



Law Society
of Scotland

Consultation response

Consultation on the proposed merchant shipping
(radiocommunications) (amendment) regulations
2021

May 2021



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 respond to the Maritime and Coastguard Agency's consultation on *the proposed merchant shipping (radiocommunications) (amendment) regulations 2021*¹. We do not seek to respond to all of the consultation questions.

Response

1) Do you agree that using the power to make ambulatory reference to implement Chapter IV of SOLAS is the most appropriate way of ensuring our legislation remains up-to-date with all amendments as soon as they enter force and that this will benefit the UK shipping industry?

We consider that the proposed approach to ambulatory reference in relation to Chapter IV appears to be sensible and we note the potential benefits of using such power. In particular, we support the simplicity and savings, legal certainty and clarity, and reduced burdens on businesses which this approach is likely to deliver.

However, we note that it remains important that there are suitable opportunities for consultation and scrutiny. It will therefore remain crucial for the UK to be part of the consultation and negotiation process in relation to any proposed changes to Chapter IV of SOLAS. There may require to be enhanced opportunities for domestic consultation and scrutiny when changes are being considered at IMO level. It is important that relevant stakeholders who will be affected by any changes are consulted. Consultations themselves are often a trigger point for the industry to become aware of planned rule changes. We therefore consider that awareness-raising will be crucial to the success of use of the ambulatory reference provisions. This will help to ensure that industry stakeholders have the ability to influence and scrutinise the provisions, are aware when changes are made, and may guide their conduct based on a clear understanding of the legal framework.

We consider it appropriate that the Secretary of State will retain the power to make regulations to prevent an unwanted amendment to SOLAS from becoming UK law, recognising, however, that the measures concerned will be international legal obligations with which UK ships are required to comply regardless of the

¹ <https://www.gov.uk/government/consultations/consultation-on-the-proposed-merchant-shipping-radiocommunications-amendment-regulations-2021>

amendments not taking effect in UK law. It is important that these obligations are respected and that in the event of divergence, steps are taken to raise awareness of the situation within the sector.

2) – 7)

No comment.

For further information, please contact:

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