



22 April 2025

Dear Chair of the Economy, Trade and Rural Affairs Committee

Please find below detailed an explanation of the regulatory regimes for ports that are in place including an outline of how the different regulatory regimes in the UK Government operate that was requested following the ETRA Committee on 06 March.

Reserved to UK Government

Most of the regulatory regimes for Ports are reserved to UK Government. Under the Health and Safety at Work etc Act 1974 (HSW Act), employers, people in control of premises, the self-employed and employees must ensure the health and safety of others and themselves. There are also regulations that apply to all industries because many of the hazards will be the same. But some industries do have specific pieces of legislation. In the port industry, these include:

- the Docks Regulations 1988; 2 of 11 pages Health and Safety Executive A quick guide to health and safety in ports
- the Dangerous Substances in Harbour Areas Regulations 1987; and
- the Loading and Unloading of Fishing Vessels Regulations 1988.

The Approved Code of Practice Safety in Docks (COP25) covers the Docks Regulations 1988 but much of that material has been repealed and replaced by more recent legislation. The HSW Act and associated regulations do not apply to seamen working onboard ship under the control of the ship's master. Comparable Merchant Shipping Health and Safety Regulations do apply to ships' crew and are enforced by the Maritime and Coastguard Agency (MCA).

There are also regulations that apply to all industries because many of the hazards will be the same regardless of the industry involved. But some industries do have specific pieces of legislation. In the port industry, these include:

- [Duties under the Dangerous Goods in Harbour Areas Regulations 2016 \(DGHAR\)](#)

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Ken.Skates@llyw.cymru
Correspondence.Ken.Skates@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

- [The Loading and Unloading of Fishing Vessels Regulations 1988](#).

The Docks Regulations 1988 were in force until 6th April 2014. The old ACOP 'Safety in Docks' (COP25) was withdrawn at the same time and replaced by a new [Safety in Docks ACOP \(L148\)](#)

Marine Accident Investigation Branch (MAIB) is a UK Government organisation, specifically an independent unit within the Department for Transport. They are responsible for:

- carrying out investigations to determine the causes of accidents at sea
- publishing reports that include MAIB recommendations on improving safety at sea and the actions we've taken
- increasing awareness of how marine accidents happen
- improving national and international co-operation in marine accident investigations
- The British Ports Association has mapped some of the most important pieces of legislation and regulation that affect ports, but this does emphasise the complex nature of regulations that face the operation of Ports. [Mapping Port Regulation - British Ports Association](#).

Port Health Authorities

Port Health Authorities (PHAs) are constituted with the primary objective of preventing the introduction into the country of dangerous epidemic, contagious and infectious diseases and ensuring the wholesomeness of imported food.

A PHA is a specially created local authority specific to an air or sea port, which cuts across existing council boundaries which have a common purpose in dealing with a port – i.e. duties under the International Health Regulations. The PHA will absorb delegated statutory functions from each Local Authority which it cuts across in relation to these activities. In many areas across Wales, the Local Authority discharges port health border functions without setting up a PHA. This is common in Scotland. It is also worth noting that Ynys Mon hasn't set up a PHA.

The Association of Port Health Authorities is the only UK wide organisation representing the interests of Local Authorities and Port Health Authorities with responsibilities for health controls at sea and airports. It is a formally constituted company which represents almost all employers of port health teams. It sits outside the Welsh Local Government Association but liaises with central government on behalf of ports of entry.

Further details of their roles can be found here; [The Association of Port Health Authorities |](#)

Home Office / Border Force

Border Force is the part of the Home Office responsible for securing the UK border 24 hours a day, 365 days a year by enforcing immigration and customs regulations.

[Border Force - GOV.UK](#)

Borders Control Posts

New processes for safety and security controls (applying to all imports), and sanitary and phytosanitary controls (applying to imports of live animals, animal products, plants and plants products and high-risk food and feed not of animal origin) were published in the UK

Government's Border Target Operating Model in August 2023. These changes are now being phased in.

31 January 2024 saw the introduction of import pre-notification for Products of Animal Origin (POAO) and Export Health Certificates on imports of medium-risk animal products, plants, plant products and high-risk food and feed of non-animal origin from the EU, other than Qualifying Northern Ireland Goods. Further details can be found [here](#).

[Post EU-exit border controls and infrastructure | GOV.WALES](#)

The Employment Rights Bill / the Seafarers' Wages Act 2023

The Employment Right Bill amends the Seafarers' Wages Act 2023 to give the Secretary of State power to make regulations specifying the wages and working conditions of seafarers working on ships providing services currently covered by that Act. Those conditions are enforceable in the same way as existing provisions of that Act.

Devolved

Harbour Revision Orders HROs

The Harbours Act 1964 ("HA 1964") gives powers to the Welsh Ministers to extend and/or amend the powers and duties of a SHA, close a harbour or create a new harbour along with the SHA which will assume responsibility for it. These powers are exercised via harbour orders ("HO"), a form of subordinate legislation which can take various forms. HOs may be made upon application by a SHA, a petitioner seeking an empowerment order, or in some cases the appropriate Minister acting on their own initiative.

HOs can broadly be categorised into two types, 'works' orders are those which seek to build or develop a part, or whole, of a harbour. Applications which do not include such projects are for 'non-works' orders. The application process for the two types varies.

Harbour Dues

The Wales Act 2017 provides that in Wales, the controlling authority for most ports and harbours is the Welsh Ministers (the exception being reserved trust ports). Under the Harbours Act 1964 ("HA 1964"), statutory harbour authorities ("SHAs"), have the power to impose "harbour dues on users of the harbour". The term "harbour dues" encompasses, "ship, passenger and goods dues". These harbour dues are charges, which section 57 of the HA 1964 defines as including "fares, rates, tolls and dues of every description".

Namely those charges are associated with:

- ships entering, using, or leaving the harbour.
- passengers embarking or disembarking at the harbour; and
- goods.

but not charges levied for the use of ancillary facilities at the harbour or port in question provided for passengers or goods.

Right of objection

Section 31 (1) provides a right of objection to "ship, passenger and goods dues". Section 31 (2)(a) allows a person or representative body with substantial interest, to object to charges by putting the objection in writing to the Secretary of State ("SoS"). Written objection to a charge can be made on various grounds.

Further information can be found the Welsh Government website; [Ports and harbours | Sub-topic | GOV.WALES](#)

Planning and Consenting

Wales currently has three tiers of consenting processes for most infrastructure projects (there are some exceptions):

Smaller projects are decided by local planning authorities.

Larger projects, where consenting is devolved, are decided by the Welsh Government through the Developments of National Significance (DNS) process; and

Larger projects, where consenting is not devolved, are decided by the UK Government through the Nationally Significant Infrastructure Projects (NSIP) process.

The Infrastructure (Wales) Act will establish a new consenting process for major infrastructure projects in Wales, including significant energy, waste, water and transport, projects. This bill will streamline the decision-making process, helping to support port investment and development, to ensure that our ports are ready to take advantage of opportunities such as offshore wind projects.

Further information on planning can be found [here](#).

[Building and planning | Topic | GOV.WALES](#)

Marine Licences

Many activities that take place in and around the sea need a marine licence. Natural Resources Wales is responsible for marine licensing in Welsh waters. Further background can be found [here](#).

[Natural Resources Wales / Marine licensing](#)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken', enclosed in a thin black rectangular border.

Ken Skates AS/MS

Ysgrifennydd y Cabinet dros Drafnidiaeth a Gogledd Cymru
Cabinet Secretary for Transport and North Wales