



Islands (Scotland) Act 2018

2018 asp 12

The Bill for this Act of the Scottish Parliament was passed by the Parliament on 30th May 2018 and received Royal Assent on 6th July 2018

An Act of the Scottish Parliament to make provision for a national islands plan; to impose duties in relation to island communities on certain public authorities; to make provision about the electoral representation of island communities; and to establish a licensing scheme in respect of marine development adjacent to islands.

PART 1

KEY DEFINITIONS

1 Meaning of “island” and of “inhabited island”

- (1) In this Act, “island” means a naturally formed area of land which is—
- (a) surrounded on all sides by the sea (ignoring artificial structures such as bridges), and
 - (b) above water at high tide.
- (2) In this Act, “inhabited island” means an island permanently inhabited by at least one individual.

2 Meaning of “island community”

In this Act—

“island community” means a community which—

- (a) consists of two or more individuals, all of whom permanently inhabit an island (whether or not the same island), and
- (b) is based on common interest, identity or geography (including in relation to any uninhabited island whose natural environment and terrestrial, marine and associated ecosystems contribute to the natural or cultural heritage or economy of an inhabited island).

Status: This version of this Act contains provisions that are prospective.

Changes to legislation: Islands (Scotland) Act 2018 is up to date with all changes known to be in force on or before 17 January 2022. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

PART 2

NATIONAL ISLANDS PLAN

Duty to prepare national islands plan

3 National islands plan

- (1) The Scottish Ministers must prepare a national islands plan.
- (2) The purpose of preparing a national islands plan is to set out the main objectives and strategy of the Scottish Ministers in relation to improving outcomes for island communities that result from, or are contributed to by, the carrying out of functions of a public nature.
- (3) Improving outcomes for island communities includes—
 - (a) increasing population levels,
 - (b) improving and promoting—
 - (i) sustainable economic development,
 - (ii) environmental wellbeing,
 - (iii) health and wellbeing, and
 - (iv) community empowerment,
 - (c) improving transport services,
 - (d) improving digital connectivity,
 - (e) reducing fuel poverty,
 - (f) ensuring effective management of the Scottish Crown Estate (that is, the property, rights and interests to which section 90B(5) of the Scotland Act 1998 applies),
 - (g) enhancing biosecurity (including protecting islands from the impact of invasive non-native species).
- (4) The plan must list the public authorities that have duties under this Act.
- (5) In setting out their main objectives in the plan, the Scottish Ministers must consider and outline, in so far as possible, what would be appropriate to use for the purpose of measuring (whether quantitatively or qualitatively) the extent to which outcomes for island communities identified in the plan are improved.

Commencement Information

II S. 3 in force at 4.10.2018 by [S.S.I. 2018/282](#), [reg. 2](#)

4 Preparation and scrutiny of plan

- (1) In preparing the national islands plan, the Scottish Ministers must—
 - (a) consult—
 - (i) each local authority listed in the schedule,
 - (ii) such other persons as they consider represent the interests of island communities, and

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- (iii) such persons (including members of island communities and other persons) as they consider likely to be affected by or have an interest in the proposals contained in the plan, and
 - (b) have regard to the distinctive geographical, natural heritage and cultural characteristics (including the linguistic heritage) of each of the areas inhabited by island communities.
- (2) The Scottish Ministers must lay the proposed national islands plan before the Scottish Parliament—
 - (a) in the case of the first plan, before the end of the period of one year beginning with the day on which this section comes into force,
 - (b) in any other case, following a review under section 6(1).
- (3) The Scottish Ministers must complete their preparation of the national islands plan after the expiry of the period of 40 days beginning with the day on which the plan is laid before the Scottish Parliament (taking no account of any time during which the Parliament is dissolved or in recess for more than 4 days).
- (4) As soon as reasonably practicable after the end of the period mentioned in subsection (3), the Scottish Ministers must publish the plan.

