

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT HOVERCRAFT (APPLICATION OF
ENACTMENTS) AND MERCHANT SHIPPING
(PREVENTION OF POLLUTION) (LAW OF THE SEA
CONVENTION) AMENDMENT ORDER 2022

Tuesday 14 June 2022

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The Committee consisted of the following Members:

Chair: CHRISTINA REES

Abbott, Ms Diane (*Hackney North and Stoke Newington*) (Lab)

† Bell, Aaron (*Newcastle-under-Lyme*) (Con)

† Courts, Robert (*Parliamentary Under-Secretary of State for Transport*)

† Crouch, Tracey (*Chatham and Aylesford*) (Con)

† Davison, Dehenna (*Bishop Auckland*) (Con)

† Drummond, Mrs Flick (*Meon Valley*) (Con)

† Fletcher, Colleen (*Coventry North East*) (Lab)

† Kane, Mike (*Wythenshawe and Sale East*) (Lab)

† Loder, Chris (*West Dorset*) (Con)

Lopresti, Jack (*Filton and Bradley Stoke*) (Con)

McDonnell, John (*Hayes and Harlington*) (Lab)

† Morris, Grahame (*Easington*) (Lab)

† Randall, Tom (*Gedling*) (Con)

† Richards, Nicola (*West Bromwich East*) (Con)

† Solloway, Amanda (*Lord Commissioner of Her Majesty's Treasury*)

† Sultana, Zarah (*Coventry South*) (Lab)

† Vaz, Valerie (*Walsall South*) (Lab)

Jonathan Edwards, *Committee Clerk*

† **attended the Committee**

Fourth Delegated Legislation Committee

Tuesday 14 June 2022

[CHRISTINA REES *in the Chair*]

Draft Hovercraft (Application of Enactments) and Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Amendment Order 2022

2.30 pm

The Parliamentary Under-Secretary of State for Transport (Robert Courts): I beg to move,

That the Committee has considered the draft Hovercraft (Application of Enactments) and Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Amendment Order 2022.

It is an honour to serve under your chairmanship this afternoon, Ms Rees. Hon. Members will be glad to know that the purpose of the order is to give the Government the powers they will need to apply the pollution prevention requirements in the international convention on standards of training, certification and watchkeeping for seafarers—which I will refer to as the STCW convention for brevity—to hovercraft, and to provide strengthened enforcement powers for breaches relating to the prevention of pollution. Those powers are needed as a result of the repeal of section 2(2) of the European Communities Act 1972, which provided the powers for the pollution prevention requirements in the regulations that currently implement the STCW convention, including the application of those requirements to hovercraft.

The order amends the Hovercraft (Application of Enactments) Order 1989 to apply the Merchant Shipping (Prevention of Pollution) (Law of the Sea Convention) Order 1996 and certain provisions of the Merchant Shipping Act 1995 relating to pollution prevention to hovercraft. In short, the order amends the 1989 order to apply the 1996 order and bits of the 1995 Act to hovercraft. I hope that makes sense to the Committee.

Mrs Flick Drummond (Meon Valley) (Con): Will the Minister say exactly how many hovercraft the order is going to affect, and whether it will affect the hovercraft service from Southsea to the Isle of Wight?

Robert Courts: Yes, I can answer that question. I was alarmed at the intervention—I wondered whether my explanation thus far had not been clear. The only hovercraft that are operational in the UK at the moment are those that operate from Southsea, near my hon. Friend's constituency, to the Isle of Wight. Those are not covered by the order because they operate only in internal waters. The order applies to external waters, and there are not currently any hovercraft operating in the UK that would be caught by it. None the less, it is important that we make the order so that future hovercraft would be covered by pollution regulations, for reasons we all understand.

The 1996 order provides powers to give effect in secondary legislation to the pollution prevention obligations in the UN convention on the law of the sea, or UNCLOS, with which we should all be familiar. Those obligations are often found in other international conventions, including the STCW convention, which sets out the standards that must be met for seafarers to obtain the internationally recognised certificates that are required if they are to work on vessels that operate internationally. The Hovercraft Act 1968 confers power on Her Majesty to make an Order in Council that applies any enactment relating to ships to hovercraft. The 1989 order serves that purpose, but it needs to be updated to include provision relating to the prevention of pollution.

The 1989 order, which is best thought of as an enabling order, contains some provision for the application of pollution prevention measures made under the Merchant Shipping Act, but it does not include the 1996 order, which is the relevant one for the purposes of pollution prevention. This order will fix that. It will ensure that the pollution prevention obligations in UNCLOS can be applied in full to hovercraft in the way that they already apply to ships. It will also bring some other measures up to date and apply them to hovercraft.

