



Law Society
of Scotland

Consultation Response

Consultation on the draft Merchant Shipping
(Prevention of Oil Pollution) Regulations 2018

July 2018



Introduction

The Law Society of Scotland is the professional body for over 11,000 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 consider and respond to the Maritime and Coastguard Agency's consultation on the draft Merchant Shipping (Prevention of Oil Pollution) Regulations 2018.¹ We do not seek to answer the consultation questions themselves and the sub-committee has the following general comments to put forward for consideration.

General comments

We agree that there is merit in the proposal that the draft regulations use ambulatory reference powers to ensure that technical details are kept up to date. We do consider that this use should be narrow in scope to ensure that such changes, which will not be subject to scrutiny, are only made where appropriate.

We consider that it will be of utmost importance to ensure that ship-owners and other interested or affected parties are aware of these powers and fully understand their implications. It would be of assistance to understand how it is proposed that this process be managed. We also note the importance of using plain English when explaining the concept and process to ensure it is as fair and accessible as possible. It will be necessary to ensure any changes made are well promoted to those that will be affected.

We note the statement made at paragraph 33 of the consultation document to the effect that:

“Reference to fixed or floating production platforms does not include floating production, storage and offloading (FPSO) facilities or floating storage units (FSU). Such platforms would be subject to the draft regulations at all times.”

¹ <https://www.gov.uk/government/consultations/consultation-on-recasting-the-merchant-shipping-prevention-of-oil-pollution-regulations>

We appreciate that this is based on the underlying regulations, however we consider that this could usefully be clarified to include reference to all floating platforms and units, for example Floating Storage Regasification Units (FSRU) and floating liquefied natural gas platforms (FLNG) if that is the intention.

For further information, please contact:

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