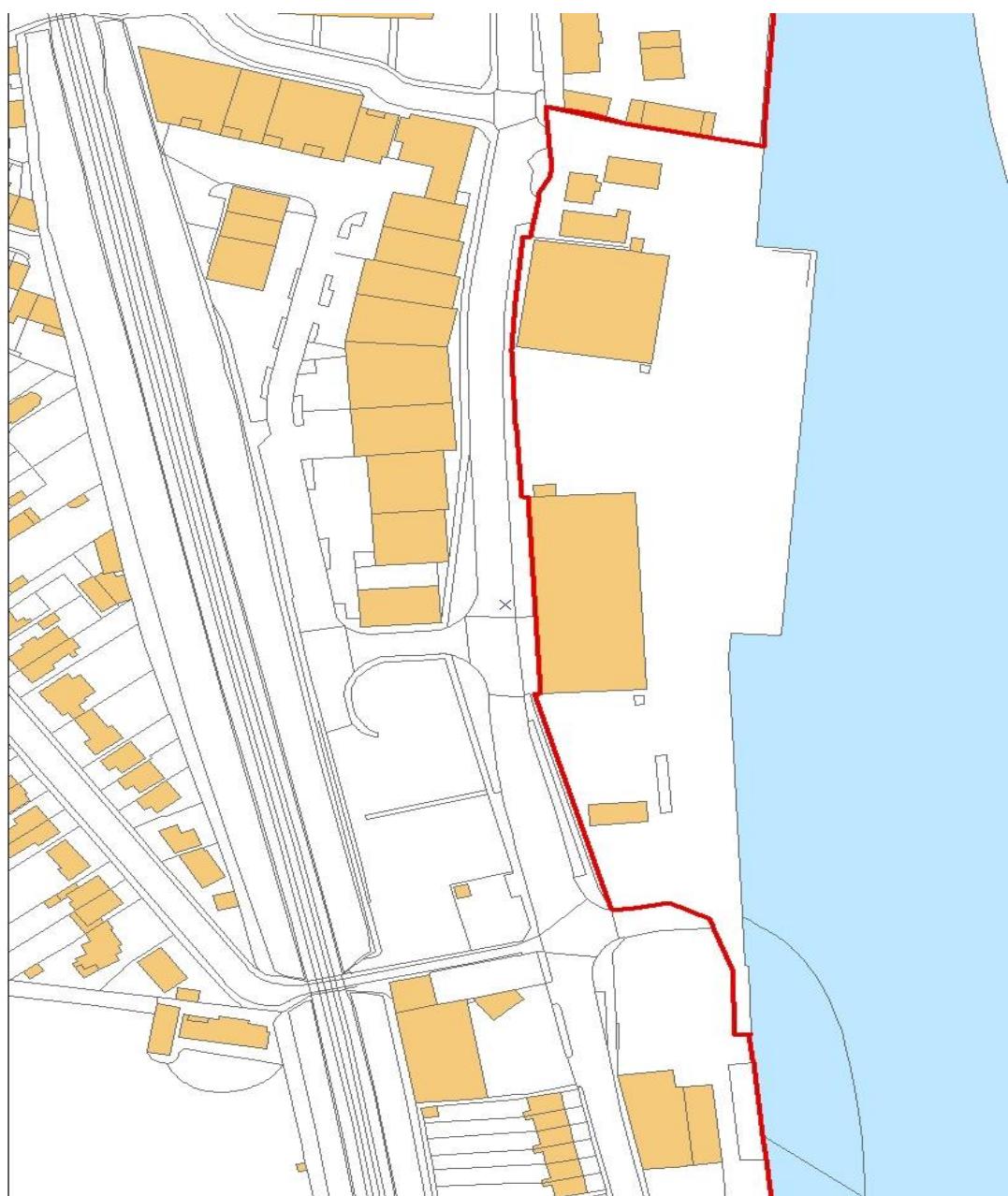
Article 2



SCHEDULE 1 continued  
KINGSTON RAILWAY TERMINAL  
INSET PLAN No. 1



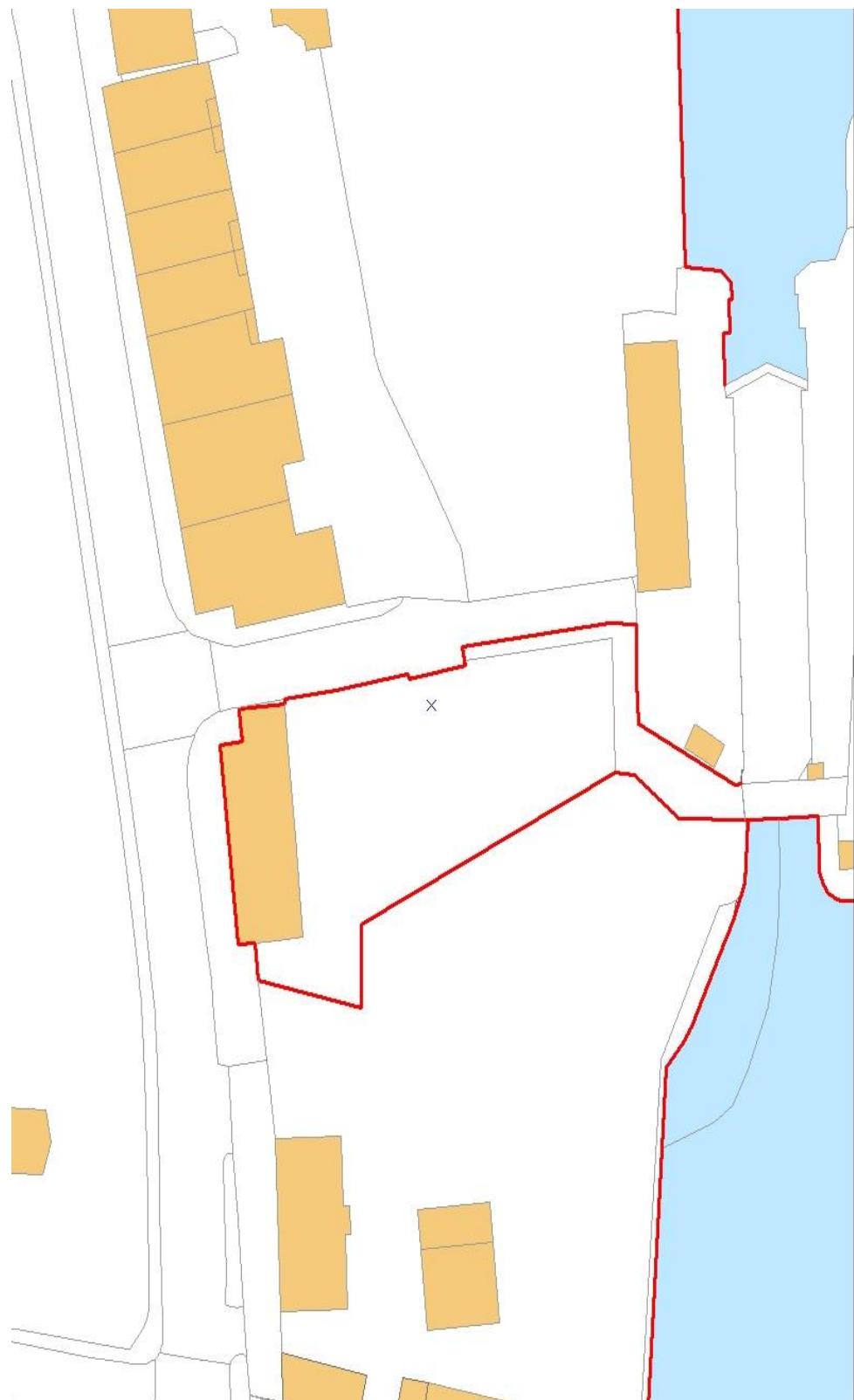
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TUBBERVILLE AND PENNY'S WHARF  
INSET PLAN No. 2



