

Consultation on the application of Part 3 (services and public functions) of the Equality Act 2010 in relation to transporting people by ship or hovercraft or a service provided on a ship or hovercraft

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Foreword

Over the last four decades anti-discrimination legislation has played an important role in helping to make Britain a more equal society. However, the legislation was complex and, despite the progress that has been made, inequality and discrimination persist and progress on some issues has been stubbornly slow.

The Equality Act 2010 (“the Act”) provides a new cross-cutting legislative framework to protect the rights of individuals and advance equality of opportunity for all; to update, simplify and strengthen the previous legislation; and to deliver a simple, modern and accessible framework of discrimination law which protects individuals from unfair treatment and promotes a fair and more equal society.

The Act has replaced an array of Acts and Regulations which have formed the basis of anti-discrimination law in Great Britain for many years. Elements of such Acts and Regulations, which have now been largely repealed, form the basis of anti-discrimination law in Great Britain as it applies to ships and hovercraft. The Act therefore provides an opportunity to bring clarity and uniformity to this area.

Bringing clarity and uniformity to anti-discrimination legislation as it applies to transporting people by ship or hovercraft and a service provided on such vessels is necessary as the scope and the territorial application of such legislation is far from clear. People receiving services onboard ships and hovercraft should, as far as it is reasonable to do so, have the same protection as they would on land.

Nevertheless, discrimination onboard ships and hovercraft is not reported as being a significant problem. So the intended policy approach is to maintain, as far as it is reasonable to do so, the protection which already exists against both direct and indirect discrimination, harassment and victimisation but to make the scope and extent of the legislation much simpler and clearer. Anti-discrimination legislation, in respect of the protected characteristic of disability, will however be strengthened in relation to ships and hovercraft when the EU Regulation on the rights of passengers travelling by sea and inland waterway comes into force in the UK.

We welcome the views of all those who wish to submit an opinion on the proposed approach and we hope through this consultation process that we are able to learn and understand all that is needed in order to be able to devise Regulations that are proportionate, fair, transparent and easy to understand. We look forward to receiving your comments.

Executive Summary

I. Definitions

In this consultation paper reference to

- a *UK flagged ship* means a ship that is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995 and its entry in the register maintained under section 8 of that Act specifies a port of choice in Great Britain;
- a *UK registered hovercraft* means a hovercraft registered in the United Kingdom and operated by a person whose principal place of business, or ordinary residence, is in Great Britain;
- *UK vessels* mean UK flagged ships and UK registered hovercraft as defined above.
- *UK port* refers to a port within Great Britain and includes any berth, excursion point, floating pier or stage, link span, pier, port, stop or anchorage point from or to where passengers are embarked and disembarked;
- *UK waters* refers to waters within the seaward limits of the territorial sea of the UK adjacent to Great Britain.

II. Existing legislation

Existing anti-discrimination legislation (which has been replaced by the Act) dealt separately with specific types of discrimination, harassment and victimisation on the basis of different protected characteristics. The main legislation in the case of service provision and exercise of public functions was the Sex Discrimination Act 1975; the Race Relations Act 1976; the Sex Discrimination Act 1986; the Disability Discrimination Act 1995, the Equality Act 2006, Part 2; and the Equality Act (Sexual Orientation) Regulations 2007.

The scope and territorial application of existing legislation, insofar as it applies to ships and hovercraft, is in the majority of cases, far from clear and the need for clarity and uniformity in respect of the provision of services and the exercise of public functions in relation to vessels is, in the Government's opinion, necessary.

III. Current levels of discrimination

Discrimination onboard ships and hovercraft is not reported as being a significant problem. The Equality and Human Rights Commission (EHRC) is a statutory body that protects, enforces and promotes equality across the seven protected characteristics of age, disability, gender, race, religion and belief, sexual orientation and gender reassignment. The EHRC received 44 complaints of discrimination on passenger ships during the period May 2008 to June 2010.

