

Dear

22 June 2022

Request for Information – ATISN 18561

I wrote to you on 8 June regarding your request for information. Thank you for your email back clarifying your request.

Your request

You asked for the following information regarding annual submissions of statutory harbour authorities:

1. I understand that all Statutory Harbour Authorities in Wales now have to submit their annual accounts to the Welsh Government at this email address. Therefore, under the Freedom of Information Act, please can you provide submissions since 2018 for Ceredigion Harbours?
2. On receipt of these accounts, what oversight action does the Welsh Government then take? Please summarise any action/comments by the Government regarding Ceredigion Harbours.
3. Under the Harbours Act of 1964, stakeholders have the rights to appeal to national government if they believe the Harbour Authorities are not acting or charging fees in accordance with the principles set out in the Act - or with reference to UK Guidance for correctly managing a Harbour. Please could you explain what is the current process of censure and appeal is under devolution from Westminster? You confirmed that you are referring to section 31 of the Harbours Act 1964 which provides a right of objection to the Secretary of State against the imposition of ship, passenger and goods dues on four grounds.

Our response

I can confirm that we hold the information you have requested. Please see answers below to each question:

For question one, Statutory Harbour Authorities (“SHAs”) have a statutory duty under section 42 (1) of the Harbours Act 1964 (“the 1964 Act”) to prepare an annual statement of accounts in line with the requirements of the Companies Act 2006. They also have a duty to send a copy of the statement together with a copy of the auditor’s report and a report on the state of affairs disclosed by the statement to the Welsh Ministers under section 42 (5).

No such statements or reports have been received by the Welsh Ministers from any of the SHAs within Ceredigion since 2018.

For question two, there are no specific requirements on the Welsh Ministers under the 1964 Act or the [Ports Good Governance Guidance](#) in relation to oversight of accounts and reports received from SHAs. We have not received any submissions from any of the SHAs within Ceredigion or taken any action or made any comments regarding their accounts.

The Ports Good Governance Guidance states that “SHAs should generally operate in an open, transparent, and accountable way, making a range of information available to

stakeholders about their organisation and activities, subject to commercial and data confidentiality considerations. Annual reports and regularly updated websites are likely to be important ways of doing this”.

For question three, the legal framework relating to harbour charges. The functions and powers of the Secretary of State included in section 30 and 31 of the 1964 Act relating to harbour charges and dues have been transferred to the Welsh Ministers for most SHAs in Wales under section 29 (2)(b)(v) of the Wales Act 2017.

Section 31 provides a right of objection against the imposition of ship, passenger and goods dues on four specific grounds:

- i. that the charge ought not to be imposed at all;
- ii. that the charge ought to be imposed at a rate lower than that at which it is imposed;
- iii. that, according to the circumstances of the case, ships, passengers or goods of a class specified in the objection ought to be excluded from the scope of the charge either generally or in circumstances so specified; or
- iv. that, according to the circumstances of the case, the charge ought to be imposed, either generally or in circumstances specified in the objection, on ships, passengers or goods of a class so specified at a rate lower than that at which it is imposed on others.

The process for making and considering an objection to harbour charges is provided for in section 31 of the 1964 Act. You can make an objection to the Ports Policy Team via email to the following mailbox: aviationportsandlogistics@gov.wales

Next steps

If you are dissatisfied with the Welsh Government’s handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an internal review should be addressed to the Welsh Government’s Freedom of Information Officer at:

Information Rights Unit, Welsh Government, Cathays Park, Cardiff, CF10 3NQ
or Email: Freedom.ofinformation@gov.wales. Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at: Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,