SCHEDULE 1 continued

HARBOUR OFFICE

INSET PLAN No. 3



SCHEDULE 1 continued  
CEMEX (HALL'S AGGREGATES)  
INSET PLAN No. 4



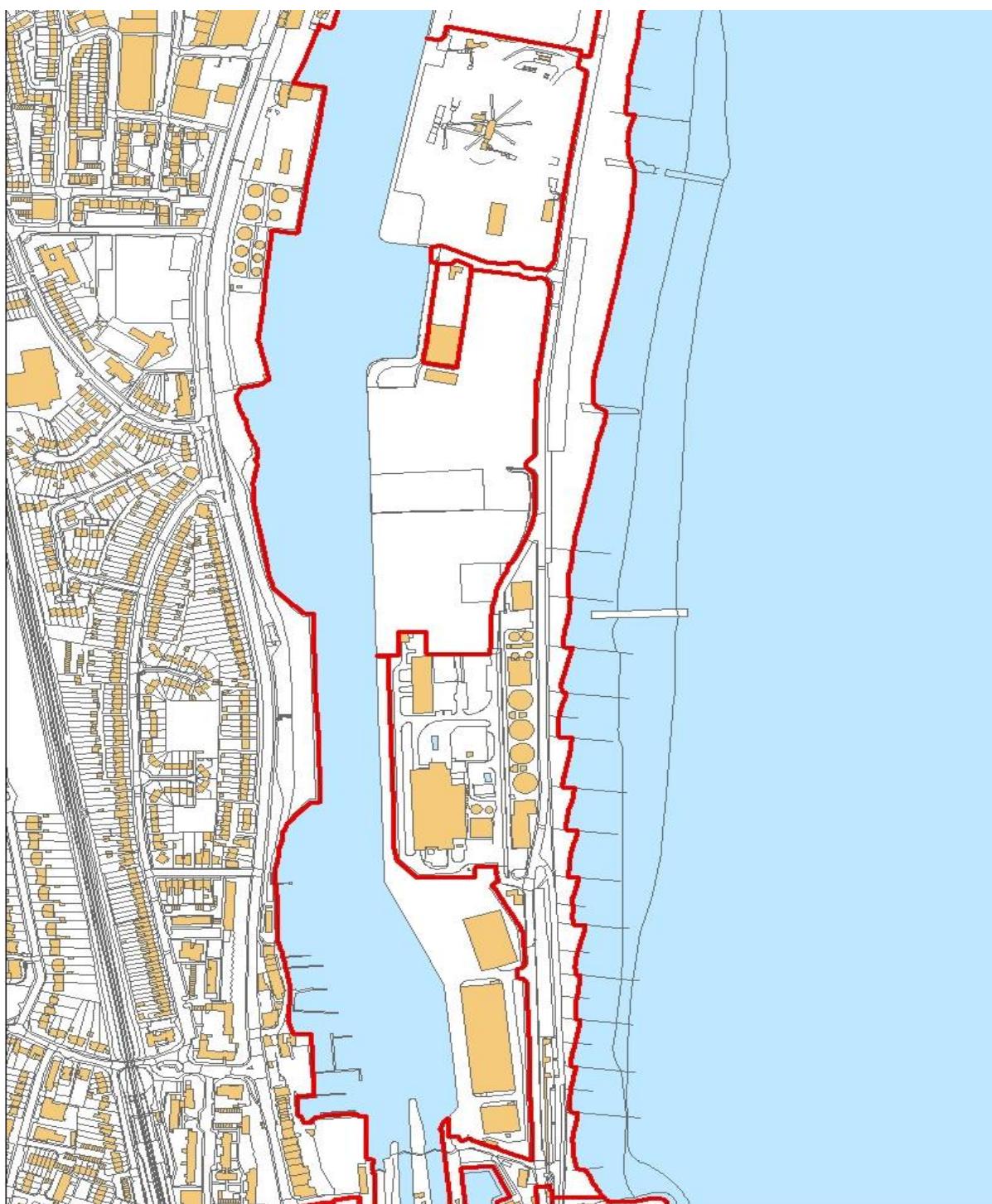
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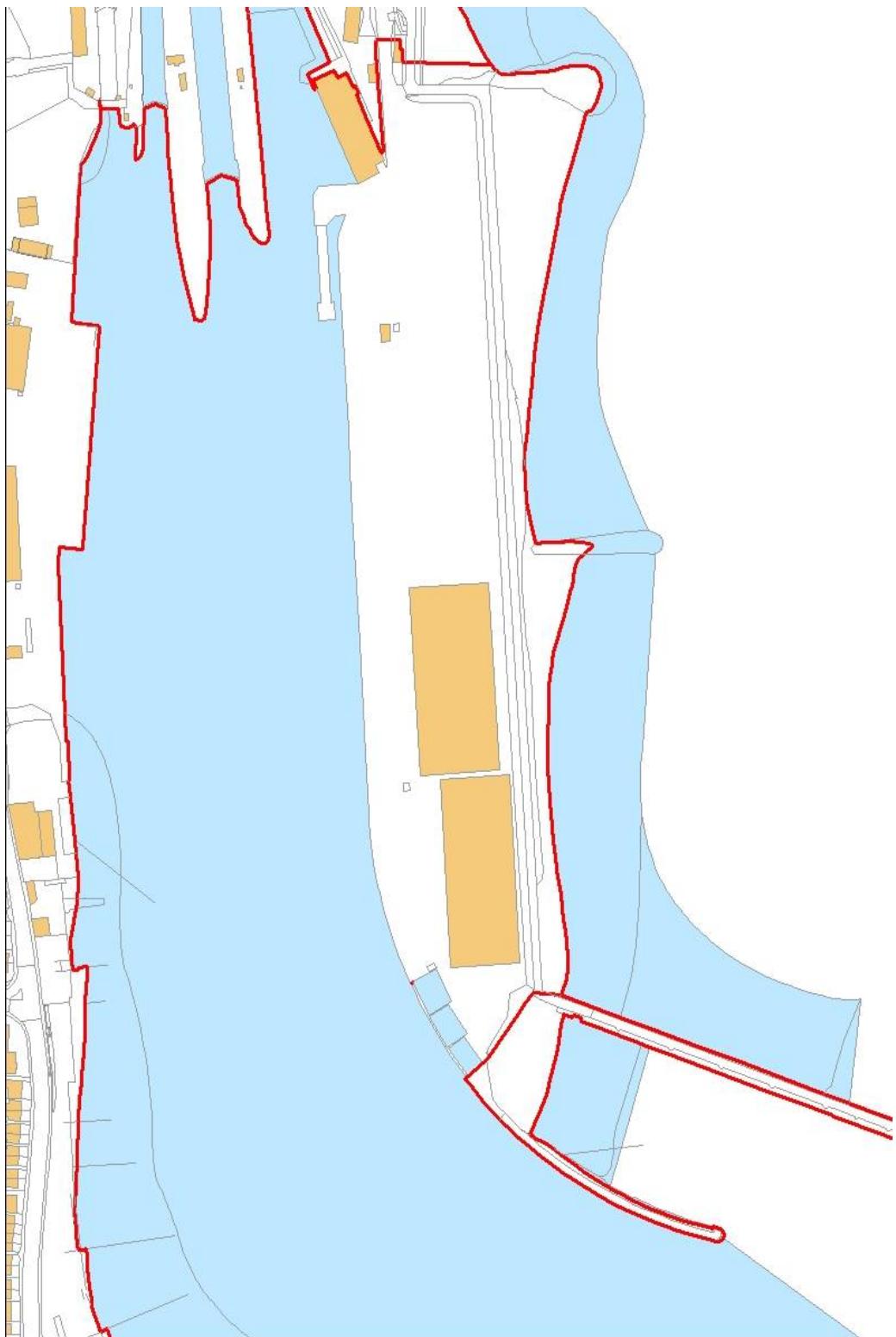
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FISHERGATE

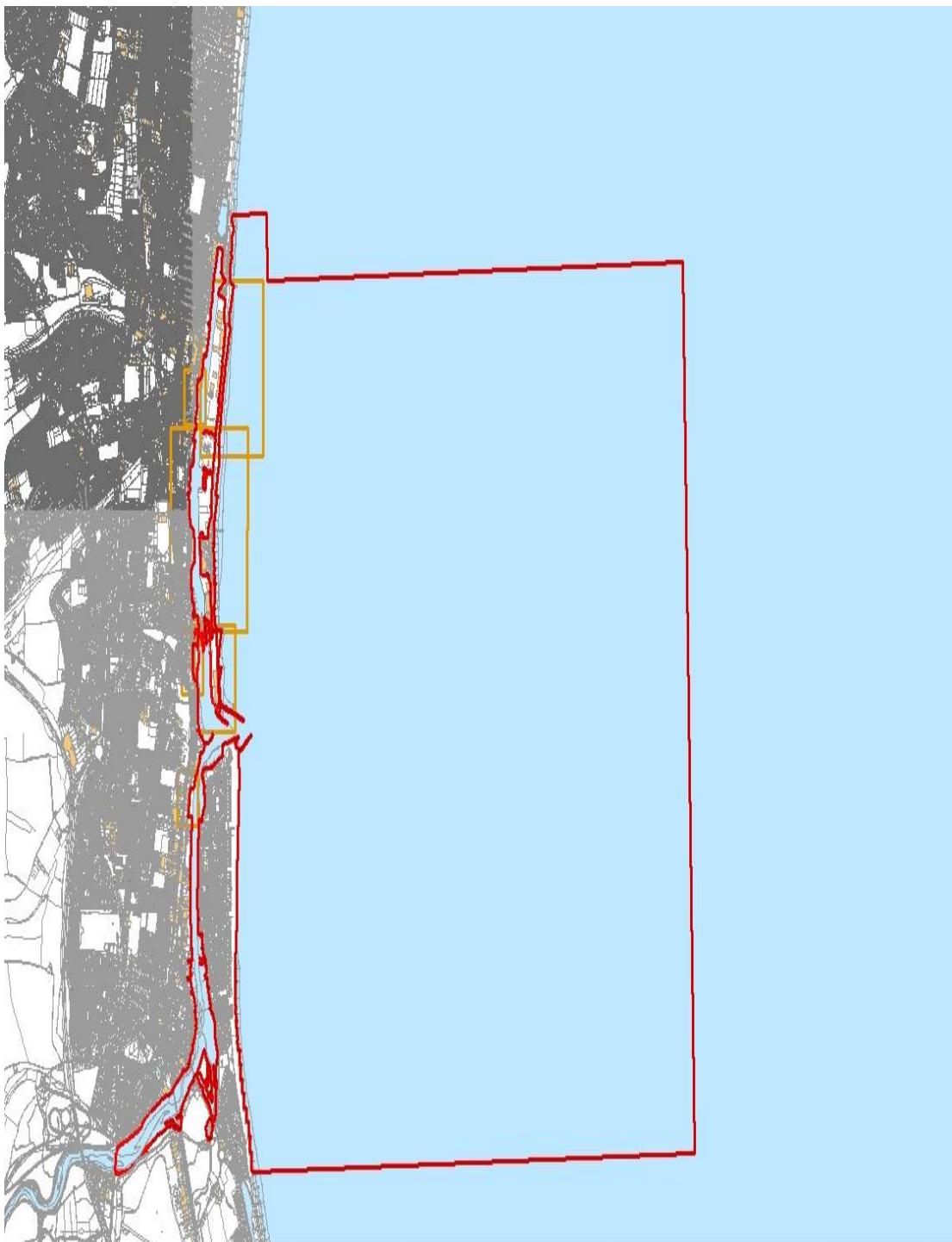
INSET PLAN No. 6



SCHEDULE 1 continued  
OUTER LAY-BY AND PUMP HOUSE  
INSET PLAN No. 7



SCHEDULE 1 continued  
SHOREHAM – SEAWARD EXTENTS



## The Shoreham Port Security Authority

### Members

- 1.—(1) The Shoreham 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 sub-paragraph (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 sub-paragraph (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 sub-paragraph (7).

(10) Any person who fails to comply with the provisions of sub-paragraph (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 sub-paragraph (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 Shoreham for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Shoreham Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Shoreham. *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 [INSERT DATE] 2018 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 2/32, 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.

## Annex I – Troon

**2013 No. 0000**

**MERCHANT SHIPPING**

**MARITIME SECURITY**

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

*Made* - - - - - *2013*

*Laid before Parliament* *2013*

*Coming into force* - - - *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(**33**).

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(**34**).

**Citation and commencement**

1. This Order may be cited as the Port Security (Port of Troon) 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(**35**), the boundary of the Port of Troon is shown by the inner edge of the red line on the plans 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 Troon Port Security Authority**

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

(2) Schedule 2 has effect with respect to the Troon 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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(33) 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).

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

(35) 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(36)) 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 [INSERT DATE] 2018.

(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

Date

**SCHEDEULE 1**  
**Boundary of the Port of Troon**

Article 2



SCHEDULE 1 continued  
INSET PLAN



## SCHEDULE 2

### The Troon Port Security Authority

Article 3(2)

#### **Members**

- 1.—(1) The Troon 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 sub-paragraph (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 sub-paragraph (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 sub-paragraph (7).

(10) Any person who fails to comply with the provisions of sub-paragraph (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 sub-paragraph (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 Troon for the purposes of regulation 3(2)(a) of the Port Security Regulations 2009. *Article 3(1)* designates the Troon Port Security Authority, for the purposes of regulation 5 of those Regulations, as the port security authority for the Port of Troon. *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 [INSERT DATE] 2018 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 2/32, 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 J – Impact assessment

**The Consultation Stage Impact Assessment (IA) covers the 20 remaining ports considered in scope of the Directive. However, this consultation concerns an initial tranche of 9 of those ports and they have been highlighted in yellow in the version of the IA attached below for ease of reference. The ports are:**

Barrow  
Cardiff (including Newport and Barry)  
Cromarty Firth  
Fowey  
Oban  
Peterhead  
Plymouth  
Shoreham  
Troon

Other ports referred to in the IA will be the subject of a future consultation and they will similarly listed and highlighted at that stage.

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.

<p><b>This consultation covers only those ports highlighted yellow</b></p> <p><b>Title:</b> Impact Assessment for the Ports of: Barrow, Cardiff, Coleraine, Cromarty Firth, Felixstowe/Harwich, Fowey, Great Yarmouth, Ipswich, Londonderry, Medway, Methil, Oban, Peterhead, Plymouth, Portsmouth, Rosyth, Shoreham, Thames, Troon, and Tyne ("the Listed Ports")</p> <p><b>IA No:</b> DfT-1751</p> <p><b>Lead department or agency:</b> Department for Transport</p> <p><b>Other departments or agencies:</b></p>					<b>Impact Assessment (IA)</b>
<p><b>Summary: Intervention and Options</b></p>					RPC:
<b>Cost of Preferred (or more likely) Option</b>					
<b>Total Net Present Value</b> -£4.0m	<b>Business Net Present Value</b> -£4.0m	<b>Net cost to business per year (EANCB on 2009 prices)</b> £0.43m	<b>In scope of One-In, Measure qualifies as One-Out?</b> No		
<p><b>What is the problem under consideration? Why is government intervention necessary?</b></p> <p>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 implementation of Directive 2005/65/EC is therefore required to ensure a consistent, proportionate port security regime across the UK.</p>					

<b>What are the policy objectives and the intended effects?</b>
Policy objective is to enhance security at the Ports of: Barrow, Cardiff, Coleraine, Cromarty Firth, Felixstowe/Harwich, Fowey, Great Yarmouth, Ipswich, Londonderry, Medway, Methil, Oban, Peterhead, Plymouth, Portsmouth, Rosyth, Shoreham, Thames, Troon, and Tyne ("the Listed Ports") to complement measures to help prevent maritime terrorist incidents. The intended effect is to designate a Port Security Authority (PSA) for each Listed Port, which will be responsible for the preparation and implementation of security plans, based on findings of security assessments at each Listed Port and for co-ordinating security within each port for which that Security Authority is designated.