IV. The Equality Act 2010

The Act has two main purposes which are to harmonise discrimination law and to strengthen the law to support progress on equality. The Act brings together and re-states numerous Acts and Regulations which formed the basis of anti-discrimination law in Great Britain. To achieve this, numerous pieces of existing legislation have been repealed and

amended. The Act covers discrimination because of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation. These categories are known in the Act as 'protected characteristics'. The Act creates a unified approach to discrimination against people with different protected characteristics, where this is appropriate. More information on the Act can be found on the EHRC website www.equalityhumanrights.com/ and on the website of the Government Equalities Office www.equalities.gov.uk.

The core provisions of the Act, including those which largely repeal or amend existing anti-discrimination legislation, came into force on 1 October 2010. However, the Commencement No. 4, Savings, Consequential, Transitional, Transitory and Incidental Provisions and Revocation Order ("the Order") which brought those provisions into force has saved the existing legislation in so far as it concerns a) transporting people by ship or hovercraft; and b) a service provided on a ship or hovercraft. However this is only to be regarded as a temporary measure until such time as the Regulations made under section 30 of the Act come into force. It is those Regulations which are the subject of this consultation.

V. Part 3 of the Equality Act 2010

Part 3 of the Act, which can be found at www.legislation.gov.uk/ukpga/2010/15/part/3, prohibits discrimination, harassment and victimisation in the provision of services and the exercise of public functions. The Act imposes obligations on those concerned with the provision of services to the public, or to a section of the public, whether in the private, public or voluntary sectors. It does not matter if services are provided in return for payment or free of charge. Under the Act, the provision of services to the public includes the provision of goods or facilities. Part 3 of the Act also prohibits discrimination, harassment and victimisation by those who exercise public functions as defined in the Act. The public function provisions apply in relation to a function of a public nature, whether exercised by a public authority or another person (including a private organisation), where the function is not covered by the services, premises, work or education provisions of the Act.

Part 3 does not apply to the protected characteristic of marriage and civil partnership. Neither does it apply to the protected characteristic of age, so far as relating to persons who have not attained the age of 18. The Government Equalities Office is currently considering how to commence Part 3 of the Act as regards the protected characteristic of age (in respect of those over the age of 18) in the best way for business and others. Implementing the age discrimination ban would require secondary legislation to be made, setting out the circumstances in which it would remain lawful to use age as a reason for treating people differently. This would need to be the subject of a separate public consultation. It is envisaged however that there would be an exception from the age discrimination ban to allow concessions (for example cheaper rates for fares, meals, holidays etc for the over 65's and under 21's and age-based holidays (e.g. to allow over 50's and 18-30 holidays)) to continue. It is proposed that the protected characteristic of age would be commenced in relation to the application of Part 3 of the Act to ships and hovercraft without further consultation relating specifically to ships and hovercraft at the same time as the general ban on age discrimination in the provision of services and exercise of public functions is introduced.

Question: Are there any age based practices, which currently take place in relation to transporting people on a ship or hovercraft or a service provided on a ship or hovercraft which would be affected by a ban on age discrimination? Do you agree

with the Government's approach to commence the ban on age discrimination in relation to ships and hovercraft?

VI. Applying Part 3 of the Equality Act 2010 to ships and hovercraft

The Act is silent on territorial application and section 30 provides that Part 3 (services and public functions) will only apply in relation to a) transporting people by ship or hovercraft; and b) a service on a ship or hovercraft as prescribed in Regulations. The proposed Regulations would set out on which vessels and in which waters Part 3 of the Act applies.

The proposed Regulations would prohibit discrimination, harassment and victimisation because of gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation in the transporting of people by ship or hovercraft and the provision of a service onboard such vessels. Transporting people by ship or hovercraft is considered to be a service.

Harassment because of religion or belief or sexual orientation is not however unlawful under section 29(3) (provision of services) or section 29(6) (exercise of public functions) of the Act. This means that a person who is harassed because of their religion or belief when being provided with a service or when a public function is being exercised would not have a claim for harassment under the Act. However, if that same conduct amounts to direct discrimination (i.e. by subjecting a person to a detriment), then they would have a remedy for unlawful discrimination.

