

PE1722/E

Scottish Government submission of 7 September 2019

Thank you for your email of 12 August regarding the reasons why Island Communities Impact Assessments (ICIAs) have not yet come into force as detailed in the Islands (Scotland) Act 2018.

Background

The Islands (Scotland) Act was granted Royal Assent on 6 July 2018. The first Commencement Regulations were laid on 20 September and came into force on 4 October 2018.

The first set of provisions included the development of a National Islands Plan; a Shetland mapping requirement; a duty to consult island communities; and development of a scheme under which requests by local authorities for devolution of functions and additional powers may be made.

The priority has been to develop the **National Islands Plan** and to establish the **scheme under which the island authorities can request additional powers**, because the Act contains a statutory timescale for both of these to be produced. In the case of the National Islands Plan this must be laid in Parliament within one year of the provisions being commenced (i.e. 4 October 2019) and for the scheme relating to the powers, this was established within a year of Royal Assent (i.e. 6 July 2019).

There are two key elements of the Islands (Scotland) Act 2018 that did not come into force on 4 October as guidance, regulations or other preparatory work will be required. These are:

- i. provisions relating to licensing of development activities in the seas around the islands; and
- ii. provisions relating to Island Community Impact Assessments (ICIAs) which is one of the key policies included within the Act

Islands Communities Impact Assessments:

[Section 8](#) of the Islands (Scotland) Act 2018 which refers to the Island Communities Impact Assessments (ICIAs), has not yet been commenced. Work on the guidance and templates for the ICIAs is being progressed in tandem with work on the National Islands Plan with a view to ensuring it is commenced as soon as possible.

In the meantime, although the requirement to carry out an ICIA has not yet been formally commenced, the expectation is that Scottish Government should, where possible be operating in the spirit of the Act and taking island issues into account when developing or reviewing policies, strategies or services. The advice to our agencies and partners is to do likewise, and consider island issues in their work bearing in mind that the Act would allow for ICIAs to potentially be applied retrospectively, where appropriate.

Retrospective Islands Communities Impact Assessments:

[Section 14 of the 2018 Act](#) makes provision for retrospective ICIAs. The key points are:

they may be requested **only** in relation to **existing legislation or national strategies** (prepared and published by the Scottish Ministers) which have an effect on an island community which is significantly different from their effect on other communities

- may be requested only **by local authorities listed in the schedule** to the Act
- requests are to be made **to the Scottish Ministers** who must confirm within three months their decision to either approve, or not approve, the request
- if approved, the ICIA is to be **prepared and published by Ministers** within six months of the date of their decision.

With regards to when ICIA's will be introduced, policy instructions informed by the recent consultation process are currently being drafted, and we have an illustrative timetable in place. Ideally the regulations will be laid in Parliament by the end of this year, coming into force in early 2020. This work is being taken forward in tandem with the creation of the National Islands Plan.