

## Islands (Scotland) Bill

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Bill Number:	SP Bill 15
Introduced on:	9 June 2017
Introduced by:	Fergus Ewing MSP (Government Bill)
Passed:	30 May 2018
Royal Assent:	6 July 2018

2018 asp 12

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### Passage of the Bill

The Rural Economy and Connectivity Committee scrutinised the Bill at Stage 1. Following widespread engagement and evidence taking both in the Parliament and on the islands themselves, it published its [Stage 1 report](#) on Monday 22 January 2018.

The Delegated Powers and Law Reform Committee [reported on](#) the delegated powers set out in the Bill on 1 November 2017.

The [Stage 1 debate](#) on the Islands (Scotland) Bill took place on 8 February 2018.

The Rural Economy and Connectivity Committee considered Stage 2 amendments on 21 and 28 March 2018, and an [amended version of the Bill](#) was published on 29 March 2018.

Following the [Stage 3 debate](#) on 30 May 2018, the Bill was passed and received [Royal Assent](#) on 6 July 2018.

### Purpose and objectives of the Bill

[According to the Scottish Government](#), the Bill-

“...introduces a number of measures to underpin the Government's objective of ensuring that there is a sustained focus across Government and the public sector to meet the needs of island communities both now and in the future.”

## Provisions of the Bill

The Bill focuses on provisions designed to strengthen and protect Scotland's island communities. Key provisions include:

1. The development of a National Islands Plan, which would set out the main objectives and strategy of the Scottish Government in relation to improving outcomes for island communities. Rather than set out a proposed plan, the Bill provides that, following further consultation, the first National Island Plan would be laid before the Scottish Parliament within 12 months of the date on which the Act comes into force.
2. The introduction of duties, placed upon Scottish Ministers and other relevant public bodies, to have regard to island communities in exercising their functions. Under the Bill, public authorities when introducing a new or revised policy, strategy or service, would have to prepare an island communities impact assessment when the impact on island communities is likely to be different from the effect on other communities.
3. The protection of the Scottish parliamentary constituency boundary of Na h-Eileanan an Iar from variation.
4. The allowance of exceptions, for inhabited islands, to the standard three or four member ward rule for local government electoral wards.
5. The introduction of a regulation-making power for the Scottish Government to create a licensing scheme, following a request from a local authority, in relation to works in or under the sea in the coastal waters surrounding islands for up to 12 nautical miles.

## Parliamentary consideration

The Rural Economy and Connectivity Committee published its [Stage 1 report](#) on 22 January 2018. Although the Bill itself is short, the 'framework' nature of the Bill, coupled with the level of engagement and consultation carried out by the Committee, led to many recommendations being made. These cover both the Bill itself, and the mechanisms the Bill seeks to introduce.

The Committee supported the overall principles, and all sections, of the Bill, including the protection of the Scottish Parliamentary constituency boundary of Na h-Eileanan an Iar, and the principle of allowing the Boundary Commission for Scotland more flexibility in ward sizes in island communities.

The Committee considered Stage 2 amendments on 21 and 28 March 2018, and an [amended version of the Bill](#) was published on 29 March 2018.

Key changes included:

- the inclusion of uninhabited islands in the definition of an 'island community';

- the addition of an explicit definition of what is meant by 'an island authority';
- the inclusion of a high-level objective for a National Islands Plan;
- the addition of a clause that means that a National Islands Plan must list those public authorities which will have duties under the new legislation;
- the requirement that, when reporting on the National Islands Plan, Ministers must set out the steps that will be taken when an identified outcome has not improved within the reporting year;
- the inclusion of a three-month time frame (after the end of the reporting year) for the laying of annual reports on the National Islands Plan before the Parliament;
- the addition of the Local Government Boundary Commission for Scotland, all NHS boards, and integration joint boards to the list of public bodies with duties under the Act;
- the inclusion of the requirement for public bodies to explain their reasoning in the event of an island communities impact assessment not being carried out;
- the inclusion of the requirement that Scottish Ministers preparing an island communities impact assessment in respect of legislation should set out the financial implications of steps taken to mitigate outcomes of the relevant legislation;
- a revision meaning that an electoral ward which may be eligible to become a one or two member ward could be formed 'wholly or partly' of one or more inhabited islands (previously 'wholly or mainly');
- revisions to the definition of dredging activity;
- the removal of the requirement for an island to fall wholly within a marine licensing area.

A number of amendments which sought to add further provisions or definitions to the Bill, along with a series of technical amendments, were not agreed to.

At the [Stage 3 debate](#) on 30 May 2018, further changes were made to the Bill. In addition to some wording changes, these included:

- provisions relating to specific aims of a National Islands Plan, including increasing population levels, environmental wellbeing, improving transport services, improving digital connectivity, reducing fuel poverty, ensuring effective management of the Crown Estate, and enhancing biosecurity;

- a mechanism for review of decisions relating to island communities impact assessments;
- a duty of the Scottish Ministers to have regard to request for retrospective island communities impact assessment;
- a scheme for requests by local authorities for devolution of functions, and for requests for additional powers;
- a duty to consult island communities;
- delegation of functions relating to regional marine plans;
- reporting on the Act; and,
- a Shetland mapping requirement, which stipulates that Scottish public authorities must, in any map of Scotland, display the Shetland Islands in a manner which accurately and proportionately represents their geographical location in relation to the rest of Scotland.