



Law Society
of Scotland

Consultation response

Consultation to update MGN 306(M) Designing ships
for persons with reduced mobility

February 2022



Introduction

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 and Mental Health and Disability Sub-committees welcomes the opportunity to respond to the Maritime and Coastguard Agency's (MCA) *Consultation to update MGN 306(M) Designing ships for persons with reduced mobility*¹. We have the following comments to put forward for consideration.

General comments

We note that the consultation documents do not clearly set out the changes which are proposed to be made to the marine guidance note (MGN) and as such, it is necessary to go through both the current and proposed version and compare them in order to identify the changes. It would have been helpful if a summary of changes or a tracked change version of the MGN could have been provided.

While the MGN and consultation apply across the UK, we note that some aspects appear to be orientated towards England only, for example, the reference in Annex 8 to Mencap but not to Enable. We suggest that all relevant organisations across the UK should be listed in the MGN. In addition, the Convention on the Rights of Persons with Disabilities (CRPD) requires consultation in matters such as this with organisations of, and organisations for, disabled people. However, we note that these categories are omitted from the list of organisation types in the response form. Have all relevant organisations of and for people with disabilities throughout the UK been consulted? We suggest that they should be included in Annex 8 as sources of information.

At section 1.1, reference is made to learning disabilities and mental health-related issues as examples of disabilities. This should be extended to cover all people with any form of mental or intellectual disability. There should be more general reference within the MGN to the need to identify and support people with non-visible disabilities beyond the single reference that currently appears.

¹ <https://www.gov.uk/government/consultations/consultation-to-update-mgn-306m-designing-ships-for-persons-with-reduced-mobility>

The existing version of MGN 306(M) defines a 'smaller passenger vessel' as being one of "less than 500 GT and certified to carry fewer than 250 passengers" (See 'Summary'). The proposed revised document does not include any such definition and so the scope of application of the MGN is unclear.

Annex 2: On-board accommodation

Paragraphs 2.2 to 2.4 concern Access by Passenger Gangway. We note that there may be particular vulnerabilities for people with physical disabilities in connection with any movement of one end of a gangway and we suggest that consideration be given as to whether any further detail on this could usefully be provided in the MGN.

We note that Paragraph 2.7 of Annex 2 refers to 'storm chains'. We understand 'vehicle lashings' to be a more commonly used term in the industry.

We consider that Paragraph 2.13 could be better worded to reflect that the principles contained in Building Regulations Part M should be considered when designing accessible toilets given that Building Regulations do not necessarily lend themselves directly to shipbuilding or ship operation. In some cases, there can be failures to check how toilets for disabled persons actually operate for a disabled person and it is important that this is borne in mind when designing ships.

Annex 4: Information and announcements and Annex 5: Safety announcements and signage

Paragraph 4.1 of the proposed revised MGN states that operators "could make leaflets available to disabled people" on request. Other references in the MGN refer to requirements (i.e. 'must' make available) on vessel operators to provide documentation in various formats and greater clarity as to the requirements would be welcome. In addition, there should be more extensive reference within the MGN to the provision of easy-read documents and use of pictograms wherever there is reference to signage and written communications.

We suggest that there should be emphasis in the MGN on ensuring that disabled passengers understand information about any change of plans such as delays, change of vessel, change of route etc.

While the requirement not to create obligations to engage additional crew seems reasonable (Paragraph 7.1 of Annex 7), it would be helpful to encourage crew to identify people with disabilities and their main requirements for support, including whether the individual is or is not accompanied by a companion able to assist them. It would be helpful for relevant information to be shared with crew throughout the journey. We suggest that consideration be given to inviting a disabled passenger to provide details at booking or check-in of a contact person(s) should there be an emergency.

Consultation questions

1. Do you believe that the MGN is accurate?

We consider that there are some inaccuracies.

Paragraph 2.8 of Annex 2 relates to passengers remaining on the vehicle deck while the vessel is on passage. The current version of MGN 306(M) states: “Operators should note that on Ro-Ro journeys of more than 30 minutes passengers (including disabled passengers and their guidance dogs) are not allowed to remain on the car deck”. The proposed revised notice says: “Operators should note that on Ro-Ro journeys passengers (including disabled passengers and their guidance dogs) should not be permitted to remain on the car deck except in exceptional circumstances.” We understand that passengers may remain on the vehicle deck of some classes of passenger vessel with open vehicle decks on voyages of up to 30 minutes, otherwise the vehicle decks must be vacated (MGN 341, Paragraph 3.1.4, and associated interpretation of “very short crossing” as being those of up to 30 minutes²). We are not aware of rules to prohibit assistance dogs or any other animals from remaining in a vehicle.

We note that Paragraph 3.1 of Annex 3 refers to ‘ODPM 2004’ in reference to 2004 Building Regulations. The current regulations are contained in the 2015 edition with amendments made in 2020. This also applies to the reference in Annex 8. In addition, we note that these Regulations apply to England only, and similar regulations and standards exist in other parts of the UK, for example the Building (Scotland) Regulations 2004 and Building Standards Technical Handbook 2020³ in Scotland. We would welcome greater clarity as to the appropriate Regulations to be considered in this context.

2. Do you believe the MGN is free of typographical errors?

Yes.

3. Do you agree with any non-statutory advice or statements given in the MGN?

Please see our general comments above.

4. Do you believe that all the content of the MGN is expressed clearly?

Yes, subject to our comments above.

5. Do you believe that all the content included in the MGN is appropriate to be included (i.e., that this MGN is an appropriate vehicle for this content)?

Yes, subject to our comments above.

² For example, see Gavin Robinson, *Ferries: Passengers*, UK Parliament: Written Question tabled on 15 June 2020, UIN 59482, available at <https://questions-statements.parliament.uk/written-questions/detail/2020-06-15/59482>

³ <https://www.gov.scot/policies/building-standards/monitoring-improving-building-regulations/>

6. Do you believe that this MGN contains or references all the necessary appropriate content?

No, please see our comments above about other matters that we consider should be included or emphasised in the MGN.

For further information, please contact:

Alison McNab
Policy Team
Law Society of Scotland
DD: 0131 476 8109
alisonmcnab@lawscot.org.uk