



Law Society  
of Scotland

# Consultation response

## Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2020

November 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 *Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) (Amendment) Regulations 2020*<sup>1</sup>. We have the following comments to put forward for consideration.

## General comments

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We note under paragraph 2(5)(f) of the draft regulations, 'gender' is included in the information to be obtained regarding passengers and reported under the new arrangements. We note the importance of ensuring that recording of information in relation to gender allows passengers to freely select a suitable option including non-binary. In the interests of consistency, these regulations should be in line with the recording of gender information by other UK Government agencies.

We note that in terms of regulatory requirements, there appears to be a lack of clarity as to the regulations which would apply in respect of some passenger vessels operating in categorised waters, and perhaps a gap in the regulatory requirements which apply.

The Merchant Shipping (Counting and Registration of Persons on Board Passenger Ships) Regulations 1999 apply to any "UK passenger ship wherever it may be". As set out in paragraph 2.5 of the consultation document, the draft regulations will also apply to any "UK passenger ship wherever it may be" but expressly do not apply to any "passenger ship to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010 apply" (paragraph 2.6 of the consultation document).

The 2010 Regulations apply the Safety Code for UK Categorised Waters, which is currently contained in Merchant Shipping Notice 1823 'Inland Waters Passenger Ship Code' and applies only to vessels built on or

<sup>1</sup> <https://www.gov.uk/government/consultations/consultation-on-merchant-shipping-counting-and-registration-of-persons-on-board-passenger-ships-amendment-regulations-2020>



after 1 January 2018. We consider that there is a lack of clarity in the proposed regulations and associated explanatory documents as to the regulations which apply to passenger ships operating in categorised waters built before 1 January 2018 - does this mean that passenger ships operating in categorised waters built prior to 1 January 2018 will apply the new draft regulations and those built after do not?

We consider that the explanatory documents and guidance should clearly set out the change of requirements for such ships.

**For further information, please contact:**

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