It is proposed that these Regulations would adopt a simplified approach with regard to disability discrimination, harassment and victimisation in relation to transporting people by, or a service provided on, a ship or hovercraft. It is proposed that any prohibition against discrimination, harassment and victimisation because of disability in relation to transporting people by, or a service provided on, a ship or hovercraft under Part 3 would not apply until the EU Regulation on the rights of passengers travelling by sea and inland waterway, comes into force from late 2012. The existing legislation, as it applies in those circumstances has been saved by the Order and it is proposed that those provisions would continue to apply until further Regulations are introduced in 2012.

The EU Regulation will prohibit carriers and operators from refusing to issue, or making an additional charge for, a ticket or reservation to a disabled person or person with reduced mobility on the grounds of disability or of reduced mobility. Whilst the EU Regulation will permit a carrier to refuse to embark a passenger for justified safety reasons the EU Regulation provides a procedural framework for the denial of embarkation. The EU Regulation will also introduce a requirement for publicly available access conditions and quality standards, as well as providing for the right to assistance and the conditions under which such assistance is provided. The Regulation also requires industry to set up an accessible complaint handling mechanism and will require Member States to designate a new or existing body or bodies responsible for the enforcement of the Regulation.

The Government will consult on issues arising from that EU Regulation, before it comes into force to ensure a regime is put in place which deals with those issues and also prohibits disability discrimination, victimisation and harassment in relation to transporting people by, or a service provided on, a ship or hovercraft.

Introducing a workable national regime ahead of the application of the EU Regulation is not considered to be deliverable given the range of operations affected. Simplifying and

clarifying existing legislation in relation to disability discrimination, harassment and victimisation at the same time that the EU Regulation comes into force will ensure that UK operators are not placed at a commercial disadvantage to their European-based counterparts. Moreover, an EU rather than a domestic approach is considered appropriate as a large proportion of journeys on ships and hovercraft from the UK are international in nature.

Question: Do you think that the correct approach, in respect of disability, is to continue to save the existing legislation and defer the application of any prohibition against disability discrimination, harassment and victimisation in relation to transporting people by, or a service provided on, a ship or hovercraft until the EU Regulation on the rights of passengers travelling by sea and inland waterway applies in the UK?

VII. Application of the proposed Regulations

As regards the provision of a service it is anticipated that the proposed Regulations would prohibit discrimination, victimisation and harassment for the protected characteristics that are within the scope of Part 3, other than disability and age, in relation to transporting people by ship or hovercraft and a service provided on a ship or hovercraft. The proposed Regulations would apply to all types of vessel irrespective of their size or use.

Further consideration needs to be given as to whether the proposed Regulations apply to UK vessels, wherever they may be, and in addition, possibly, to non-UK vessels when in a UK port. This will be finalised after the conclusion of the consultation process, taking full account of international law and custom. The Government does however want to ensure a level of protection that is as consistent as possible, bearing in mind the constraints of international law and custom, and is taking this opportunity to make it much clearer how and where the law will apply with regard to ships and hovercraft.

VIII. Application of the proposed Regulations to UK vessels in relation to transporting people by ship or hovercraft or a service provided onboard

The scope and territorial application of existing legislation needs clarity and uniformity. Existing anti-discrimination legislation either a) already applies to UK vessels, wherever they may be, or b) is silent.

To maintain the current position (as far as it is reasonable to do so) and to bring an element of consistency, it is proposed that the Regulations would apply to UK vessels, wherever they may be. The proposed Regulations would however contain a local law defence and not render unlawful any act done in a country outside the United Kingdom or in that country's territorial waters for the purpose of complying with the laws of that country.

The Government is however aware that a number of UK vessels operate on regular routes outside UK waters. These vessels may be operating in direct competition with non-UK vessels which may not be required to apply anti-discrimination legislation and this may be placing UK vessels at an economic disadvantage. Government is keen to understand the extent of the economic burden of complying with existing anti-discrimination legislation placed on the operators of UK vessels, in comparison to any competitors, when operating on routes outside UK waters. The Government is also keen to understand the impact on

people (including UK citizens) who would not be protected by UK legislation on such routes.

Question: Do operators of UK vessels, operating outside UK waters, feel that in applying existing UK anti-discrimination legislation they are operating at a significant economic disadvantage to operators of non-UK vessels operating on similar routes? What are the views of those travelling on such vessels?

