

EXPLANATORY MEMORANDUM TO

THE ST. IVES (G7 SUMMIT 2021) HARBOUR REVISION ORDER 2021

2021 No. 572

1. Introduction

- 1.1 This explanatory memorandum has been prepared by the Marine Management Organisation (“the MMO”) and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

- 2.1 The purpose of this instrument is to temporarily extend the area of jurisdiction of St. Ives Harbour to include St. Ives Bay, excluding Hayle Harbour, for the duration of 7 June until 15 June 2021, inclusive (“the G7 period”). The temporary extension of jurisdiction will allow the existing powers of Cornwall Council (“the harbour authority”) to be exercised over the extended area for the duration of the G7 period. The instrument will also confer modern powers of general and special direction to enable the harbour authority to effectively manage the expected increase in harbour-based activity during the G7 Summit.
- 2.2 The instrument will cease to have effect at the termination of the G7 period (11:59pm on 15 June 2021). Provisions are included in this instrument which allow for any proceedings and inquiries initiated while the Order was in effect to be continued after it ceases.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

- 3.1 None.

Matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business (English Votes for English Laws)

- 3.2 As the instrument is subject to negative resolution procedure there are no matters relevant to Standing Orders Nos. 83P and 83T of the Standing Orders of the House of Commons relating to Public Business at this stage.

4. Extent and Territorial Application

- 4.1 The territorial extent of this instrument is England and Wales.
- 4.2 The territorial application of this instrument is England only.

5. European Convention on Human Rights

- 5.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

6. Legislative Context

- 6.1 Cornwall Council is the statutory harbour authority for St. Ives Harbour and is governed by its own local legislation for the harbour, collectively known as the St.

Ives Harbour Act and Orders 1853 to 1993 (“the local legislation”). The harbour authority is responsible for the administration, maintenance, and improvement of the harbour.

- 6.2 The harbour authority applied to the MMO on 23 March 2021 for the St. Ives (G7 Summit 2021) Harbour Revision Order 2021 (“the Order”).
- 6.3 The responsibility for the consideration of the application, and the making of any Order, passed to the MMO by virtue of the Harbours Act 1964 (Delegation of Functions) Order 2010 (S.I. 2010/674) which delegated the Secretary of State’s functions under section 14 of the Harbours Act 1964 (c. 40) (“the Act”) to the MMO except in relation to specified applications.

7. Policy background

What is being done and why?

- 7.1 The 47th G7 Summit will be held at the Carbis Bay Hotel, near Hayle, Cornwall from 11 to 13 June 2021. The G7 is made up of the United Kingdom, Canada, France, Germany, Italy, Japan and the USA, with the EU participating in discussions as a guest. Leaders from Australia, India and South Korea have also been invited to attend the 47th G7 Summit as guest countries.
- 7.2 The Port Marine Safety Code (“PMSC”) published by the Department for Transport sets out a national standard for all current aspects of port marine safety. The PMSC seeks to enhance safety for everyone who uses or works in the UK port marine environment. The PMSC can be viewed on the link below:
https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/918935/port-marine-safety-code.pdf
- 7.3 The PMSC identifies a number of tasks which harbour authorities should undertake in order to comply with the PMSC including reviewing and being aware of existing powers based on local and national legislation and it advises that harbour authorities should seek additional powers if the existing powers are insufficient to meet their obligations to provide safe navigation. In particular, paragraph 2.5 of the PMSC states:
“... harbour authorities would be well advised to secure powers of general direction or harbour direction to support the effective management of vessels in their harbour waters if they do not have them already”.
- 7.4 The harbour authority conducted a review of their local legislation and identified a need to extend their harbour limits and gain modern powers of general and special direction in order to safely manage the expected increase in harbour-based activities prior to, during, and shortly after the duration of the G7 Summit. General and special directions can be used to control movement of vessels, people and vehicles in the harbour area, for the safe and efficient management of the harbour. Failure to comply with general and special directions carries a criminal penalty.
- 7.5 The harbour authority required an extension of the harbour limits for a temporary period to enable the Secretary of State to designate a restricted zone of a harbour area under section 20 of the Aviation and Maritime Security Act 1990 (c. 31). This would temporarily limit access to the waters adjoining the area around where the G7 Summit is to be held in order to provide additional security to the attending world leaders.