<b>What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)</b>
Option 1. Do nothing .
PREFERRED Option 2. Introduce Statutory Instruments (one for each of the Listed Ports) defining Port Security Authority (PSA) 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 SI 2009/2048 "the Port Security Regulations 2009". Preferred option as it puts in place at the Listed Ports new security measures not covered by the current regime which apply beyond the immediate ship/port interface to the wider port area. This will contribute to reducing the UK's vulnerability to maritime terrorist incidents . The Directive is being implemented progressively at the 40+ ports considered in-scope, the Listed Ports in this IA being the third batch, comprising remaining in-scope ports not-so-far consulted upon. Please see evidence base, para 4 for option development.

<b>Will the policy be reviewed? It will be reviewed. If applicable, set review date:</b> 12/2018					
Does implementation go beyond minimum EU requirements?	No				
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	<b>Micro</b> Yes	<b>&lt; 20</b> Yes	<b>Small</b> Yes	<b>Medium</b> Yes	<b>Large</b> Yes
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)	<b>Traded:</b> N/A		<b>Non-traded:</b> N/A		

I have read the Impact Assessment and I am satisfied that (a) it represents a fair and reasonable view of the expected costs, benefits and impact of the policy, and (b) that the benefits justify the costs.

Signed by the responsible Minister:

Date:

## Summary: Analysis & Evidence Policy Option 2

### Description:

#### FULL ECONOMIC ASSESSMENT

Price Base Year 2013	PV Base Year 2013	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: Optional	High: Optional	Best Estimate: -4.04

COSTS (£m)	Total Transition (Constant Price)	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	Optional	Optional	Optional
High	Optional		Optional
Best Estimate	0.682		4.04

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

Port Security Officer estimated to cost £501,600 in the start-up year and £250,800 per annum thereafter

Security Risk Assessment estimated cost £541,253 in the 1st year and £129,292 per annum thereafter

Port Security Plan estimated to cost £29,183 in the 1st year and £9,640 per annum thereafter

The extra costs of £682,305 in the 1st year that are over and above those that recur thereafter have been presented as transition costs.

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

There are no additional key non-monetised costs.

BENEFITS (£m)	Total Transition (Constant Price)	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0	0
High	0		0
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. For a breakdown of costs per Listed Port, please see Tables 2, 2a and 2b in the Evidence Base and Annexes A - T.		

#### BUSINESS ASSESSMENT (Option 2)

Direct impact on business (Equivalent Annual) £m:			In scope of OI TO?	Measure qualifies as
Costs: 0.43	Benefits: 0	Net: -0.43	No	NA

## Evidence Base (for summary sheets)

### 1. Title of Proposal

1.1 The Port Security (Port of Barrow, Port of Cardiff, Port of Coleraine, Port of Cromarty Firth, Port of Felixstowe/Harwich, Port of Fowey, Port of Great Yarmouth, Port of Ipswich, Port of Londonderry, Port of Medway, Port of Methil, Port of Oban, Port of Peterhead, Port of Plymouth, Port of Portsmouth, Port of Rosyth, Port of Shoreham, Port of Thames, Port of Troon, and Port of Tyne – hereafter referred to as “the Listed Ports”) Designation Orders 2013.

1.2 The 20 Listed Ports constitute the remainder of UK ports considered in-scope of Directive 2005/65/EC on enhancing port security (“**the Directive**”). It is anticipated that there will be several consultation exercises on sub-sets of the Listed Ports. However, as standard costings and resource estimates are involved the remaining ports are being incorporated into a single Consultation Stage IA. This Impact Assessment (IA) may, however, be broken down into several Final Stage IAs as consensus is reached with individual ports on the jurisdictional boundary of the Port Security Area to be designated. The Final Stage IAs will take account of any comments from consultation respondents regarding cost/resource estimates.

1.3 Barrow and Cardiff are to be re-consulted upon (they featured amongst the Listed Ports in Impact Assessment (IA) DfT00168) because the Port Security Authority (“PSA”) boundary plans were not of an appropriate quality. Accordingly, cost schedules for the two ports have been incorporated into this IA, and their totals incorporated into the summary tables 2, 2a and 2b (see paragraph 5.7 below)

### 2. Purpose and intended effect of measure

2.1 The Port Security (Listed Ports) Designation Orders 2013 aim to introduce a set of new EU measures to enhance security at the Listed Ports which will contribute towards an improvement in the overall level of port security in the UK to prevent terrorist incidents and in fulfilment of UK’s EU obligation to implement the Directive (as transposed by S.I.2009/2048, the Port Security Regulations 2009 (“**the PSRs**”). The orders will designate a PSA for each of the Listed Ports which will be responsible for the preparation and implementation of Port Security Plans (“**PSPs**”) based on the findings of Port Security Risk Assessments (“**PSRAs**”) at each of the Listed Ports, along with co-ordinating security within the Listed Port for which that PSA is designated. These measures will extend the existing port security regime in place under Regulation (EC) 725/2005 on enhancing ship and port security (“**the EC Regulation**”).

### 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 Organization (“**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 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 the Directive. In the Directive, “port” is defined as “any specified area of land and water, with boundaries defined by the Member State in which the port is situated, containing works and equipment designed to facilitate commercial maritime transport operations.”

## **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 (S.I. 2004/1495) and the Ship and Port Facility (Security) (Amendment) Regulations 2005 (S.I. 2005/1434) provides background to the development of the EC Regulation and the consultation<sup>2</sup> on PSRs for transposing the Directive..

3.7 Six options were identified for implementing the Directive in the UK. All but Option 1 entailed introducing secondary legislation to designate port boundaries, appoint PSAs and Port Security Officers (“PSOs”) and establish PSRAs and PSPs. 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 (since the current regime does not suffice to comply with the Directive).: Continue with the Aviation and Maritime Security Act 1990 (“AMSA”) and EU security-regulatory 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” 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, Maritime and Coastguard Agency (“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 to be 100 PSAs in total but now estimated to be up to around 40). Existing lead Port Facility Security Officers (“PFSOs”) are likely to become PSO’s, 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 EC Regulation applies (400 approx) are regarded as a ‘port’ in their own right and have their own PSA, with their existing ISPS port facility security plans (“PFSPs”) becoming PSPs.

**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 Directive, which was then transposed into UK law by S.I./2009/2048 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.**

<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>

## *Implementing the Port Security Regulations 2009:*

3.9 The PSRs were made under powers contained in section 2(2) of the European Communities Act 1972, to transpose the port security measures in the Directive which have general application across all UK ports. It was not considered practicable to include in the PSRs 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 PSA for each port. To attempt to include these specific provisions for all the relevant ports in the PSRs themselves would have resulted in an impractically long instrument containing numerous schedules of maps.

3.10 The possibility of including in the PSRs a power for the Secretary of State to at a later stage delineate the boundaries of each port, and to designate a PSA for each port was considered. This option was rejected however because it was considered that this would constitute unlawful legislative sub-delegation to the Secretary of State. Under paragraph 1(1)(c) of Schedule 2 to 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 Order for each of the Listed Ports takes into account information resulting from the relevant 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 encompasses the port facilities situated within the port, and the port areas that could have an impact on the security of the port. The Department's port security compliance team has already been assisting some ports with the carrying out of the PSRA and preparation of the PSP based on it. Question 14 in the consultation on the Listed Ports offered consultee ports this assistance and a number of ports have requested it. The Department's port security compliance team has accordingly made contact with those ports requesting assistance.

3.12 So essentially this means that in the UK we need to establish the PSA for each of the Listed Ports through the Designation Order process (also in exercise of the powers under section 2(2) of the European Communities Act 1972) and define the relevant boundary for that Listed Port, before the PSA designated for that port can carry out a PSRA 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 (AMSA) and 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 which the UK having agreed to the measures as an EU Member States is now legally-obliged to do. 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 PSA for the Port of (Listed Port), for the purposes of Directive 2005/65/EC as transposed by the Port Security Regulations 2009. This is the preferred option as it has the advantages of implementing changes to the security regime at the Listed Ports 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 and fulfils the UK's legal obligations under the Directive thereby enhancing UK port security in the face of the threat of maritime terrorist incidents. It does however introduce additional costs to implement the required changes and measures. These are explored in section 5 below.

4.3 The Directive is being implemented progressively at the 40+ ports considered in scope of the Directive, the Listed Ports in this IA being the remaining ports considered in-scope that have not yet entered the process of introducing these new enhanced security measures which are not covered by security enhancement measures currently in place to comply with the EC Regulation. To date 8 Designation Orders have been made, all of which have come into force except the one for the Port of Milford Haven which comes into force on 1 May 2013. Those 8 ports are:

<b>Designation Order</b>	<b>Coming into force date</b>
The Port Security (Avonmouth Dock and Royal Portbury Dock and Port of Bristol Security Authority Designation Order 2010	19 March 2010
The Port Security (Port of Dover) Designation Order 2011	31 January 2012
The Port Security (Port of Aberdeen) Designation Order 2012	19 November 2012
The Port Security (Port of Grangemouth) Designation Order 2012	19 November 2012
The Port Security (Port of Portland) Designation Order 2012	19 November 2012
The Port Security (Port of Tees and Hartlepool) Designation Order 2012	19 November 2012
The Port Security (Port of Workington) Designation Order 2012	19 November 2012
The Port Security (Port of Milford Haven) Designation Order	1 May 2013

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

### Costs

#### Cost evidence from the UK ports industry

5.1 In the public consultation held in 2008 on the six options identified for implementing the Directive in the UK, three respondents provided their own estimates of the potential cost of the regulations: Cromarty Firth Port Authority, one of the Listed Ports, 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.

5.2 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 Forth Ports Limited, <sup>4</sup> the Port of Belfast, UK Major Ports Group (UKMPG) and the Port of Bristol which was in a unique position to comment as the only port at the time legally designated (the associated Designation Order came into force on 19 March 2010).

5.3 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 (IA) for the Port Security (Port of Dover) Designation Order 2011 and have informed the Standard Rates given below as well as the estimated resource required at each of the Listed Ports over the 10 year period for this impact assessment (see annexes A - T 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.

5.4 These Standard Rates were used in the Consultation Stage IA 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' and as no contradictory views on these estimates were received from the ports concerned during the consultation period (26 March to 9 May 2012) remained unchanged in the Final Stage IA as the most realistic available projection of costs to ports for complying with the Directive.