Commencement Information

I2 S. 4 in force at 4.10.2018 by [S.S.I. 2018/282](#), [reg. 2](#)

Reporting on and review of plan

5 Report on plan

- (1) The Scottish Ministers must prepare a report for each reporting year, containing information—
 - (a) about the extent to which the outcomes identified in the national islands plan have improved in the reporting year,
 - (b) about steps the Scottish Ministers will take where an outcome identified in the national islands plan has not improved in the reporting year,
 - (c) about the steps which the Scottish Ministers have taken to comply with the duties in relation to island communities imposed by—
 - (i) section 7 (including any island communities impact assessment prepared under section 8), and
 - (ii) section 13, and
 - (d) about any other matters which the Scottish Ministers consider appropriate.
- (2) In this section, “reporting year” means the period of one year beginning—
 - (a) in the case of the first report following each publication of a national islands plan under section 4(4), with the day on which the national islands plan is published,
 - (b) in any other case, with the day of the expiry of the last period of one year.
- (3) Before the end of the period of 3 months beginning with the last day of the reporting year, the Scottish Ministers must—
 - (a) lay the report before the Scottish Parliament, and

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- (b) publish the report.

Commencement Information

I3 S. 5 in force at 4.10.2018 by [S.S.I. 2018/282](#), [reg. 2](#)

6 Review of plan

- (1) The Scottish Ministers—
- (a) must review the national islands plan before the end of the period of 5 years beginning with the day on which the plan was last published, and
 - (b) may from time to time review the plan.
- (2) Following a review under subsection (1), the Scottish Ministers may revise the plan as they consider appropriate.
- (3) Subsections (1), (3) and (4) of section 4 apply to a review of the plan under subsection (1) as they apply to the preparation of the plan under that section.

Commencement Information

I4 [S. 6](#) in force at 4.10.2018 by [S.S.I. 2018/282](#), [reg. 2](#)

PART 3

DUTIES IN RELATION TO ISLAND COMMUNITIES

Duties of certain authorities in respect of policies, strategies and services

7 Duty to have regard to island communities

- (1) A relevant authority must have regard to island communities in carrying out its functions.
- (2) In this Part, a “relevant authority” means a body, office-holder or other person listed in the schedule.
- (3) The Scottish Ministers may by regulations amend the schedule by—
- (a) adding an entry for any person, body or office-holder,
 - (b) varying the description of an entry, or
 - (c) removing an entry.

Commencement Information

I5 [S. 7](#) in force at 23.12.2020 by [S.S.I. 2020/346](#), [reg. 2](#)

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8 Island communities impact assessment

- (1) A relevant authority must prepare an island communities impact assessment in relation to a—
 - (a) policy,
 - (b) strategy, or
 - (c) service,which, in the authority's opinion, is likely to have an effect on an island community which is significantly different from its effect on other communities (including other island communities) in the area in which the authority exercises its functions.
- (2) Subsection (1) applies to the development, delivery and redevelopment of the policy, strategy or service (as the case may be).
- (3) An island communities impact assessment prepared under subsection (1) must—
 - (a) describe the likely significantly different effect of the policy, strategy or service (as the case may be), and
 - (b) assess the extent to which the authority considers that the policy, strategy or service (as the case may be) can be developed or delivered in such a manner as to improve or mitigate, for island communities, the outcomes resulting from it.
- (4) If a relevant authority does not prepare an island communities impact assessment in relation to a—
 - (a) policy,
 - (b) strategy, or
 - (c) service,which has an effect on an island community, it must publish, as soon as reasonably practicable afterwards and in such manner as it considers appropriate, an explanation of its reasons for not doing so.

Commencement Information

I6 S. 8 in force at 23.12.2020 by [S.S.I. 2020/346](#), [reg. 2](#)

9 Reviews of decisions relating to island communities impact assessments

- (1) The Scottish Ministers must by regulations make provision about reviews of decisions of relevant authorities relating to island communities impact assessments under section 8(1).
- (2) Regulations under subsection (1) may, in particular, make provision about—
 - (a) the procedure to be followed in connection with reviews,
 - (b) the manner in which reviews are to be conducted,
 - (c) the time limits within which applications for reviews are to be made,
 - (d) the circumstances under which applications for reviews may or may not be made,
 - (e) the persons to whom applications for reviews may be made, and
 - (f) the steps that may be taken by a relevant authority following a review.