IX. Application of the proposed Regulations to non-UK vessels when in a UK port in relation to transporting people

In 2008 there were 69,800 embarkations by passenger vessel in UK ports on major routes surveyed in detail by the DfT. Of these embarkations, 36% (24,800) were UK-flagged vessels and 64% (45,000) were non-UK vessels. Of major routes surveyed in detail for individual passenger numbers by the DfT 15,358,600 people embarked in UK ports in total. Of those 51% (7,907,800) embarked UK-flagged vessels and 49% (7,450,800) embarked non-UK vessels.

Given the number of people embarking non-UK vessels in the UK, the Government is considering applying Part 3 of the Act to non-UK vessels when in a UK port but only in respect of the service of providing transportation to people. One example of this might be related to the embarkation procedure and whether a person is given permission to embark a vessel or board a tender vessel in a non-discriminatory manner.

It is not the Government's intention to use the power in section 30 in a way that would apply the proposed Regulations to non-UK vessels which are on innocent passage. Article 19 of the United Nations Convention on the Law of the Sea (UNCLOS) states that passage is innocent so long as it is not prejudicial to the peace, good order or security of the coastal State. It is also not the Government's intention to apply these proposed Regulations to anything related to the 'internal economy' of a non-UK vessel, irrespective of its location, as these matters, are by international custom, usually left to the flag State. One example of an issue relating to the internal economy of a ship might be the sale of goods or the provision of catering. Many of the matters within the scope of Part 3 of the Act would fall within what is regarded as the internal economy of the vessel and as such the UK, in accordance with international custom, would not usually seek to enforce any such obligations on non-UK vessels. The proposed Regulations would not therefore apply to any service providers onboard non-UK vessels.

It is however the Government's preferred approach for the proposed Regulations to apply to non-UK vessels when in a UK port in respect of the service of actually transporting people by ship or hovercraft i.e. those matters which do not come within the 'internal economy' of a non-UK vessel. In this respect the proposed Regulations could protect those who seek transportation on a non-UK vessel from discrimination, victimisation or harassment which is ultimately inspired by the actions of the operator, crew or someone else directly connected to operation of the vessel. Examples of discrimination could include when a person is denied permission to travel on a vessel at all; whether certain categories of passenger are given preferential booking treatment over others at the direction of the ship operators or crew, and the prices people are charged prior to boarding the vessel by the ship operator or crew. These are all matters which arise before a person ever gets on a vessel in the first place, for which the operators of the non-UK vessel could be held liable as the matter relates specifically to the service of providing transportation to people.

Question: Should the proposed Regulations apply to non-UK vessels when in a UK port, as regards to the actual service of transporting people?

X. Public functions

Section 31(4) of Part 3 of the Act defines what is meant by a public function. It states that a public function is a function that is a function of a public nature for the purposes of the Human Rights Act 1998. Examples of public functions relevant to Part 3 of the Act in respect of ships and hovercraft might be immigration control and port state control inspections.

Part 3 of the Act states that a person must not, when exercising a public function, do anything that constitutes discrimination, harassment or victimisation, but as far as disability discrimination is concerned there is a power to prescribe by regulations the circumstances in which disability discrimination applies in relation to transporting people by ship or hovercraft or a service provided on those vessels.

Under the Disability Discrimination Act (DDA) 1995 it was unlawful for a person exercising a public function to discriminate because of disability. It is therefore the Government's intention to include such a provision in the proposed Regulations and as a temporary measure the relevant provisions of the DDA 1995 that relate to transporting people by, or a service provided on, a ship or hovercraft have been saved. There is no power in the Act to prescribe how and when obligations that relate to harassment or victimisation apply and therefore those obligations came into effect on the 1st October 2010 when Part 3 of the Act was commenced.

It is proposed that these Regulations would continue to ensure that a person must not, in the exercise of a public function that is not the provision of a service to the public or a section of the public, do anything that constitutes disability discrimination.

Question: Do you agree that the proposed Regulations should provide that it is unlawful for a person exercising a public function to discriminate because of disability?

XI. Ships and hovercraft operated by the Crown

Some existing anti-discrimination legislation, such as the Sex Discrimination Act 1975, applies to any ship or hovercraft belonging to or possessed by HM Government even if the ship or hovercraft is outside Great Britain. However other anti-discrimination legislation is silent on its application to such vessels.