5.5 The Standard Rates were also used in the Consultation Stage IA for the Port of Barrow, Port of Cardiff, Port of Clyde (Glasgow), Port of Falmouth, Port of Hull, Goole, Immingham and Grimsby, Port of Liverpool, the Manchester Ship Canal, Port of Newhaven, Port of Southampton, Port of Sullom Voe and Port of Swansea Designation Orders 2012, DfT IA no. DfT00168. A number of respondents to this consultation (held 19 November 2012 to 4 January 2013) expressed concerns that the implementation of the Directive would lead to increased costs and bureaucracy. The Department has always made clear that there is a cost associated with the implementation of the Directive, but the existence of Port Security

<sup>4</sup> Forth Ports Limited ("Forth Ports") provides handling and logistic-related services to customers. It operates seven ports - Dundee on the River Tay, Tilbury on the River Thames and five ports on the Firth of Forth - Leith, Grangemouth, Methil, Burntisland and Rosyth.

Committees means that the projected cost is lower than if a port was starting from scratch in establishing and running a PSA. However, none of the respondents provided revised estimates to quantify the increased costs and the consultation stage cost estimates were retained for the Final Stage IA. Consequently, the consultation on the current batch of ports uses the same standard costs and resource estimates as previously used as they represent the most realistic available projection of costs to ports for complying with the Directive.

**Table 1: Standard Rates**

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

\* = based on £45,000 annual salary of the junior security manager at Dover with National Insurance (NI) and Superannuation added = £57, 000

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

5.6 The making of the Port of Listed Port Designation Orders 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.

The Department's port security compliance team is assisting new PSAs (at no cost) with the carrying out of the PSRA and the compilation of the PSP based on it.

5.7 The summary tables below show the Department's cost estimates of implementing these measures at the Listed Ports and will be amended as appropriate for the final stage IA 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 nine years following (Table 2b). For a breakdown of costs for individual ports, please see Annexes A - T.

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

<b>Port</b>	<b>Cost/Port 1<sup>st</sup> 10 years</b>
Barrow	182330
Cardiff	226698
Coleraine	182330
Cromarty Firth	210058
Felixstowe/Harwich	213199
Fowey	182330
Great Yarmouth	257096
Ipswich	187874
Londonderry	187874
Medway	347283
Methil	182330
Oban	187874
Peterhead	198970
Plymouth	199941
Portsmouth	176787
Rosyth	198970
Shoreham	193427
Thames	655246
Troon	176786
Tyne	232251
<b>Total estimated 10 yr costs</b>	<b>4579654</b>

**Table 2a: Total estimated costs for start up year**

<b>PSR activity</b>					
<b>Port</b>	<b>PSO</b>	<b>PSA*</b>	<b>PSRA</b>	<b>PSP</b>	<b>Total 1st Yr cost £s</b>
Barrow	25080	0	8445	1206	34730
Cardiff	25080	0	18091	1206	44376
Coleraine	25080	0	8445	1206	34730
Cromarty Firth	25080	0	14473	1206	40759
Felixstowe/Harwich	25080	0	21228	1929	48238
Fowey	25080	0	8445	1206	34730
Great Yarmouth	25080	0	34733	1929	61742
Ipswich	25080	0	9650	1206	35936
Londonderry	25080	0	9650	1206	35936
Medway	25080	0	72355	2412	99846
Methil	25080	0	8445	1206	34730
Oban	25080	0	9650	1206	35936
Peterhead	25080	0	12062	1206	38347
Plymouth	25080	0	17370	1206	43656
Portsmouth	25080	0	7239	1206	33525
Rosyth	25080	0	12062	1206	38347
Shoreham	25080	0	10856	1206	37142
Thames	25080	0	231520	3617	260218
Troon	25080	0	7239	1206	33524
Tyne	25080	0	19296	1206	45582
<b>Total for 20 ports</b>	<b>501600</b>	<b>0</b>	<b>541254</b>	<b>29183</b>	
<b>Total estimated start up year costs for 20 ports</b>					<b>1072037</b>

\* The PSA will replace existing Port Security Committees so there is no additional cost incurred. Please see paragraph 5.23 for more detail.

N.b the £682,305 difference between the total first year start-up costs £1,072,037) and total ongoing year cost ( £389,732 - see Table 2b below) has been presented as 0.682 (£m) transition costs in the Best Estimate box under Total Transition at the top of page 2 above.

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

PSR activity	PSO	PSA*	PSRA	PSP	Total ongoing Yr cost £s
<b>Port</b>	<b>PSO</b>	<b>PSA*</b>	<b>PSRA</b>	<b>PSP</b>	<b>Total ongoing Yr cost £s</b>
Barrow	12540	0	3378	482	16400
Cardiff	12540	0	7236	482	20258
Coleraine	12540	0	3378	482	16400
Cromarty Firth	12540	0	5789	482	18811
Felixstowe/Harwich	12540	0	5307	482	18329
Fowey	12540	0	3378	482	16400
Great Yarmouth	12540	0	8683	482	21706
Ipswich	12540	0	3860	482	16882
Londonderry	12540	0	3860	482	16882
Medway	12540	0	14471	482	27493
Methil	12540	0	3378	482	16400
Oban	12540	0	3860	482	16882
Peterhead	12540	0	4825	482	17847
Plymouth	12540	0	4342	482	17365
Portsmouth	12540	0	2896	482	15918
Rosyth	12540	0	4825	482	17847
Shoreham	12540	0	4342	482	17365
Thames	12540	0	30869	482	43892
Troon	12540	0	2896	482	15918
Tyne	12540	0	7719	482	20741
<b>Total for 20 ports</b>	<b>250800</b>	<b>0</b>	<b>129292</b>	<b>9640</b>	
<b>Total estimated start up year costs for 20 ports</b>					<b>389732</b>

\*The PSA will replace existing Port Security Committees so there is no additional cost incurred. Please see paragraph 5.23 for more detail.

Note: The cost of the PSO includes any cost they may incur as a result of their attendance at PSA meetings.

For a detailed breakdown of costs at an example port, please see the IA for the Port Security (Port of Dover) Designation Order 2011:-

[http://www.legislation.gov.uk/uksi/2011/3045/pdfs/uksifia\\_20113045\\_en.pdf](http://www.legislation.gov.uk/uksi/2011/3045/pdfs/uksifia_20113045_en.pdf)

and Annexes A - T giving cost estimates for the Ports listed in this IA.

5.8 **PSO:** Regulation 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 PSP.

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 Superannuation, 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 2013 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). The estimates in this IA are based on those developed for the Port of Dover, which reflected views received during an information gathering exercise for the final stage IA conducted in May 2011. The same estimates were used for an assessment of the previous 7 Listed Ports in the first Multiport IA, consulted on during 26 March 2012 to 9 May 2012 which was not disputed by consultees. The same estimates were also used in the Consultation Stage version of an IA on a second batch of ports.. Whilst a number of respondents to that consultation had concerns about increased costs arising from the implementation of the PSRs at their port(s), no respondent quantified what they thought these increased costs might be. We have therefore retained the original cost estimates in this Consultation Stage IA as the best available projection of the cost of implementing the PSRs. Please see footnote for link to the first Multiport IA referred to above<sup>5</sup>.

5.10 For the Listed Ports it is the Department's 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 Superannuation in 2013 prices, the Department therefore estimates the sum cost of the PSO at the Listed Ports as £501,600 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 £250,800 (based on one day of a PSO's time per week at each of the Listed Ports) for each of the following 9 years. Thus the estimated grand total cost over the first 10 years to the Listed Ports is £501,600 + (£250,800 x 9) = £2,758,800

At individual port level, to take the Port of Cromarty Firth as an example:

### **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 - % based on cost data supplied by the Port of Dover) suggested by Departmental economists based on cost data from the Port of Dover) x 104 (number of days that PSO required in 1<sup>st</sup> year)

= £25,080 (Total estimated cost of PSO at Cromarty Firth in the 1<sup>st</sup> year)

### **Annually for the next nine 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 Cromarty Firth for each of the subsequent 9 years).

While the cost of the PSO is borne by the appointee's company/organisation, once the PSA is up and running, it is responsible for setting its own rules of procedure, and there is nothing to preclude members discussing and agreeing any sharing of the PSO costs. Additionally, as there are existing Port Security Committees (**PSC's**), there is the possibility of a member/chair of the PSC becoming the PSO, meaning no new financial burden on their employer.

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<sup>5</sup> <http://www.dft.gov.uk/consultations/dft-2012-013/>

For a detailed breakdown of costs for the Ports listed in this Impact Assessment at an example port, see annexes A - T.

5.12 **PSA:** Regulation 5 (1) of the PSRs defines the PSA as “..... a body that has been designated as a Port Security Authority for a port” The Department’s port security compliance team has been assisting ports (at no cost) with carrying out the PSRA and in preparing the PSP based on it. The PSA is responsible for reviewing and maintaining the PSP.

5.13 **The PSA must have at least 3 members** and will be made up of those who are responsible for regulated security matters in the constituent facilities of a “Port”.

These are:

- PFSO's of port facilities in the port;
- AMSA directed parties (if applicable);
- Security managers of designated Port Related Areas - PRAs (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. In the case of a PSA for a large port or group of ports with a large number of facilities there is nothing in the PSRs to preclude the PSA from having an under-structure of sub-committees in the interests of efficiency. For example, at the Port of Thames, which will be the subject of a future consultation and IA, their current PSC is structured such that 10 individuals essentially represent the 52 port facilities to bring it down to a more manageable size. A PSA once established is responsible for its own running including the drawing up of Rules of Procedure.

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 PSRA. In the consultation on the 1<sup>st</sup> batch of Listed Ports, these estimates of PSA meeting days were not disputed, and only one respondent (out of 42) to the consultation on the implementation of the Listed Ports in the consultation on a second batch of ports questioned the projected days required. The DfT has 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 PSRs only require the attendance of PFSOs or their nominated representative; AMSA directed parties (if applicable); Security Managers of designated PRAs (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 PSCs. In the case of Dover, 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. In 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) no responses were received indicating otherwise. Likewise no respondents to DfT Consultation 2012-40 on a second batch of ports (consultation period: 19 November 2012 to 4 January 2013) indicated otherwise.

5.16 The Department considers that the Year 1 costs, during the setting up phase would be greater than for subsequent years and that costs should therefore 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 PSRA. In the interests of transparency, the Department has chosen to include the cost of the PSA time needed to complete the assessment under a separate PSRA cost-heading. The PSA 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 would 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 their attendance estimated at £13,504.40 calculated as follows:

**Daily rate PSO salary ( based on the average salary of a PFSO including NI contributions and superannuation)**

£57,000 divided by 260 working days = £219.23 x1.1 (for 10% expenses) = **£241.15**

The PSA costs (bar those arising from carrying out the PSRA) are therefore:

**14 attendees x 4 x £241.15 = £13,504.40**

The costs of the 5 advisers were not included in the equation as they, as mentioned above, will have their costs met by their respective Government Departments and Agencies. There are existing Port Security Committees which these advisers routinely attend and bear the cost of and it is expected that these advisers will instead attend the PSA meetings in the future meaning no new financial burden.