Valerie Vaz (Walsall South) (Lab): The explanatory note states:

“A full impact assessment has not been prepared for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.”

Is this really necessary, and would he define “significant”?

Robert Courts: That is a very good question, and I entirely understand why the right hon. Member asks it, but the reality is that at present there are no hovercraft operating that will be impacted by the order. That is why there is no impact assessment: it is impossible to find an impact when there is no one on whom the measure impacts.

I think the real thrust of the right hon. Member's question is, “Why are the Government doing it?”. We have introduced the order because doing so is, in any event, part of our international obligations as a country. There may come a time when operators wish to operate hovercraft in this area. Were that to happen, our legal system would be out of date; we would not have the relevant measures in place to guard against pollution, which we would all think was a mistake on our part. However, she raises a very good point.

The order will fix the gap to which I referred, and UK regulations governing hovercraft will then include provision for pollution prevention that derives from UNCLOS, of which the UK is proud to be leading member. The order also amends the 1989 order to enable the manning requirements in section 47 of the Merchant Shipping Act 1995, which apply to ships, to apply to hovercraft. Finally, the order makes discrete amendments to the 1996 order, which needs to be updated so that regulations made under it can prescribe custodial sentences in respect of offences for breaches of the requirements of those regulations. That is the offence to which I referred at the beginning, which the draft order will keep up to date.

To answer the question from the right hon. Member for Walsall South, the Government are introducing the order now because the STCW convention has been subject

to a number of recent amendments that affect seafarer training. Those are being implemented in regulations that replace the existing regulations that implement the STCW convention. The criminal sanctions will apply to ship owners, operators and masters who fail to ensure that their seafarers are qualified, are certified and discharge their obligations in accordance with the convention requirements, including the latest amendments. Again, that will apply, as required, to hovercraft.

A number of other provisions, such as those on manning, watchkeeping and the requirements to ensure that seafarers are trained in accordance with the convention, will continue to be applied to hovercraft and will be contained in the same instrument. The repeal of section 2(2) of the European Communities Act has left a gap in the powers that we otherwise would have used to do that. That would have meant that there was a disparity between the requirements as they apply to manning and training, and the requirements as they apply to pollution, which would not have carried custodial penalties. We need those penalties to be included to ensure that the criminal sanctions apply across the board. We need to have the same provision available for the contravention of the pollution requirements as we have for the contravention of safety requirements, for reasons that the Committee will understand: pollution is just as important as safety in other areas. Without those powers, we would be unable to enforce the convention adequately in UK law, for the reasons that I have given.

I hope that my speech has been helpful in telling hon. Members what the order is all about. We need to be able to apply pollution prevention requirements in the STCW convention to hovercraft, and to remake and apply the existing enforcement legislation in so far as it relates to the prevention of pollution. I hope that I have everyone's support for the order.

2.38 pm

Mike Kane (Wythenshawe and Sale East) (Lab): It is a pleasure to serve under your chairmanship today, Ms Rees. I hope that you will allow me to take a liberty in welcoming the pupils and teachers from Dobyns-Bennett High School in Tennessee in the United States. They are most welcome today, and are now formally recorded in *Hansard* as having been here at the Houses of Parliament.

Hon. Members: Hear, hear!

Mike Kane: The purpose of the instrument is to ensure that anyone polluting from a hovercraft is indictable and, as the Minister said, to bring hovercrafts under the same governance as ships for the purposes of the Merchant Shipping Act 1995.

As a young man on family visits to Ireland, I was always fascinated to watch the Seacat take off from Holyhead to Dun Laoghaire, as we caught the far less exciting, and to my mind quite mundane and pedestrian, ferry. The hon. Member for Meon Valley has pre-empted the next part of my speech. The hovercraft that runs between Ryde on the Isle of Wight and Southsea in Portsmouth claims to be the last remaining commercial hovercraft in the world, so I am grateful to the Minister for making clear that that hovercraft is not affected by the instrument.

Since Sir Christopher Cockerell invented the hovercraft by experimenting with, I believe, an empty tin can and a vacuum cleaner pack in the late 1950s, the hovercraft has had a mixed history and mixed usage—hon. Members cannot say that they do not learn things from my speeches. Hovercraft have been useful for the military, as they are amphibious. They cross sea, land and sand without the need for a port or pier. However, they are very heavy users of diesel and their popularity has waned over the years.

