

Consultation Response

Amending legislation ensuring
watercraft accidents are
investigated by MAIB

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Introduction

The Law Society of Scotland is the professional body for over 13,000 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.

Questions

Do you agree that the proposed amendments will provide the required legal certainty to allow MAIB to investigate accidents involving watercraft utilising its full legal powers?

We observe that there is a discrepancy between the reporting form to the MAIB and the proposed legislation, concerning pleasure vessels. We consider it unclear as to how the current guidance will operate along with the proposed amendments and would welcome clarity from the UK Government on this point.

Whilst accidents involving watercraft (any recreational vessel with a motor installed such as a personal watercraft) can be investigated by the MAIB, the proposed amendments will provide the required legal certainty to allow MAIB to investigate accidents involving watercraft.

We welcome further detail on whether further amendments will be proposed to the relevant guidance (MGN 564 (M+F)) in light of these amendments. We highlight that the aforementioned guidance provides that there is no requirement for the master / skipper or owner of a pleasure vessel to notify the MAIB of a marine casualty or marine incident, unless it is being operated for temporary commercial use under the Intended Pleasure Vessels (IPV) Code.¹ We welcome clarity on whether this guidance will be updated to include 'watercraft' exclusively or whether the duty to report be made mandatory for all pleasure vessels.

¹ <https://assets.publishing.service.gov.uk/media/5ca36e19ed915d0c55c71ef1/MGN564-Amendment1.pdf>





For further information, please contact:

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