The administrative cost is based on a Departmental administrative support grade salary of £21,646.13 (inclusive of NI 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:

Daily admin rate = £21,646.13 divided by 260 working days x 1.1 (=10% for expenses) = £91.58

For the Port of Dover Start-up year admin costs are therefore estimated as : £91.58 x 8 days = **£733**

To this is added the costs of the hire of the meeting room including heating, lighting and IT

Having conferred with Departmental economists, we have assumed a figure of **£300 a day** (which is **£37.50 an hour** assuming an 8 hour day) for the **cost of meeting rooms, heating, lighting and communications and IT for the PSA meetings**. This is at the higher end of the typical range of such rooms one can find from a search on the internet

Start-up year office/heating/lighting costs for Dover therefore estimated as £300 x 4 days = **£1,200**

**Estimated total PSA cost at the Port of Dover for the start-up year was:**

**£13,504.40 + £732.64 + £1,200 = £15,437.04**

5.19 This gave a total PSA cost for the start-up year at the Port of Dover of £15,437.04. Average cost for the nine years thereafter is £15,437.04 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 the Listed Ports, the DfT 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. **The Department is, therefore of the view that the PSA will only need to meet on 2 days per year in the 4 subsequent years.** Listed Ports have advised that PSAs will comprise members, advisers (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 (based as in the foregoing Dover example on an average PFSO salary of £57,000 per annum including NI and Superannuation), 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 Cromarty Firth the estimated cost of the PSA (based on the standard rates given above in the Dover example) is:

**Port of Cromarty Firth 8 Members, 2 Stakeholders = 10 attending**

**PSA costs in start-up year**

PSA attendees (10 x £241.15) x 4 days	£ 9646
Admin daily rate: £91.58 x 8 * days	£ 733
Office/lighting/heating etc £300 x 4 days	£ 1,200
<b>TOTAL</b>	<b>£ 11,579</b>

**PSA costs per year for next 9 years**

PSA attendees (10 x £241.15) x 2 days	£ 4823
Admin daily rate: £91.58 x 4 * days	£ 366
Office/lighting/heating etc £300 x 2 days	£ 600
<b>TOTAL</b>	<b>£ 5789 x 9 years</b>

\* on the admin side, in addition to the 1 day required for the PSA meeting (for minute-taking) an extra  $\frac{1}{2}$  day is needed in advance of the meeting for making arrangements, setting Agenda etc, and a further extra  $\frac{1}{2}$  day subsequent to the meeting for writing up and distributing the minutes. Hence the admin days required are twice the no. of meeting days.

For a detailed breakdown of costs at the Ports listed in this IA, see Annexes A – T (Cromarty Firth is at Annex D).

5.22 Based on these two formulae this gives a total PSA cost for the start-up year at the Listed Ports of £262,443, and £130,739 per year for subsequent years. The estimated grand total cost for the listed ports over the first 10 years is, therefore:

$$\text{£262,443} + (\text{£130,739} \times 9) = \text{££1,439,094}$$

5.23 At most of the ports which come under the scope of the PSRs, 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 Tables 2, 2a and 2b above 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.

5.24 **PSRA:** The Department's port security compliance team is assisting new PSAs (at no cost) with the carrying out of the PSRA, the findings of which will be discussed at PSA meetings.

5.25 For the Port of Dover final stage IA, 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 Multi Agency Threat and Risk Assessment - **MATRA**-style methodology.

5.26 The cost of conducting the PSRA 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 (the cost of the advisers is borne by the parent Departments/Agencies as it was before for attendance at Port Security Committee meetings and does not therefore constitute a new financial burden) to meet for four days to conduct the assessment, plus costs of administrative support, meeting rooms, heating, lighting, communications and IT

$$10 (5 PSA members + 5 stakeholders) \times 4 \text{ days} \times (219.23 \times 1.1 = \text{£241.15}) = \text{£9,646.12}$$

$$(\text{Admin}) 8 \text{ days} \times (\text{£83.25} \times 1.1(10\%)) = \text{£91.58} = \text{£732.60}$$

$$(\text{Accommodation}/\text{Utilities}) 8 \text{ hours} \times \text{£37.50} = \text{£300} \times 4 \text{ days} = \text{£1,200}$$

$$\text{£9646.12} + \text{£732.20} + \text{£1,200} = \text{£11,578.72}$$

The annual cost thereafter of reviewing the PSRA is expected to fall to an **average annual cost of £5,789.36**. This allowed for up to 2 days of PSA time per annum to carry out amendments to the assessment (requiring 4 days admin time). 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.

5.27 Based on the above and the Department's evaluation of cost information supplied by UK ports, (for a breakdown of costs per Listed Port, please see Summary table of Costs at 5.7 and Annexes A - T), 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 Cromarty Firth the estimated cost of the PSRA based on the standard rates is:

**Port of Cromarty Firth 8 Members, 2 Stakeholders = 10 attending**

#### **PSRA costs in start-up year**

PSA attendees (10 x £241.15) x 5 days	£ 12,058
Admin daily rate: £91.58 x 10 days	£ 916
Office/lighting/heating etc £300 x 5 days	£ 1,500
<b>TOTAL</b>	<b>£ 14,474</b>

#### **PSRA costs per year for next 9 years**

PSA attendees (10 x £241.15) x 2 days	£ 4,823
Admin daily rate: £91.58 x 4 days	£ 366
Office/lighting/heating etc £300 x 2 days	£ 600
<b>TOTAL</b>	<b>£ 5,789 x 9 years</b>

For a detailed breakdown of costs at the Ports listed in this IA, see Annexes A - T.

5.28 The total cost of conducting the PSRA for the Listed Ports during the start-up year is estimated at £541,253. Please see Annexes A – T 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 £129,292 for each of the ensuing nine years. This gives a total cost for the PSRA at the Listed Ports for the first ten years of:

$$\text{£541,253} + (\text{£129,292} \times 9) = \text{£1,704,881}$$

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.

5.29 **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 (**PFSP**) is already required to be maintained for all UK commercial port facilities which fall under the EC Regulation (so each of the port facilities in the ports to be designated under the PSRs has a PFSP). The PFSPs for the 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 PSP, 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 set-up 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).

5.30 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.

5.31 The Department is of the view that 20 – 30 days work to produce the PSP is a significant over-estimate, 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.

5.32 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 Superannuation 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.

5.33 The Department view is that for the Listed Ports the PSP will be developed by the PSO (i.e. 1 member of the PSA) 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 nine years. Thus, for example, at the Port of Cromarty Firth based on standard rates the estimated cost of the Port Security Plan is:

First year

( $57,000 \text{ (average annual salary inc. NI etc)} / 260 \text{ (working days per annum)} = \text{daily rate for PSO} \times 1.1 \text{ (for 10\% expenses)} \times 5 \text{ (number of days for PSO to complete Port security Plan)} = \text{£}1,206 \text{ (estimated cost for PSP at Cromarty Firth in the first year)}$ )

Annually for the next ten years

( $57,000 \text{ (average annual salary inc. NI etc please)} / 260 \text{ (working days per annum)} = \text{daily rate for PSO} \times 1.1 \text{ (for 10\% expenses)} \times 2 \text{ (number of days for PSO to complete Port security Plan)} = \text{£}482 \text{ (estimated cost for PSP at Cromarty Firth for each of the subsequent nine years)}$ )

For a detailed breakdown of costs at the Ports listed in this Impact Assessment, see Annexes A - T

5.34 For Listed Ports the estimated total first year PSP cost will be £29,179 and the estimated total ongoing annual cost will be £9,646 giving a grand total cost over 10 years for the Listed Ports of £115,993. Please see paragraph 5.7 and Annex A -T for individual port data.

As is 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.

5.35 **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 PFSPs at the ports already cover the most security-vulnerable areas and measures are already in place. A PSRA 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.

5.36 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.

5.37 **ENFORCEMENT:** The Department's Maritime 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 PSRs will be found from within existing resources, by re-prioritising work where necessary. There are therefore no direct additional costs arising. For details of enforcement measures please see later under paragraphs 9.1-9.6.

#### ***Benefits:***

5.38 Having a Designation Order for each of the listed ports 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.

5.39 The Orders 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 them 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.

5.40 Designation Orders under PSRs are required to implement the Directive 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 Directive is likely to affect a number of small and micro-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 in place PFSPs which are approved by the Department for Transport and these plans will feed into the wider PSPs to be managed by the PSAs for the Listed Ports under the new legislation. As highlighted at paragraph 5.36 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 for that port comes into effect (beyond those already in place).

6.2 The PSRs 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. Consultees were specifically asked whether they considered that the implementation of the PSRs at their port(s) would affect a small or medium-sized enterprise (**SME**) Sixteen out of a total of 42 respondents gave a YES answer. Fifteen of the 16 felt that SMEs could be affected by increased costs arising out of

the establishment and running of the PSA, though this was not confined to SMEs and could affect all businesses at a port. One of the 16 felt that with increased security at the port there could be “knock-on” benefits to SMEs. None of the 16 provided estimates of costs/benefits SMEs might face.

6.3 Micro-businesses at the Listed Ports have not been exempted from the requirements of the PSRs. As the proposed Designation Orders implement EU measures they fall outside the scope of One-in, Two Out (OITO). Were a micro business unable to meet any obligations on it arising from the PSRs and Designation Orders this would not impose a systemic financial risk to other businesses at any of the Listed Ports. To exclude any size of business from port security regulatory requirements governing that port would risk undermining security at the port and moreover would be contrary to the provisions of the Directive. The Regulations are being proportionately applied in each Listed Port irrespective of size of its constituent businesses. However, it is expected that large port-businesses eg. port facility operators will, as now, be the major players in running the proposed PSA's, as they now are in the running of the Port Security Committee's which they will replace.

6.3 As highlighted at paragraph 5.29, 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 5.34, 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 or micro-business. None of the Listed Ports has advised that their PSO is likely to be employed by a small business.

## 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 neutralise 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 PSRs are likely to affect some firms more than others depending on how a port chooses to implement the Directive and therefore whether additional security measures are needed. Implementation of the PSRs is unlikely to affect the market structure, or change the size or number of firms in the ports industry. The PSRs 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 PSA, some commercially sensitive information may become known to competitors from other port facilities. The PSRs 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 U).

8.2 Economic Impact – Respondents to the consultation said, in their view, SME's could face increased costs, or in one case “knock-on” benefits as a result of the establishment and running of the PSA, though these costs/benefits were not confined to SMEs – see earlier under paragraphs 6.1-6.4.

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 rights 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 rights 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 dependent 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 (Article 17 – Penalties) 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 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. This approach has been replicated in the PSRs (regulations 26-38):

## **PART 6 - Enforcement**

- 26. *Enforcement notices*
- 27. *Objections to enforcement notices*
- 28. *Offences relating to enforcement notices*
- 29. *Offences relating to transport security inspectors*
- 30. *Offences in relation to prohibited articles*
- 31. *Offence of making a false statement in relation to baggage, cargo or stores*
- 32. *False statements in connection with identity documents*
- 33. *Interference with security measures*
- 34. *Unauthorised presence in a controlled building*
- 35. *Confidentiality of information*
- 36. *Defence of due diligence*
- 37. *Offences by bodies corporate*
- 38. *Designation of Secretary of State as focal point for port security*

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 the 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 Maritime 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 PSRAs and PSPs is carried out at least once every five years.

...../continued

**10. Direct costs and benefits to business calculations (following One-in, Two-out – OITO) methodology**

10.1 This proposal is not subject to OITO because it is necessary in order to comply with an EU requirement. The proposed Designation Orders would not go beyond the minimum required to comply with the Directive. Implementation of the PSRs at the Listed Ports would have an EANCB (equivalent annual net cost to business of £0.43 million).

