



Law Society
of Scotland

Consultation Response

Consultation on amendments to the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020 and the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020

13 November 2023



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 consider and respond to the Maritime and Coastguard Agency's consultation on amendments to the Merchant Shipping (Prevention of Pollution by Garbage from Ships) Regulations 2020 and the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations 2020.¹ The sub-committee has the following comments to put forward for consideration.

Questions

1. **Do you consider the assessment of the impacts and costs of the changes resulting from the proposed 2024 Regulations compared to the current regulations to be accurate?**

- Yes
 No

If no, how would you expect the impact to vary? Please provide a brief explanation of why/why not.

We have no comments to make.

2. **Are you/do you know of a small and/or micro business(es) that will be disproportionately affected by any of the measures outlined?**

- Yes
 No

If yes, please provide relevant details and evidence.

We do not have any specific comments in relation to whether the effect of the proposals would be disproportionate to small and/or micro businesses.

We would highlight, however, that the proposed changes – as they will lower the current threshold by applying to ships of 100 GT and above – will be of greater relevance and application to such businesses, whose ships will more likely be within this range (as compared to larger businesses).

¹ Accessible [here](#).

3. Do you foresee any unintended consequences of the proposed 2024 Regulations that have not been mentioned in the consultation documents?

- Yes
- No

If yes, please provide any relevant insights and/or evidence.

We have no comments to make.

4. The proposed 2024 Regulations will extend powers to enforce breaches of the Garbage Record Book requirements which currently apply to ships of 400 GT or above to ships of 100 GT or above. Do you agree with this approach?

- Yes
- No

If no, please provide a brief explanation.

We have no comments to make.

5. Do you have any additional comments to add to the response?

We consider that it is important that there is clarity and certainty in the law in order that individuals and businesses can guide their conduct appropriately.

We highlight the importance of any proposed changes being finalised and communicated to those in the industry as early as possible to allow for necessary planning, preparation, and additional engagement. We consider that changes to the policy and legislative framework on this matter would merit an appropriate awareness-raising campaign so as to make individuals and businesses aware of the revised requirements and help support industry compliance.

We note the draft MGN632 Amendment 2 at Annex D. Whilst we do not have any comments on this specifically, we would highlight more generally concerns from members that having a range of MGNs – with potentially overlapping content and which may also be partially disappplied or superseded, e.g. for certain vessels or circumstances – can cause confusion. We would welcome a more user-friendly process, achieved by collating the relevant requirements into one easily accessible and fully up-to-date document (as is done with UK legislation). We would also welcome greater functionality and navigation between the various requirements, for example including hyperlinks to other relevant documents.

Relatedly, we generally consider that it is not desirable from a legislative perspective that MGNs regularly need to be issued to clarify uncertain (often secondary) legislative provisions. It would be preferable for the legislative provisions to be as clear in their meaning and effect as possible, or amended to achieve this. This would avoid confusion in the industry and undoubtedly lead to greater compliance.

For further information, please contact:

Robbie Forbes
Policy Team
Law Society of Scotland
0131 476 816
policy@lawscot.org.uk