



Law Society
of Scotland

Consultation response

Review of Marine Guidance Note (MGN) 372

August 2022



Introduction

The Law Society of Scotland is the professional body for over 12,000 Scottish solicitors. With our overarching objective of leading legal excellence, we strive to excel and to be a world-class professional body, understanding and serving the needs of our members and the public. We set and uphold standards to ensure the provision of excellent legal services and ensure the public can have confidence in Scotland's solicitor profession.

We have a statutory duty to work in the public interest, a duty which we are strongly committed to achieving through our work to promote a strong, varied and effective solicitor profession working in the interests of the public and protecting and promoting the rule of law. We seek to influence the creation of a fairer and more just society through our active engagement with the Scottish and United Kingdom Governments, Parliaments, wider stakeholders and our membership.

Our Marine Law Sub-committee welcomes the opportunity to respond to the Maritime and Coastguard Agency's consultation on *the review of Marine Guidance Note (MGN) 372*¹. We have the following comments to put forward for consideration.

General comments

We note that paragraph 2.8.6 provides guidance on the appropriate passing distance for larger vessels clear of turbine fields. This appears to be at odds with paragraph 4.10.4 which states "these notes do not provide guidance on the safe distance at which to pass an OREI". We consider that there is a need for clarity on this matter, particularly as the information in the MGN may be relied upon if there is an incident and the terms of the guidance could encourage unsafe practice of the passing of OREI if not appropriately framed. We do consider that clear guidance on this point would be merited so as to be of greatest use for the sector.

Paragraph 4.9.5 provides that mariners are unlikely to be able to use wave or tidal turbines as a place of refuge in an extreme emergency. This appears to be incorrect as there are floating and wave devices available which can provide refuge for mariners if necessary.

In addition, we are aware that there is extensive industry practice and differing technical standards across the sectors involved in the delivery and operation of offshore wind, for example shipping, offshore wind developers, oil & gas sector. There is an incoherent approach across all of the sectors and cross-sector engagement would be merited so as to ensure a joined-up approach to the issues faced.

¹ <https://www.gov.uk/government/consultations/consultation-on-the-review-of-marine-guidance-note-mgn-372>



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