10.2 Derivation of EANCB (Equivalent annual net cost to business) figure of £0.43m cited on the summary sheets

**Calculation of Net Present Value (£m)**

	Ongoing annual cost			Transition cost **	Discounted Present Value *			Transition PV
	PSO	PSRA	PSP		PSO	PSRA	PSP	
2013	0.25	0.129	0.01	0.68	0.25	0.129	0.010	0.68
2014	0.25	0.129	0.01	0	0.24	0.125	0.009	0
2015	0.25	0.129	0.01	0	0.23	0.121	0.009	0
2016	0.25	0.129	0.01	0	0.23	0.117	0.009	0
2017	0.25	0.129	0.01	0	0.22	0.113	0.008	0
2018	0.25	0.129	0.01	0	0.21	0.109	0.008	0
2019	0.25	0.129	0.01	0	0.20	0.105	0.008	0
2020	0.25	0.129	0.01	0	0.20	0.102	0.008	0
2021	0.25	0.129	0.01	0	0.19	0.098	0.007	0
2022	0.25	0.129	0.01	0	0.18	0.095	0.007	0
					***			***
					Total: 3.36			
								Total: 0.68

\* HM Treasury applicable discount rate for 0-30 years = 3.5%

\*\* The £682,305 difference between the total first year start-up costs of £1,072,037 (see Table 2a on page 9 above) and the total ongoing year cost of £389,732 (see Table 2b on page 10 above) has been presented as £0.682 million transition costs in the Best Estimate box under Total Transition at the top of page 2 above

\*\*\* rounded up to 2 decimal places

**Net Present Value (NPV) annual costs: £3.36 million**

**NPV transition costs: £0.68 million**

**Total costs NPV: £4.04 million**

**Total benefits NPV: £0.00 million**

**NPV = Total benefits NPV less Total costs NPV (£0.00 million - £4.04 million) = £-4.04 million**

Using HM Treasury's EANCB calculator this translates to £0.43 million deflated to 2009 terms

## 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	57000	£s/annum
Admin	21646	£s/annum
Accommodation	37.5	£s/hr

Annual Salary	£s		
PSO/PFSO	57,000	241.15	= PSO/PFSO salary divided by 260 working days per year x 1.1 to add 10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 to add 10% expenses
Accommodation	37.5	300.00	based on 8 hour day

### **Estimated PSR costs over 10 year period (£s)**

## **Port Security Officer**

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	0
No. of days PSA meets	4
Admin	733
Accommodation etc.	1200
Total PSA start up cost	9650

Annual cost		Totals
PSA		
No. Members	5	
No. Stakeholders	0	
No. of days PSA meets	2	2412
Admin		366
Accommodation etc.		600
Total PSA Annual cost		3378

### Port Security Risk Assessment

Start up year		Totals
PSA		
No. Members	5	
No. Stakeholders	0	
No. of days PSA meets	5	6029
Admin		916
Accommodation etc.		1500
Total PSRA start up cost		8445

Annual cost ongoing		Totals
PSA		
No. Members	5	
No. Stakeholders	0	
No. of days PSA meets	2	2412
Admin		366
Accommodation etc.		600
Total PSRA start up cost		3378

### Port Security Plan

PSP Start up year		Totals
No. members	1	
No. stakeholders	0	
No. of 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 Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

### 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	57000	£s/annum
Admin	21646	£s/annum
Accommodation	37.5	£s/hr

Annual Salary	£s	
PSO/PFSO	57,000	241.15
Admin	21646	91.58
	37.5	300.00

= PSO/PFSO salary divided by 260 working days per year x 1.1 to add 10% expenses  
 = Admin salary divided by 260 working days per year x 1.1 to add 10% expenses  
 based on 8 hour day

#### **Estimated PSR costs over 10 year period (£s)**

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	18091	7236	7236	7236	7236	7236	7236	7236	7236	7236
PSP	1206	482	482	482	482	482	482	482	482	482
Total	44376	20258	20258	20258	20258	20258	20258	20258	20258	20258
	<b>Total estimated cost for first 10 years</b>									<b>226698</b>

#### **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		
PSA		Totals
No. Members	13	
No. Stakeholders	0	
No. of days PSA meets	4	12540
Admin		733
Accommodation etc.		1200
Total PSA start up cost		14472

Annual cost ongoing		<b>Totals</b>
PSA		
No. Members	13	
No. Stakeholders	0	
No. of days PSA meets	2	6270
Admin		366
Accommodation etc.		600
Total PSA Annual cost		7236

### Port Security Risk Assessment

Annual cost start up		<b>Totals</b>
PSA		
No. Members	13	
No. Stakeholders	0	
No. days that PSA meets	5	15675
Admin		916
Accommodation etc		1500
Total PRSA start up cost		18091

Annual cost on going		<b>Totals</b>
PSA		
No. Members	13	
No. Stakeholders	0	
No. of days PSA meets	2	6270
Admin		366
Accommodation etc.		600
Total PSA Annual cost		7236

### Port Security Plan

PSP Start up year		<b>Totals</b>
No. members		
No. stakeholders	0	
No. of days to complete plan	5	
Total PSP start up year costs		1206

PSP Annual costs		<b>Totals</b>
No. members		
No. stakeholders	0	
No days to review plan	2	
Total PSP Annual costs		482

**Note: It is assumed resource developing a PSP will always include the PSO**

**Estimated Costs to Port of Coleraine [not the subject of this consultation]**

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	57000	£s/annum
Admin	21646	£s/annum
Accommodation	37.5	£s/hr

Annual Salary	£s	Daily Rate including overheads and expenses	
PSO/PFSO	57,000	241.15	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

**Estimated PSR costs over 10 year period (£s)**

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	8445	3378	3378	3378	3378	3378	3378	3378	3378	3378
PSP	1206	482	482	482	482	482	482	482	482	482
Total	34730	16400	16400	16400	16400	16400	16400	16400	16400	16400
<b>Total estimated cost for first 10 years</b>									<b>182330</b>	

**PSO Costs (£s)**

Start up year	Total	
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

**Breakdown of PSA Costs**

Start up year	Totals	
PSA		
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	4	4823
Admin		733
Accommodation etc.		1200
Total PSA start up cost		6756

<b>Annual cost</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	2	2412
<b>Admin</b>		366
<b>Accommodation etc.</b>		600
Total PSA start up cost		3378

### Port Security Risk Assessment

<b>Start up year</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	5	6029
<b>Admin</b>		916
<b>Accommodation etc.</b>		1500
Total PSRA start up cost		8445

<b>Annual cost</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	2	2412
<b>Admin</b>		366
<b>Accommodation etc.</b>		600
Total PSRA start up cost		3378

### Port Security Plan

<b>PSP Start up year</b>		<b>Totals</b>
No. members	1	
No. stakeholders	0	
No. of days to complete plan	5	
Total PSP start up year costs		1206

<b>PSP Annual costs</b>		<b>Totals</b>
No. members	1	
No. Stakeholders	0	
No days to review plan	2	
Total PSP Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

## **Estimated Costs to Port of Cromarty Firth**

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

#### **Estimated PSR costs over 10 year period (£s)**

## PSO Costs (£s)

<b>Start up year</b>	<b>Total</b>	
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

## **Breakdown of PSA Costs**

<b>Start up year</b>		
<b>PSA</b>	<b>Totals</b>	
No. Members	8	
No. Stakeholders	2	
No. of days PSA meets	4	9646
<b>Admin</b>	733	
<b>Accommodation etc.</b>	1200	
Total PSA start up cost	11579	

<b>Annual Cost</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	8	
No. Stakeholders	2	
No. of days PSA meets	2	4823
<b>Admin</b>		366
<b>Accommodation etc.</b>		600
Total PSA Annual Cost		5789

### Port Security Risk Assessment

<b>Start up year</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	8	
No. Stakeholders	2	
No. of days PSA meets	5	12058
<b>Admin</b>		916
<b>Accommodation etc.</b>		1500
Total PRSA Start up cost		14473

<b>Annual Cost</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	8	
No. Stakeholders	2	
No. of days PSA meets	2	4823
<b>Admin</b>		366
<b>Accommodation etc.</b>		600
Total PSRA Annual Cost		5789

### Port Security Plan

<b>PSP Start up year</b>		<b>Totals</b>
No. members	1	
No. stakeholders	0	
No. of days to complete plan	5	
Total PSP start up year costs		1206

<b>PSP Annual costs</b>		<b>Totals</b>
No. members	1	
No. Stakeholders	0	
No days to review plan	2	
Total PSP Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

## Estimated Costs to Port of Felixstowe/Harwich [not the subject of this consultation]

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

### Estimated PSR costs over 5 year period (£s)

Annual Salary	£s	Daily Rate including overheads and expenses	
PSO/PFSO	57,000	241.15	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

### Estimated PSR costs over 10 year period (£s)

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	21228	5307	5307	5307	5307	5307	5307	5307	5307	5307
PSP	1206	482	482	482	482	482	482	482	482	482
Total	48238	18329	18329	18329	18329	18329	18329	18329	18329	18329
	<b>Total estimated cost for first 10 years</b>									<b>213199</b>

### PSO Costs (£s)

Start up year		Total
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

### Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	7	
No. Stakeholders	2	
No. of days PSA meets	4	8682
<b>Admin</b>		733
<b>Accommodation etc.</b>		1200
Total PSA start up cost		10614

<b>Annual cost</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	7	
No. Stakeholders	2	
No. of days PSA meets	2	4341
<b>Admin</b>		366
<b>Accommodation etc.</b>		600
Total PSA start up cost		5307

### Port Security Risk Assessment

<b>Annual cost start up</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	7	
No. Stakeholders	2	
No. days that PSA meets	8	17363
<b>Admin</b>		1465
<b>Accommodation etc.</b>		2400
Total PRSA start up cost		21228

<b>Annual cost on going</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	7	
No. Stakeholders	2	
No. of days PSA meets	2	4341
<b>Admin</b>		366
<b>Accommodation etc.</b>		600
Total PSA start up cost		5307

### Port Security Plan

<b>PSP Start up year</b>		<b>Totals</b>
No. members	1	
No. stakeholders	0	
No. of days to complete plan	8	
Total PSP start up year costs		1929

<b>PSP Annual costs</b>		<b>Totals</b>
No. members	1	
No. Stakeholders	0	
No days to review plan	2	
Total PSP Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

## Estimated Costs to Port of Fowey

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

### Estimated PSR costs over 10 year period (£s)

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	8445	3378	3378	3378	3378	3378	3378	3378	3378	3378
PSP	1206	482	482	482	482	482	482	482	482	482
Total	34730	16400	16400	16400	16400	16400	16400	16400	16400	16400
	<b>Total estimated cost for first 10 years</b>									<b>182330</b>

### PSO Costs (£s)

Start up year		Total
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

### Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	4	4823
Admin		733
Accommodation etc.		1200
Total PSA start up cost		6756

Annual cost		Totals
PSA		
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	2	2412
Admin		366
Accommodation etc.		600
Total PSA Annual		3378

### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	3	
No. Stakeholders	2	
No. days that PSA meets	5	6029
Admin		916
Accommodation etc.		1500
Total PRSA start up cost		8445

Annual cost on going		Totals
PSA		
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	2	2412
Admin		366
Accommodation etc.		600
Total PSA Annual cost		3378

### Port Security Plan

PSP Start up year		Totals
No. members	1	
No. stakeholders	0	
No. of 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 Annual costs		482

Note: It is assumed resource developing a PSP will always include the PSO

### Estimated Costs to Great Yarmouth [not the subject of this consultation]

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

#### Estimated PSR costs over 10 year period (£s)

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	34733	8683	8683	8683	8683	8683	8683	8683	8683	8683
PSP	1206	482	482	482	482	482	482	482	482	482
Total	61742	21706	21706	21706	21706	21706	21706	21706	21706	21706
	<b>Total estimated cost for first 10 years</b>									<b>257096</b>

#### PSO Costs (£s)

Start up year		Total
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

#### Breakdown of PSA Costs

Start up year		Totals
PSA		
No. Members	14	
No. Stakeholders	2	
No. of days PSA meets	4	15434
<b>Admin</b>		733
<b>Accommodation etc.</b>		1200
<b>Total PSA start up cost</b>		<b>17366</b>