Section 205 of the Act provides that Part 3 binds the Crown, so far as relating to the exercise of public functions. The Government is considering how to approach such ships and hovercraft as regards the exercise of public functions as far as disability is concerned in the Regulations to be made under section 30 of the Act.

XII. Sanctions

Part 3 of the Act imposes duties which can be enforced through proceedings in the civil courts. The duties as extended by the proposed Regulations made under section 30 of the Act would be enforceable in the same way. A county court or, in Scotland, the sheriff has

jurisdiction to determine a claim relating to a contravention of Part 3. Any proceedings must be taken in accordance with Part 9 (enforcement) of the Act.

Impact Assessment

The Impact Assessment of the proposed Regulations can be found separately on the DfT website. This sets out the available evidence on the costs and benefits of the proposed Regulations that we have identified. When responding to the consultation, you are encouraged to provide any additional evidence relating to the costs and benefits associated with the two policy options that have been assessed. Any additional evidence that is provided will be taken into account when the impact assessment is updated following the consultation.

Question: Are you able to provide any additional evidence relating to the costs and benefits associated with the proposed Regulations? Please pay particular attention to the more detailed comments in sections 6 and 7 of the accompanying impact assessment.

Please also suggest any alternative methods for reaching the objective and highlight any possible unintended consequences of the policy, and practical enforcement or implementation issues.

How to Respond

The consultation period began on 13th January 2011 and will run until 7th April 2011, please ensure that your response reaches us by that date. If you would like further copies of this consultation document it can be found at www.dft.gov.uk or you can contact Scott Parnell if you would like alternative formats (Braille, audio CD, etc).

Please send consultation responses to

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When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of a larger organisation please make it clear who the organisation represents, and where applicable, how the views of members were assembled.

A list of those consulted is attached at Annex A. If you have any suggestions of others who may wish to be involved in this process please contact us.

Freedom of Information

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA), the Data Protection Act 1998 (DPA) and the Environmental Information Regulations 2004).

If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence.

In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Consultation Questions

When formulating a response to this consultation, it would be helpful if consideration could be given to the following questions.

- 1. Are there any age based practices, which currently take place in relation to transporting people on a ship or hovercraft or a service provided on a ship or hovercraft which would be affected by a ban on age discrimination? Do you agree with the Government's approach to commence the ban on age discrimination in relation to ships and hovercraft?**
- 2. Do you think that the correct approach, in respect of disability, is to continue to save the existing legislation and defer the application of any prohibition against disability discrimination, harassment and victimisation in relation to transporting people by, or a service provided on, a ship or hovercraft until the EU Regulation on the rights of passengers travelling by sea and inland waterway applies in the UK?**
- 3. Do operators of UK vessels, operating outside UK waters, feel that in applying existing UK anti-discrimination legislation they are operating at a significant economic disadvantage to operators of non-UK vessels operating on similar routes? What are the views of those travelling on such vessels?**
- 4. Should the proposed Regulations apply to non-UK vessels when in a UK port, as regards to the actual service of transporting people?**
- 5. Do you agree that the proposed Regulations should provide that it is unlawful for a person exercising a public function to discriminate because of disability?**
- 6. Are you able to provide any additional evidence relating to the costs and benefits associated with the proposed Regulations? *Please pay particular attention to the more detailed comments in sections 6 and 7 of the accompanying impact assessment.***

What will happen next?

A summary of responses, including the next steps will be published by 21st April 2011 on www.dft.gov.uk, paper copies will be available on request.

Question and Answer Brief

Below is a list of questions about the implementation of Part 3 (services and public functions) of the Act in respect of ships and hovercraft. The answers are set out immediately below each question.

Q1. When would these proposed Regulations apply from?

The proposed Regulations would most likely apply to ships and hovercraft on the first common commencement date after they have been debated in Parliament; this would probably be 1 October 2011.

Q2. What type of vessels would these proposed Regulations apply to?

The proposed Regulations would apply to all types of vessel irrespective of their use.

Q3. Are there any exemptions for operators of small vessels?

