



Law Society  
of Scotland

# Consultation response

Consultation on marine guidance notes for  
emergency information and instructions to  
passengers

August 2020



## Introduction

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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 marine guidance notes for emergency information and instructions to passengers<sup>1</sup>. We have the following comments to put forward for consideration.

## General remarks

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We note that draft updated guidance notices M.1386 and M.1409 principally transfer the requirements from earlier notices into an updated format, taking account of obligations expressed in current legislation.

The draft guidance documents refer to UK vessel classes, i.e. Class I to II(A) and Classes III to VI(A). However, we note that passenger ship certification has developed since the original guidance notes were published. Many domestic ferries (those formerly certificated in Classes II(A) and III to VI(A)) are now certificated in accordance with the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (the 2000 Regulations) i.e. passenger vessels of Euro A to D certification.

There is considerable cross-over between these two regulatory regimes and this can be a source of confusion for practitioners and surveyors. In addition, it is common for domestic ferry vessels to have dual certification. The draft guidance does not appear to refer to passenger vessels certified using the 2000 Regulations. The proposed guidance for classes III to VI(A) refers, in paragraph 1.2, to other regulation paths but is silent on the status of the 2000 Regulations. We consider that there ought to be specific reference within the updated guidance to the 2000 Regulations in order to confirm if these regulations do or do not apply to such ships. We consider that this would aid understanding and improve the clarity of the guidance.

<sup>1</sup> <https://www.gov.uk/government/consultations/consultation-on-marine-guidance-notes-for-emergency-information-and-instructions-to-passengers>



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