Annual cost		
PSA		Totals
No. Members	14	
No. Stakeholders	2	
No. of days PSA meets	2	7717
Admin		366
Accommodation etc.		600
Total PSA Annual cost		8683

### Port Security Risk Assessment

Annual cost start up		
PSA		Totals
No. Members	14	
No. Stakeholders	2	
No. days that PSA meets	5	30868
Admin		1465
Accommodation etc.		2400
Total PRSA start up cost		34733

Annual cost on going		
PSA		Totals
No. Members	14	
No. Stakeholders	2	
No. of days PSA meets	2	7717
Admin		366
Accommodation etc.		600
Total PSRA Annual cost		8683

### 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

**Estimated Costs to Port of Ipswich [not the subject of this consultation]**

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

**Estimated PSR costs over 10 year period (£s)**

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	9650	3860	3860	3860	3860	3860	3860	3860	3860	3860
PSP	1206	482	482	482	482	482	482	482	482	482
Total	35936	16882	16882	16882	16882	16882	16882	16882	16882	16882
<b>Total estimated cost for first 10 years</b>										<b>187874</b>

**PSO Costs (£s)**

Start up year		Total
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

**Breakdown of PSA Costs**

Start up year		Totals
PSA		
No. Members	4	
No. Stakeholders	2	
No. of days PSA meets	4	5788
Admin		733
Accommodation etc.		1200
Total PSA start up cost		7720

Annual cost		Totals
PSA		
No. Members	4	
No. Stakeholders	2	
No. of days PSA meets	2	2894
Admin		366
Accommodation etc.		600
Total PSA start up cost		3860

### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	4	
No. Stakeholders	2	
No. days that PSA meets	5	7235
Admin		916
Accommodation etc.		1500
Total PRSA start up cost		9650

Annual cost on going		Totals
PSA		
No. Members	4	
No. Stakeholders	2	
No. of days PSA meets	2	2894
Admin		366
Accommodation etc.		600
Total PSA start up cost		3860

### 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

**Estimated Costs to Port of Londonderry [not the subject of this consultation]**

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

**Estimated PSR costs over 10 year period (£s)**

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	9650	3860	3860	3860	3860	3860	3860	3860	3860	3860
PSP	1206	482	482	482	482	482	482	482	482	482
Total	35936	16882	16882	16882	16882	16882	16882	16882	16882	16882
<b>Total estimated cost for first 10 years</b>										<b>187874</b>

**PSO Costs (£s)**

Start up year		Total
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

**Breakdown of PSA Costs**

Start up year		Totals
PSA		
No. Members	4	
No. Stakeholders	2	
No. of days PSA meets	4	5788
Admin		733
Accommodation etc.		1200
Total PSA start up cost		7720

Annual cost		Totals
PSA		
No. Members	4	
No. Stakeholders	2	
No. of days PSA meets	2	2894
Admin		366
Accommodation etc.		600
Total PSA start up cost		3860

### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	4	
No. Stakeholders	2	
No. of days PSA meets	5	7235
Admin		916
Accommodation etc		1500
Total PRSA start up cost		9650

Annual cost on going		Totals
PSA		
No. Members	4	
No. Stakeholders	2	
No. of days PSA meets	2	2894
Admin		366
Accommodation etc.		600
Total PSA start up cost		3860

### 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

## Estimated Costs to Port of Medway [not the subject of this consultation]

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

### Estimated PSR costs over 10 year period (£s)

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	72355	14471	14471	14471	14471	14471	14471	14471	14471	14471
PSP	1206	482	482	482	482	482	482	482	482	482
Total	99846	27493	27493	27493	27493	27493	27493	27493	27493	27493
	<b>Total estimated cost for first 10 years</b>									<b>347283</b>

### PSO Costs (£s)

Start up year		Total
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

### PSO Costs (£s)

Start up year		Totals
PSA		
No. Members	20	
No. Stakeholders	8	
No. of days PSA meets	4	27009
Admin		733
Accommodation etc.		1200
Total PSA start up cost		28942

Annual cost		
PSA		Totals
No. Members	20	
No. Stakeholders	8	
No. of days PSA meets	2	13505
Admin		366
Accommodation etc.		600
Total PSA Annual cost		14471

### Port Security Risk Assessment

Annual cost start up		
PSA		Totals
No. Members	20	
No. Stakeholders	8	
No. days PSA meets	10	67523
Admin		1832
Accommodation etc		3000
Total PRSA start up cost		72355

Annual cost on going		
PSA		Totals
No. Members	20	
No. Stakeholders	8	
No. of days PSA meets	2	13505
Admin		366
Accommodation etc.		600
Total PSRA Annual cost		14471

### Port Security Plan

PSP Start up year		
		Totals
No. members	1	
No. Stakeholders	0	
No days to complete plan	10	
Total PSP Start up year costs		2412

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

**Estimated Costs to Port of Methil [not the subject of this consultation]**

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

### **Estimated PSR costs over 10 year period (£s)**

## **PSO Costs (£s)**

<b>Start up year</b>		<b>Total</b>
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

## Breakdown of PSA Costs

<b>Start up year</b>		
<b>PSA</b>		<b>Totals</b>
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	4	4823
<b>Admin</b>		733
<b>Accommodation etc.</b>		1200
Total PSA start up cost		6756

<b>Annual cost</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	2	2412
<b>Admin</b>		366
<b>Accommodation etc.</b>		600
Total PSA Annual cost		3378

### Port Security Risk Assessment

<b>Annual cost start up</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	3	
No. Stakeholders	2	
No. days PSA meets	5	6029
<b>Admin</b>		916
<b>Accommodation etc.</b>		1500
Total PRSA start up cost		8445

<b>Annual cost on going</b>		<b>Totals</b>
<b>PSA</b>		
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	2	2412
<b>Admin</b>		366
<b>Accommodation etc.</b>		600
Total PRSA Annual cost		3378

### Port Security Plan

<b>PSP Start up year</b>		<b>Totals</b>
<b>PSA</b>		
No. members	1	
No. Stakeholders	0	
No days to complete plan	5	
Total PSP Start up year costs		1,206

<b>PSP Annual costs</b>		<b>Totals</b>
<b>PSA</b>		
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

**Estimated Costs to Port of Oban**

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

**Estimated PSR costs over 10 year period (£s)**

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	9650	3860	3860	3860	3860	3860	3860	3860	3860	3860
PSP	1206	482	482	482	482	482	482	482	482	482
Total	35936	16882	16882	16882	16882	16882	16882	16882	16882	16882
	<b>Total estimated cost for first 10 years</b>									<b>187874</b>

**PSO Costs (£s)**

Start up year		Total
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

**Breakdown of PSA Costs (£s)**

Start up year	Totals
PSA	
No. Members	6
No. Stakeholders	0
No. of days PSA meets	4
Admin	5788
Accommodation etc.	733
Total PSA start up cost	1200
	7720

Annual cost		
PSA		Totals
No. Members	6	
No. Stakeholders	0	
No. of days PSA meets	2	2894
Admin		366
Accommodation etc.		600
Total PSA Annual cost		3860

### Port Security Risk Assessment

Annual cost start up		
PSA		Totals
No. Members	6	
No. Stakeholders	0	
No. days that PSA meets	5	7235
Admin		916
Accommodation etc		1500
Total PRSA start up cost		9650

Annual cost on going		
PSA		Totals
No. Members	6	
No. Stakeholders	0	
No. of days PSA meets	2	2894
Admin		366
Accommodation etc.		600
Total PSA Annual cost		3860

### 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

### Estimated Costs to Port of Peterhead

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

#### **Estimated PSR costs over 10 year period (£s)**

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	12062	4825	4825	4825	4825	4825	4825	4825	4825	4825
PSP	1206	482	482	482	482	482	482	482	482	482
Total	38347	17847	17847	17847	17847	17847	17847	17847	17847	17847
<b>Total estimated cost for first 10 years</b>										<b>198970</b>

#### **PSO Costs (£s)**

Start up year		Total
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

#### **Breakdown of PSA Costs (£s)**

Start up year	Totals
PSA	
No. Members	5
No. Stakeholders	3
No. of days PSA meets	4
Admin	7717
Accommodation etc.	733
Total PSA start up cost	1200
	9649

Annual cost		
PSA		Totals
No. Members	5	
No. Stakeholders	3	
No. of days PSA meets	2	3858
Admin		366
Accommodation etc.		600
Total PSA Annual cost		4825

### Port Security Risk Assessment

Annual cost start up		
PSA		Totals
No. Members	5	
No. Stakeholders	3	
No. of days PSA meets	5	9646
Admin		916
Accommodation etc		1500
Total PRSA start up cost		12062

Annual cost on going		
PSA		Totals
No. Members	5	
No. Stakeholders	3	
No. of days PSA meets	2	3858
Admin		366
Accommodation etc.		600
Total PSA Annual cost		4825

### 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

## **Estimated Costs to Port of Plymouth**

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

## **Estimated PSR costs over 10 year period (£s)**

## PSO Costs (£s)

<b>Start up year</b>		<b>Total</b>
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

## **Breakdown of PSA Costs (£s)**

Start up year		
PSA		Totals
No. Members	5	
No. Stakeholders	2	
No. of days PSA meets	4	6752
Admin		733
Accommodation etc.		1200
Total PSA start up cost		8685

Annual cost		
PSA		Totals
No. Members	5	
No. Stakeholders	2	
No. of days PSA meets	2	3376
Admin		366
Accommodation etc.		600
Total PSA Annual cost		4342

### Port Security Risk Assessment

Annual cost start up		
PSA		Totals
No. Members	5	
No. Stakeholders	2	
No. days that PSA meets	5	13505
Admin		1465
Accommodation etc		2400
Total PRSA start up cost		17370

Annual cost on going		
PSA		Totals
No. Members	5	
No. Stakeholders	2	
No. of days PSA meets	2	3376
Admin		366
Accommodation etc.		600
Total PSA 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

**Estimated Costs to Port of Portsmouth [not the subject of this consultation]**

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

**Estimated PSR costs over 10 year period (£s)**

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	7239	2896	2896	2896	2896	2896	2896	2896	2896	2896
PSP	1206	482	482	482	482	482	482	482	482	482
Total	33525	15918	15918	15918	15918	15918	15918	15918	15918	15918
<b>Total estimated cost for first 10 years</b>										<b>176787</b>

**PSO Costs (£s)**

Start up year		Total
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

**Breakdown of PSA Costs (£s)**

Start up year		Totals
PSA		
No. Members	3	
No. Stakeholders	1	
No. of days PSA meets	4	3858
Admin		733
Accommodation etc.		1200
Total PSA start up cost		5791

Annual cost		
PSA		Totals
No. Members	3	
No. Stakeholders	1	
No. of days PSA meets	2	1929
Admin		366
Accommodation etc.		600
Total PSA Annual cost		2896

### Port Security Risk Assessment

Annual cost start up		
PSA		Totals
No. Members	3	
No. Stakeholders	1	
No. days that PSA meets	5	4823
Admin		916
Accommodation etc		1500
Total PRSA start up cost		7239

Annual cost on going		
PSA		Totals
No. Members	3	
No. Stakeholders	1	
No. of days PSA meets	2	1929
Admin		366
Accommodation etc.		600
Total PSA Annual cost		2896

### 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

## **Estimated Costs to Port of Rosyth [not the subject of this consultation]**

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

#### **Estimated PSR costs over 10 year period (£s)**

## PSO Costs (£s)

<b>Start up year</b>		<b>Total</b>
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

### **Breakdown of PSA Costs (£s)**

Start up year		
PSA		Totals
No. Members	3	
No. Stakeholders	5	
No. of days PSA meets	4	7717
Admin		733
Accommodation etc.		1200
Total PSA start up cost		9649