The proposed Regulations would apply to all types of vessel irrespective of their size which a) transport people and if flagged in the UK b) provide services onboard.

Q4. Why is Part 3 not being commenced immediately in respect of the protected characteristic of age?

The Government Equalities Office is currently considering how to commence Part 3 of the Act as regards the protected characteristic of age (in respect of those over the age of 18) in the best way for business and others affected. Implementing the age discrimination ban would require secondary legislation to be made, setting out the circumstances in which it would remain lawful to use age as a reason for treating people differently. This would need to be the subject of public consultation.

Q5. Is there a gap in protection now that existing legislation has been repealed, given that new regulations, in respect of ships and hovercraft, have yet to be made?

No. The core provisions of the Act, including those which largely repeal or amend existing anti-discrimination legislation, came into force on 1 October 2010. However, that same Order, which brought those provisions into force, saved the existing legislation in so far as it concerns a) transporting people by ship or hovercraft; and b) a service provided on a ship or hovercraft. However this is only to be regarded as a temporary measure until such time as the Regulations made under section 30 of the Act come into force.

Q6. Where can I obtain information and advice on the Equality Act 2010?

More information on the Act can be found on the EHRC website www.equalityhumanrights.com/ and on website of the Government Equalities Office www.equalities.gov.uk

Q7. Is there any intention to strengthen anti-discrimination legislation, as it applies to ships and hovercraft in the future?

Yes. Anti-discrimination legislation in the UK, as it applies to ships and hovercraft, would be strengthened further when the EU Regulation on the rights of passengers travelling by

sea and inland waterway comes into force in late 2012. Depending on the outcome of this consultation exercise, further Regulations might be introduced to deal with disability on ships and hovercraft, in respect of services. Such Regulations would replace existing legislation, as it relates to disability discrimination and transporting people by ship or hovercraft and services on those vessels that have been saved by the Order.

Q8. How will the EU Regulation benefit disabled persons and persons with reduced mobility (PRMs)?

The EU Regulation will provide disabled persons and PRMs with similar opportunities to travel by water as they do in the rail and aviation sectors across the EU. The EU Regulation will set the basic rights, service and the redress which they can expect. PRMs travelling on maritime routes will benefit from the increased ease and comfort associated of making journeys compared to that which currently exists.

Q9. Would these proposed Regulations apply uniformly across the United Kingdom?

No. The proposed Regulations would apply in England and Wales and Scotland only. The proposed Regulations would not apply in Northern Ireland.

Q10. Would these proposed Regulations apply in the UK's Overseas Territories and Crown Dependencies?

No. These proposed Regulations would not directly apply to the UK's Overseas Territories and Crown Dependencies.

Q11. What is the definition of a UK-flagged ship or hovercraft?

In these proposed Regulations a UK flagged ship means a ship that is registered in the United Kingdom under Part II of the Merchant Shipping Act 1995 and its entry in the register is maintained under section 8 of that Act specifies a port of choice in Great Britain. A UK registered hovercraft for the purpose of these proposed Regulations means a hovercraft registered in the United Kingdom and operated by a person whose principal place of business, or ordinary residence, is in Great Britain.

Q12. What is a public function?

Section 31(4) of Part 3 of the Act defines what is meant by a public function as a function of a public nature for the purposes of the Human Rights Act 1998. One example of a public function as it relates to ships and hovercraft is a port state control inspection.

If you still have questions after you have read this section please contact;

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The Consultation Criteria

The consultation is being conducted in line with the Government's Code of Practice on Consultation. The criteria are listed at Annex B; a full version of the Code of Practice on Consultation is available on the Better Regulation Executive web-site at:

<http://www.berr.gov.uk/files/file47158.pdf>

If you consider that this consultation does not comply with the criteria or have comments about the **consultation process** please contact:

Giada Covallero
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Zone 2/25
Great Minster House
London, SW1P 4DR