Hovercraft are reputed to be heavily polluting feats of engineering and, as we all agree, we have an ongoing need to reduce pollution and emissions from the maritime sector to protect the environment and the health of our nation. As I said earlier, we do not have a particularly thriving or large hovercraft industry. I was therefore a little perplexed, like my right hon. Friend the Member for Walsall South, to see the order before the Committee today. However, the Minister has explained why that is the case.

Will the Minister update us on exactly how many pieces of maritime legislation are delayed? What stage in the process are they at and when will they be brought before the House? It is my understanding that the Department for Transport set a target of dealing with delayed legislation by the end of 2020. We are now halfway through 2022. I am told that some of the legislation has been delayed for six years, so any clarification we could have here today, or in writing, would be much appreciated.

As a nation, we are no longer the force in international shipping that we once were. It is hugely regrettable, but we could once again be such a force. We have the skills and the knowledge in this country to decarbonise the maritime sector and to clean it up once and for all. To achieve that, we need to show true commitment to the maritime sector and to those engineers, marine technologists, academics and businesses that are committed to doing it, many of whom the Minister has met, as have I. They need the Government's help to achieve it. Industry cannot do this alone.

In 2020, the Government set out “Maritime 2050” and its clean maritime plan, which I was reading just yesterday. It states that, by 2025, the Government expect all vessels operating in UK waters to be “maximising the use of energy efficiency options.”

This is an admirable hope, but quite vague. I am keen to hear from the Minister what progress has been made to ensure that this hope becomes a reality. It also states:

“The UK is building clean maritime clusters focused on innovation and infrastructure associated with zero emission propulsion technologies, including bunkering of low or zero emission fuel.”

This is the ambition for 2025, which is two and a half years away. Will the Minister update us on the progress and financial commitment the Government have made on those developments so that we can ensure they are on track?

I, too, noticed on reading the explanatory memorandum that there was no consultation on this matter. In the context of the horrendous backlogs of legislation and the small size of the industry, it feels somewhat as though we are tinkering around the edges. I say to the Minister and to the Department that we need to set our eyes on the horizon, the world as it is now and the world as it should be. We could be doing more, and we could be doing it faster.

2.43 pm

Grahame Morris (Easington) (Lab): It is a pleasure to serve under chairmanship, Ms Rees, as always.

At the beginning of my remarks, I must say that my intention is not to oppose the measure, but simply to seek clarification and to put some questions to the Minister to which I hope he will be able to respond. I draw attention to my entry in the Register of Members' Financial Interests: in particular, I am a member of the RMT parliamentary group. I am sure Members will be aware that the RMT provides the seafarers who man the hovercraft—particularly the commercial hovercraft that the measure relates to.

The Minister referred to the 1989 order and the international pollution measures. As he explained and as is set out in the explanatory note, the draft order will extend the provision in the Merchant Shipping Act 1995 on manning levels to hovercraft for the first time. Certainly that makes some sense, as the core international regulations will be amended in the coming years to reflect changing fuel types and other aspects of seafaring jobs, as my hon. Friend the Member for Wythenshawe and Sale East indicated. I respectfully point out to the Minister, as did my right hon. Friend the Member for Walsall South and my hon. Friend the Member for Wythenshawe and Sale East, that no consultation or impact assessment has been carried out for the order, so some reassurances from the Government to the staff who man the hovercraft—and, indeed, the employers—would be welcome, particularly for those who work at Hovertravel.

I am grateful to the hon. Member for Meon Valley for pointing out the limitations of the order. That pre-empted one question I wanted to ask, but it is worth pointing out that the hovercraft that operates near her constituency made a loss of almost £1 million in the year to 31 March 2021 and that its finances were badly hit during the pandemic. The employer and the trade unions worked assiduously to avoid job losses, partly through support from the Government's furlough scheme.

There is absolutely no doubt that hovercraft are a key part of the Isle of Wight economy and the wider Solent economy, which now includes a freeport. I am a member of the Select Committee on Transport, of which the Minister was formerly a member, and we are visiting the area on Thursday, so hopefully we will see some of these things for ourselves. Growth in this particular mode of transport would be welcome and, ideally, that would be predicated on the recognition of existing collective bargaining agreements.

I have a few points of clarification to put to the Minister. Will he restate what assessment has been made of the impact of these measures on jobs in the hovercraft industry? I suspect that his answer is that there will be none, going by his answer to the earlier question. On classes of vessels, will he confirm that commercially operated high-speed craft such as catamarans are not affected by the order? Again, I suspect his answer will be that they are not, but perhaps he can clarify that for the record.