Annual cost		
PSA		Totals
No. Members	3	
No. Stakeholders	5	
No. of days PSA meets	2	3858
Admin		366
Accommodation etc.		600
Total PSA Annual cost		4825

### Port Security Risk Assessment

Annual cost start up		
PSA		Totals
No. Members	3	
No. Stakeholders	5	
No. of days PSA meets	5	9646
Admin		916
Accommodation etc		1500
Total PRSA start up cost		12062

Annual cost on going		
PSA		Totals
No. Members	3	
No. Stakeholders	2	
No. of days PSA meets	2	3858
Admin		366
Accommodation etc.		600
Total PSA Annual cost		4825

### 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

## Estimated Costs to Port of Shoreham

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

### **Estimated PSR costs over 10 year period (£s)**

## PSO Costs (£s)

<b>Start up year</b>		<b>Total</b>
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

## **Breakdown of PSA Costs (£s)**

Start up year		
PSA		Totals
No. Members	6	
No. Stakeholders	1	
No. of days PSA meets	4	6752
Admin		733
Accommodation etc.		1200
Total PSA start up cost		8685

Annual cost		
PSA		Totals
No. Members	6	
No. Stakeholders	1	
No. of days PSA meets	2	3376
Admin		366
Accommodation etc.		600
Total PSA Annual cost		4342

### Port Security Risk Assessment

Annual cost start up		
PSA		Totals
No. Members	6	
No. Stakeholders	1	
No. of days PSA meets	5	8440
Admin		916
Accommodation etc		1500
Total PRSA start up cost		10856

Annual cost on going		
PSA		Totals
No. Members	6	
No. Stakeholders	1	
No. of days PSA meets	2	3376
Admin		366
Accommodation etc.		600
Total PSA 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

**Estimated Costs to Port of Thames [not the subject of this consultation]**

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

#### **Estimated PSR costs over 10 year period (£s)**

## PSO Costs (£s)

<b>Start up year</b>		<b>Total</b>
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

## **Breakdown of PSA Costs (£s)**

Start up year		
PSA		Totals
No. Members	52	
No. Stakeholders	10	
No. of days PSA meets	4	59806
Admin		733
Accommodation etc.		1200
Total PSA start up cost		61739

Annual cost		Totals
PSA		
No. Members	52	
No. Stakeholders	10	
No. of days PSA meets	2	29903
Admin		366
Accommodation etc.		600
Total PSA Annual cost		30869

### Port Security Risk Assessment

Annual cost start up		Totals
PSA		
No. Members	52	
No. Stakeholders	10	
No. of days PSA meets	15	224273
Admin		2747
Accommodation etc		4500
Total PRSA start up cost		231520

Annual cost on going		Totals
PSA		
No. Members	52	
No. Stakeholders	10	
No. of days PSA meets	2	29903
Admin		366
Accommodation etc.		600
Total PSA Annual cost		30869

### Port Security Plan

PSP Start up year		Totals
No. members	1	
No. Stakeholders	0	
No days to complete plan	15	
Total PSP Start up year costs		3617

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

### Estimated Costs to Port of Troon

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

### **Estimated PSR costs over 10 year period (£s)**

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	7239	2896	2896	2896	2896	2896	2896	2896	2896	2896
PSP	1206	482	482	482	482	482	482	482	482	482
Total	33524	15918	15918	15918	15918	15918	15918	15918	15918	15918
	<b>Total estimated cost for first 10 years</b>									<b>176786</b>

### **PSO Costs (£s)**

Start up year		Total
No. of working days	104	25080
<b>Annual cost</b>		
No. of working days	52	12540

### **Breakdown of PSA Costs (£s)**

Start up year	Totals
PSA	
No. Members	3
No. Stakeholders	1
No. of days PSA meets	4
Admin	733
Accommodation etc.	1200
Total PSA start up cost	5791

Annual cost		
PSA		Totals
No. Members	3	
No. Stakeholders	1	
No. of days PSA meets	2	1929
Admin		366
Accommodation etc.		600
Total PSA Annual cost		2896

### Port Security Risk Assessment

Annual cost start up		
PSA		Totals
No. Members	3	
No. Stakeholders	1	
No. of days PSA meets	5	4823
Admin		916
Accommodation etc		1500
Total PRSA start up cost		7239

Annual cost on going		
PSA		Totals
No. Members	3	
No. Stakeholders	1	
No. of days PSA meets	2	1929
Admin		366
Accommodation etc.		600
Total PSA Annual cost		2896

### 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

**Estimated Costs to Port of Tyne [not the subject of this consultation]**

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	= PSO/PFSO salary divided by 260 working days per year x 1.1 for +10% expenses
Admin	21646	91.58	= Admin salary divided by 260 working days per year x 1.1 for +10% expenses
Accommodation	37.5	300.00	based on 8 hour day

**Estimated PSR costs over 10 year period (£s)**

	Yr 1	Yr2	Yr3	Yr4	Yr5	Yr6	Yr7	Yr8	Yr9	Yr10
Start										
PSO	25080	12540	12540	12540	12540	12540	12540	12540	12540	12540
PSA	0	0	0	0	0	0	0	0	0	0
PSRA	19296	7719	7719	7719	7719	7719	7719	7719	7719	7719
PSP	1206	482	482	482	482	482	482	482	482	482
Total	45582	20741	20741	20741	20741	20741	20741	20741	20741	20741
	<b>Total estimated cost for first 10 years</b>									<b>232251</b>

**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 (£s)**

Start up year		Totals
PSA		
No. Members	12	
No. Stakeholders	2	
No. of days PSA meets	4	13504
Admin		733
Accommodation etc.		1200
Total PSA start up cost		15437

Annual cost		
PSA		Totals
No. Members	12	
No. Stakeholders	2	
No. of days PSA meets	2	6752
Admin		366
Accommodation etc.		600
Total PSA Annual cost		7719

### Port Security Risk Assessment

Annual cost start up		
PSA		Totals
No. Members	12	
No. Stakeholders	2	
No. of days PSA meets	5	16881
Admin		916
Accommodation etc		1500
Total PRSA start up cost		19296

Annual cost on going		
PSA		Totals
No. Members	12	
No. Stakeholders	2	
No. of days PSA meets	2	6752
Admin		366
Accommodation etc.		600
Total PSA Annual cost		7719

### 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

## Annex U

### EqlA Screening Proforma

**Name of the function, policy or strategy:** The Port Security (Port of Barrow, Port of Cardiff, Port of Coleraine, Port of Cromarty Firth, Port of Felixstowe/Harwich, Port of Fowey, Port of Great Yarmouth, Port of Ipswich, Port of Londonderry, Port of Medway, Port of Methil, Port of Oban, Port of Peterhead, Port of Plymouth, Port of Portsmouth, Port of Rosyth, Port of Shoreham, Port of Thames, Port of Troon, and Port of Tyne – hereafter referred to as “the Listed Ports”) Designation Orders 2013. **Current or Proposed:** Proposed

**Person completing the assessment:** Caroline Wall  
**Date of assessment:** 01/03/13

**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
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 policy could discriminate, directly or indirectly? (Consider those who implement it on a day to day basis)?	No	No	No	No	No	No	No	No
Is there any stakeholder (staff, public, unions)	No	No	No	No	No	No	No	No

concern in the policy area about actual, perceived or potential discrimination against a particular group(s)?

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							
Is there any evidence or indication of higher or lower uptake by different groups?	No							
Are there physical or social barriers to participation/access (e.g. language, format, physical access/proximity)?	No							

If you have answered “no” to all the questions, an EqIA is not required.

# Annex K – Consultation principles

The consultation is being conducted in line with the Government's key consultation principles which are listed below. Further information is available on the Better Regulation Executive website at

<https://www.gov.uk/government/publications/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)

## Consultation principles

- departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before;
- departments will need to give more thought to how they engage with and consult with those who are affected;
- consultation should be ‘digital by default’, but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

This consultation, like previous consultations on the implementation of the Directive, is for a reduced six week period, having been preceded by informal consultation with the Listed Ports.

# Annex L – List of those consulted

## **National Organisations**

Association of Chief Police Officers (ACPO)  
Associated British Ports (ABP)  
Association of Port Health Authorities (APHA)  
British Ports Association (BPA)  
Department for Regional Development, Northern Ireland (DRDNI)  
Downstream Fuel Association (DFA)  
Home Office Immigration Enforcement  
Maritime and Coastguard Agency (MCA)  
Oil and Gas UK  
Scottish Office  
Tank Storage Association (TSA)  
UK Major Ports Group (UKMPG)  
UKLPG  
United Kingdom Petroleum Industry Association (UKPIA)  
Welsh Office

## **Barrow**

Harbour Master Cardiff  
Newport Harbour Commissioners  
ABP South Wales  
Cardiff Council  
South Wales Police  
PFSO HCB Storage Ltd  
PFSO Inver Energy (UK) Ltd  
PFSO Roath Dock Terminal  
PFSO European Metal Recycling  
PFSO Valero Energy  
PFSO Queen Alexander Dock Oil Berth No.1  
PFSO Vopak Terminal Ltd  
PFSO ABP Newport  
PFSO SIMS metal Newport  
PFSO Mir Steel UK Ltd  
PFSO Birdport

## **Cardiff, Newport and Barry**

Harbour Master Cardiff  
Newport Harbour Commissioners  
ABP South Wales  
Cardiff Council  
South Wales Police  
PFSO HCB Storage Ltd  
PFSO Inver Energy (UK) Ltd  
PFSO Roath Dock Terminal  
PFSO European Metal Recycling  
PFSO Valero Energy  
PFSO Queen Alexander Dock Oil Berth No.1  
PFSO Vopak Terminal Ltd  
PFSO ABP Newport  
PFSO SIMS metal Newport  
PFSO Mir Steel UK Ltd  
PFSO Birdport

## **Cromarty Firth**

Admiralty Pier  
Cromarty Firth Port Authority  
Nigg Oil Terminal  
Nigg Fabrication Facility  
Evanton Spoolbase  
Northern Constabulary  
Highland Council

## **Fowey**

Fowey Harbour Commission  
Fowey Docks  
Cornwall Council  
Devon and Cornwall Police

## **Oban**

Marine Operations Manager, Argyll and Bute Council  
PFSO Campbelltown Harbour PAX/OBC  
PFSO Gigha South Pier PAX  
PFSO Oban Bay Harbour & Oban Times Slipway OBC  
PFSO Iona Slipway PAX  
PFSO Lismore Slipway PAX  
PFSO Northern Lighthouse Board PAX  
PFSO Corpach Harbour OBC  
Glensanda OBC  
Ardishaig

Craignuire Pier  
Scottish Police Portal  
Caledonian Maritime Assets Ltd

### **Peterhead**

Peterhead Offshore Supply South Base  
Peterhead Port Authority  
Peterhead Offshore Supply North Base

### **Plymouth**

Queen's Harbour Master  
Cattewater Harbour Master  
PFSO ABP Plymouth – Millbay  
PFSO Victoria Wharf  
PFSO Pophlett Jetty  
PFSO Cattedown Wharves  
Devon and Cornwall Police  
Plymouth City Council

### **Shoreham**

Shoreham Port Authority  
Portslade (CEMEX Materials Ltd, Halls Wharf)  
Free Wharf  
Solent Aggregates (Basin Road)  
Turberville & Penny's Wharf  
Portslade Halls Wharf

### **Troon**

ABP Troon  
P&O European Ferries (Irish Sea) Ltd, Troon  
Troon Yacht Haven  
Garvel Clyde