EXPLANATORY MEMORANDUM TO

THE INTERNATIONAL ORGANIZATION FOR MARINE AIDS TO NAVIGATION (LEGAL CAPACITIES) ORDER 2022

2022 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The International Organization for Marine Aids to Navigation (Legal Capacities) Order 202X confers the legal capacities of a body corporate on the International Organization for Marine Aids to Navigation ("IALA").

2.2 IALA is an international organisation established by the Convention on the International Organization for Marine Aids to Navigation ("the Convention"). The organisation is not-for-profit with the aim of promoting continuous improvement and harmonisation of marine aids to navigation and related services for the benefit of safety of navigation, efficiency of shipping traffic and protection of the environment.

2.3 Article 14.1 of the Convention requires that IALA has legal capacity in order that the organisation can enter into contracts, acquire and dispose of immovable and moveable property and institute legal proceedings.

2.4 In order for Her Majesty's Government to give effect to this obligation under the Convention, it is necessary to make this instrument.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

4. Extent and Territorial Application

4.1 The territorial extent of this instrument is the United Kingdom.

4.2 The territorial application of this instrument is the United Kingdom.

5. European Convention on Human Rights

5.1 The Parliamentary Under-Secretary of State with responsibility for maritime policy at the Department for Transport, Robert Courts MP, has made the following statement regarding Human Rights:

"In my view the provisions of the International Organization for Marine Aids to Navigation (Legal Capacities) Order 2021 are compatible with the European Convention on Human Rights."

6. Legislative Context

6.1 Section 1(2) of the International Organisations Act 1968 allows Her Majesty, by Order in Council, to confer on an international organisation of which the United Kingdom is a member the legal capacities of a body corporate.

7. Policy background

What is being done and why?

7.1 The International Association of Marine Aids to Navigation and Lighthouse Authorities was first established in 1957 as a non-governmental consultative technical organisation. It brings together national authorities, relevant manufacturers, academics, consultants and scientific institutes from across the globe to ensure that seafarers are provided with effective and harmonised marine aids to navigation (for example lighthouses, buoys and beacons) to assist in the safe navigation of shipping.

7.2 The organisation, which is based in France, has been considering becoming an inter-governmental organisation for some time. The move will place it on a peer footing with the International Maritime Organization and other similar technical organisations such as the International Hydrographic Organization, the World Meteorological Organization and the International Telecommunication Union.

7.3 Following the adoption of a resolution in its Council in 2014, a new Convention has been negotiated and was opened for signature by the Government of the Republic of France in January 2021. The new inter-governmental organisation, IALA, will come into being on the ninetieth day after the deposit of the thirtieth ratification of the Convention, consistent with the Vienna Convention on the Law of Treaties 1969. Once in force, the Convention will enter into force for each subsequent ratifying state on the thirtieth day after the deposit of that state's ratification. The progress towards the deposit of the thirtieth ratification may be viewed at https://www.iala-aism.org/the-igo-project/.

7.4 The key drivers for this change are seen as strengthening international co-operation through recognition of the importance of the organisation's role, guidance and advice, and facilitating broader participation by states at governmental level, promoting greater uniformity in the provision of marine aids to navigation. IALA will remain a consultative, technical and not-for-profit organisation whose principal aims are the same as its predecessor.

7.5 The United Kingdom was a founding member of the organisation and has been a staunch supporter of the transition to an inter-governmental organisation, which can only enhance the safety of marine navigation through recognition of the importance of IALA as the leading international expert body for marine aids to navigation.

7.6 Membership of IALA, including the conferral of the legal capacities of a body corporate on IALA, will allow the United Kingdom to continue to play an active role in influencing further improvements and greater harmonisation of marine aids to navigation and related services.

8. European Union Withdrawal and Future Relationship

8.1 This instrument does not relate to withdrawal from the European Union / trigger the statement requirements under the European Union (Withdrawal) Act.

9. Consolidation

9.1 This instrument does not consolidate previous instruments.

10. Consultation outcome

10.1 The United Kingdom currently represents those Crown Dependencies and British Overseas Territories which are members of the Red Ensign Group of British ship registries ("REG") at the existing non-governmental organisation, and will continue to represent them at IALA. Consultation with REG on IALA's transition from a non-governmental organisation to an inter-governmental organisation has been undertaken. REG was content for the United Kingdom to continue to represent the group once the new organisation had been constituted.

10.2 Although maritime safety is a reserved matter, consultation with the Devolved Administrations has been undertaken and they are also content with the position.

11. Guidance

11.1 This instrument is not complex and provides only for IALA to have legal capacity in the United Kingdom. The Department for Transport is not, therefore, intending to issue any related guidance.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 An Impact Assessment has not been prepared for this instrument because it imposes no new costs or regulatory burdens on business and is not a "regulatory provision" under Section 22(3) of the Small Business, Employment and Enterprise Act 2015.

13. Regulating small business

13.1 The legislation does not apply to activities that are undertaken by small businesses.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is that, as the instrument confers the legal capacities of a body corporate on IALA, there are no plans for the monitoring or review of the instrument.

14.2 The instrument does not include a statutory review clause.

15. Contact

15.1 Christopher Angell at the Department for Transport Telephone: 0300 330 3000 or email: *christopher.angell@dft.gov.uk* can be contacted with any queries regarding the instrument.

15.2 Stephen Benzies, Deputy Director for Maritime Operations at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.

15.3 Robert Courts MP, Parliamentary Under-Secretary of State with responsibility for maritime policy at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.