I have a question about the overall umbrella for these measures, arising from the Minister's comments on our international obligations. I was privileged, as part of the Select Committee's inquiry into "Maritime 2050" to participate in a visit to the International Maritime Organisation, just over the Thames. Does the drive for

pollution control come under the aegis of the IMO or, because it appertains to seafarers' skills, that of the International Labour Organisation, which certifies qualified seafarers? I am interested in that for my own information.

2.47 pm

Robert Courts: This has been a very interesting debate and lots of good points have been raised. I have enjoyed hearing something of the history of the hovercraft. Of course, it is a great British invention. The first was designed towards the end of the 1940s and built in the early '50s, and it operated very successfully. Others may remember, as I certainly do, the Dover to Calais hovercraft. It was very impressive, albeit quite small and, as the hon. Member for Wythenshawe and Sale East said, extremely noisy and expensive in terms of fuel use.

Members have referred to the hovercraft that operate from Southsea. It is worth noting that they not only operate from Southsea but are made locally by Griffon Hoverwork in Portchester. We have discussed the importance of these measures—the hon. Member for Wythenshawe and Sale East asked about the future of skills and the green side of things, which I will come to in a second. It is important to note that this is a high-tech British company providing great maritime jobs and great skills in a local area—all the things we will need if we are to green the industry and to continue being a great maritime nation. Although the order has a limited impact, we all ought to recognise how important this is not just to this country's maritime heritage, but to its maritime future, as well as to its international place.

The hon. Member for Easington asked about consultation. It is important to recognise that what the order does is to create powers. Of itself, the order does not create anything that will have an impact. I perhaps conflated matters slightly in talking about powers that will be made under it. For the reasons I have given—there are no hovercraft operating internationally at present—there will be very little impact. In and of itself, this order will have no impact. Therefore, there is no consultation or impact assessment. I hope that makes the position clear.

The hon. Gentleman also asked me, linked to that point, about the impact on jobs. In and of itself, there will be none, but the order does ensure that our regulatory environment is up to date, in line with our international obligations. That will ensure that Griffon Hoverwork can start looking to the future and considering what it will do next, which will help my hon. Friend the Member for Meon Valley in her constituency and nearby areas, and indeed the whole of the south and the maritime sector more generally.

The hon. Gentleman is right to say that the IMO generally leads on pollution, and I am glad that he has been over to visit it. We are proud to have the IMO—the UK's UN agency—here; I can literally see it out of the window as I speak. We are always a leading country in the IMO. We are driving for more ambition on tackling pollution and decarbonisation, which is one of the other big issues we have to face. I hope that that deals with the hon. Gentleman's points.

Grahame Morris: The Minister did not respond to the point about catamarans.

Robert Courts: I think the hon. Gentleman's point was whether there was any commercial impact on catamarans. I apologise. No, there is not. I thank him for letting me clarify that.

The hon. Member for Wythenshawe and Sale East asked me to address the maritime backlog. The order itself is not part of the maritime backlog, but it contains powers, as I have explained, that will enable us to make the latest amendments to the STCW convention. Those regulations are part of the backlog. As the hon. Gentleman knows, I appeared before the Secondary Legislation Scrutiny Committee and explained the Department's progress. For a number of reasons, a backlog has built up, which we are working very hard to tackle. I am pleased to say that I updated that Committee in April this year, and confirmed that nine SIs were left to make out of the original 30. The order will pave the way to ticking off another instrument in the backlog. So we are making good progress, in line with the commitments that I have given.

The hon. Member for Wythenshawe and Sale East also asked me about some of the things that we are doing about the green future of maritime, which is close to the Department's heart. We recently announced £206 million for UK SHORE, which is the UK Shipping Office for Reducing Emissions. That is essentially putting money into the high-tech companies and the regulatory innovative structure that will create the decarbonising

shipping industries of the future. It included a second round of the clean maritime demonstration competition. I have seen the outcomes of the first part of the CMDC, which are extremely exciting. Those great high-tech, high-skilled jobs and green opportunities are creating the ecosystem, and passing the order will enable us to go further. The Clydebank declaration, which came out of COP26, deals with green shipping corridors, which we are looking to establish with like-minded countries around the world.

I hope that I have covered all the points that right hon. and hon. Members made, and that I have explained the purpose of the order. I hope that the Committee will agree that protecting the environment from all kinds of pollution is vital and that it is important to ensure that our seafarers are adequately trained on the vessels that they operate. It is part of the UK's commitments, and part of the importance that we attach to protecting seafarers, and I hope that the Committee will approve the order.

Question put and agreed to.

2.53 pm

Committee rose.