Email address: consultation@dft.gsi.gov.uk

Annex A: List of Consultees

Devolved Administrations	
Office of the First Minister and Deputy First Minister Equality & Strategy Directorate Room E.19A Castle Buildings Stormont BELFAST, BT4 3SR E: David.mcgowan@ofmdfmi.gsi.gov.uk	Ferries Division Scotland Transport Directorate The Scottish Government Area 2F Victoria Quay Edinburgh EH6 6QQ E: graham.laidlaw@transportscotland.gsi.gov.uk
Equality, Diversity and Inclusion Division Welsh Assembly Government Cathays Park Cardiff, CF10 3NQ E: EDIDMailbox@wales.gsi.gov.uk	
Disability Organisations	
The Disabled Persons Transport Advisory Committee (DPTAC) c/o Secretariat Great Minster House 76 Marsham Street London, SW1P 4DR E: dptac@dft.gsi.gov.uk	Equality 2025 - c/o Sue Brown, Office for Disability Issues E: sue.brown6@dwp.gsi.gov.uk
Disability Awareness in Action 46 The Parklands Hullavington Wiltshire, SN14 6DL E: rachel.daa@btinternet.com	Leonard Cheshire Disability 66 South Lambeth Road London SW8 1RL E: info@LCDisability.org
MENCAP 123 Golden Lane London EC1Y 0RT E: information@mencap.org.uk	MIND Granta House 15-19 Broadway Stratford London E15 4BQ E: contact@mind.org.uk
RADAR 12 City Forum 250 City Road London EC1V 8AF E: radar@radar.org.uk	RNIB 105 Judd Street London WC1H 9NE E: helpline@rnib.org.uk
RNID 19-23 Featherstone Street London EC1Y 8SL E: helpline@rnid.org.uk	SCOPE 6 Market Road London N7 9PW E: response@scope.org.uk
Mobility and Access Committee for Scotland Scottish Government Area 2D Dockside Victoria Quay Edinburgh, EH6 6QQ E: macs@scotland.gsi.gov.uk	Scottish Accessible Transport Association 20 Seaforth Drive Edinburgh, EH4 2BZ E: at.rees@sol.co.uk

Equality Organisations	
Equality and Diversity Forum 207-221 Pentonville Road London N1 9UZ E: info@edf.org.uk	Equality and Human Rights Commission 3 More London Riverside Tooley Street London, SE1 2RG E: info@equalityhumanrights.com
Equality Commission for Northern Ireland 7-9 Shaftesbury Square Belfast BT2 7PD E: information@equalityni.org	The Consumer Council for Northern Ireland Elizabeth House 116 Holywood Road Belfast, BT4 1NY E: info@consumercouncil.org.uk
Unions	
Nautilus UK Oceanair House 750-760 High Road Leytonstone London E11 3BB E: enquiries@nautilusint.org	RMT Unity House 39 Chalton Street London NW1 1JD E: info@rmt.org.uk
The Scottish Trades Union Congress 333 Woodlands Road Glasgow G3 6NG E: info@stuc.org.uk	Trades Union Congress Congress House Great Russell Street London WC1B 3LS E: info@tuc.org.uk
Representative Organisations	
The Fawcett Society 1-3 Berry Street London EC1V 0AA E: admin@fawcettsociety.org.uk	MWN-UK Arena View 4 Edward Street Birmingham, B1 2RX E: contact@mwuk.co.uk
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The Passenger Shipping Association 1st Floor 41-42 Eastcastle Street London, W1W 8DU E: kathleen@psa-ace.org	The Chamber of Shipping Carthusian Court 12 Carthusian Street London, EC1M 6EZ E: postmaster@british-shipping.org
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Annex B – The Consultation Criteria

The Government has adopted a Code of Practice on consultations. It sets out the approach the Government takes to running a formal, written public consultation exercise. While most UK departments and agencies, including the Department for Transport have adopted the Code, it does not have legal force, and cannot prevail over statutory or other mandatory external requirements (e.g. under European Union Law).

The Code contains seven criteria, these are set out below:

- **When to consult**
 - Formal consultation should take place at a stage when there is scope to influence the policy outcome.
- **Duration of consultation exercises**
 - Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.
- **Clarity of scope and impact**
 - Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.
- **Accessibility of consultation exercises**
 - Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.
- **Burden of consultation**
 - Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.
- **Responsiveness of consultation exercises**
 - Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.
- **Capacity to consult**
 - Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.