Once a zone is designated as a restricted zone, no person, vehicle or vessel may enter the zone unless they are authorised to do so and additionally anyone permitted to enter must do so in accordance with the conditions attached to the permission. Furthermore, any person can be required to leave a restricted zone. The MMO is not responsible for the implementation of the restricted zone. The Secretary of State may direct that a harbour authority shall apply to the Secretary of State for the designation of the whole or any part of the harbour area as a restricted zone.

- 7.6 A similar use of the power in section 14 of the Harbours Act 1964, to extend the waters of a harbour authority for a limited period in order to provide a regulatory basis for excluding maritime traffic from the enlarged harbour area on safety grounds, was made by the Portland (The London 2012 Olympic and Paralympic Games) Harbour Revision Order 2011 (2011/1693). In that context, the exclusion of maritime traffic was achieved using general and special directions, rather than the designation of a restricted zone under section 20 of the Aviation and Maritime Security Act 1990.
- 7.7 The Order also sets out the consequences of failing to comply with a general or special direction and contains a saving provision which will allow any proceedings started during the G7 Summit period to be continued after the Order ceases to have effect.
- 7.8 The Order grants the harbour authority the power to nominate sworn police officers to be appointed as constables in the harbour police area by a justice of the peace. The harbour police area is defined as the existing area of St. Ives Harbour, the additional area and any place within one mile of those areas. Once appointed, existing police officers can use their powers in this area, including in areas of water within the harbour police area.
- 7.9 The Order will cease to have effect at the end of the G7 period. Harbour-based activity is expected to return to normal levels and the heightened need for security will no longer be required. The extended limits and powers granted by this Order will no longer be necessary.

8. European Union (Withdrawal) Act/Withdrawal of the United Kingdom from the European Union

- 8.1 This instrument does not relate to withdrawal from the European Union.

9. Consolidation

- 9.1 This instrument does not consolidate any legislation.

10. Consultation outcome

- 10.1 In accordance with paragraph 10 of Schedule 3 to the Act, a notice was placed in the London Gazette on 29 March 2021 and the Western Morning News on 29 March and 5 April 2021 detailing the application for the Order and how any objections or representations may be registered.
- 10.2 The MMO also consulted with other such bodies it considered to have interest in the Order.
- 10.3 No objections to the Order were received within the statutory period of forty-two days provided for in Schedule 3 to the Act. The consultation ran from 29 March to 9 May 2021.

- 10.4 The MMO considered the representations submitted by the bodies consulted, the harbour authority's responses and the information supplied in the formal application, in its determination of this Order. The MMO was satisfied that the making of the Order is desirable in the interests of securing the improvement, maintenance or management of the harbour. Details of the consultation can be found in the decision letter at: <https://www.gov.uk/government/publications/st-ives-g7-summit-2021-harbour-revision-order>
- 10.5 A hard copy of the consultation is available on application to the Marine Management Organisation, Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH.

11. Guidance

- 11.1 The MMO do not propose to issue guidance in respect of the effects of the Order. However, the harbour authority will publish particulars, and serve copies of the Order in accordance with paragraph 24 of Schedule 3 to the Act.

12. Impact

- 12.1 There is no, or no significant, impact on business, charities or voluntary bodies.
- 12.2 There is no, or no significant, impact on the public sector.
- 12.3 An Impact Assessment has not been prepared for this instrument because there is no, or no significant impact predicted on businesses, charities, voluntary bodies or the public sector.

13. Regulating small business

- 13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

- 14.1 Whilst the MMO will not actively monitor the operation of the provisions introduced by the Order, it will consider any representations received in this respect and will take these into account in the future exercise of its powers.

15. Contact

- 15.1 Melissa Gaskell-Burnup at the MMO can answer any queries regarding the instrument. Address: Lancaster House, Hampshire Court, Newcastle upon Tyne, NE4 7YH. Telephone: 0208 225 8268. Email: harbourorders@marinemanagement.org.uk.
- 15.2 Trudi Wakelin, Director for Marine Licensing, at the MMO can confirm that this Explanatory Memorandum meets the required standard.
- 15.3 Tom McCormack, Chief Executive Officer at the MMO can confirm that this Explanatory Memorandum meets the required standard.