



Law Society
of Scotland

Consultation response

The Merchant Shipping (Cargo and passenger ship construction and miscellaneous amendments) Regulations 2022

October 2022



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors.

We are a regulator that sets and enforces standards for the solicitor profession which helps people in need and supports business in Scotland, the UK and overseas. We support solicitors and drive change to ensure Scotland has a strong, successful and diverse legal profession. We represent our members and wider society when speaking out on human rights and the rule of law. We also seek to influence changes to legislation and the operation of our justice system as part of our work towards a fairer and more just society.

Our Marine Law Sub-committee welcomes the opportunity to respond to the Maritime and Coastguard Agency's consultation on *The Merchant Shipping (Cargo and passenger ship construction and miscellaneous amendments) Regulations 2022*¹. We do not seek to answer the consultation questions but have the following comments to put forward for consideration.

General comments

We have no substantive comment to make in relation to the proposed changes to the Regulations themselves, beyond noting that the proposed changes are something of a formality as they bring into UK law matters that have already been agreed in the IMO.

In relation to the proposed approach to include an Ambulatory Reference provision for future amendments, we consider that this appears sensible and we note the potential benefits of using such power. In particular, we support the simplicity and savings, legal certainty and clarity, and reduced burdens on businesses which this approach is likely to deliver.

However, we note that it remains important that there are suitable opportunities for consultation and scrutiny, and we are pleased to note reference to this in the consultation document (paragraph 2.8). It will therefore remain crucial for the UK to be part of the consultation and negotiation process in relation to any proposed changes to Chapter II-1 of the Annex to SOLAS. There may require to be enhanced opportunities for domestic consultation and scrutiny when changes are being considered at IMO level. It is important that relevant stakeholders who will be affected by any changes are consulted.

We consider that it will be of utmost importance to ensure that ship-owners, potential owners and other interested or affected parties are aware of these provisions and fully understand their implications. Consultations themselves are often a trigger point for the industry to become aware of planned rule changes. We therefore consider that awareness-raising will be crucial to the success of use of the ambulatory reference provisions. This will help to ensure that industry stakeholders have the ability to influence and scrutinise the

¹ <https://www.gov.uk/government/consultations/consultation-on-the-merchant-shipping-cargo-and-passenger-ship-construction-and-miscellaneous-amendments-regulations-2022>



provisions, are aware when changes are made, and may guide their conduct based on a clear understanding of the legal framework.

For further information, please contact:

Alison McNab

Policy Team

Law Society of Scotland

DD: 0131 476 8109

alisonmcnab@lawscot.org.uk