

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Second Delegated Legislation Committee

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

Thursday 6 January 2022

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Monday 10 January 2022

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The Committee consisted of the following Members:

Chair: MRS SHERYLL MURRAY

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| † Bacon, Gareth (<i>Orpington</i>) (Con) | † Kane, Mike (<i>Wythenshawe and Sale East</i>) (Lab) |
| Bonnar, Steven (<i>Coatbridge, Chryston and Bellshill</i>)
(SNP) | McCabe, Steve (<i>Birmingham, Selly Oak</i>) (Lab) |
| † Britcliffe, Sara (<i>Hyndburn</i>) (Con) | † Mohindra, Mr Gagan (<i>South West Hertfordshire</i>)
(Con) |
| Champion, Sarah (<i>Rotherham</i>) (Lab) | † Offord, Dr Matthew (<i>Hendon</i>) (Con) |
| † Courts, Robert (<i>Parliamentary Under-Secretary of</i>
<i>State for Transport</i>) | † Richardson, Angela (<i>Guildford</i>) (Con) |
| Crosbie, Virginia (<i>Ynys Môn</i>) (Con) | † Vickers, Martin (<i>Cleethorpes</i>) (Con) |
| Eagle, Dame Angela (<i>Wallasey</i>) (Lab) | † Whittaker, Craig (<i>Lord Commissioner of Her</i>
<i>Majesty's Treasury</i>) |
| † Greenwood, Lilian (<i>Nottingham South</i>) (Lab) | Seb Newman, <i>Committee Clerk</i> |
| Hendrick, Sir Mark (<i>Preston</i>) (Lab/Co-op) | |
| † Holden, Mr Richard (<i>North West Durham</i>) (Con) | † attended the Committee |

Second Delegated Legislation Committee

Thursday 6 January 2022

[MRS SHERYLL MURRAY *in the Chair*]

Draft International Organization for Marine Aids to Navigation (Legal Capacities) Order 2022

11.30 am

The Chair: Before we begin, I remind Members that they are expected to wear masks and to maintain distancing as far as possible, in line with current Government guidance and that of the House of Commons Commission. I also remind Members that they are asked by the House to have a lateral flow test twice a week if coming on to the estate. That can be done at the testing centre in the House, or at home. Members should send their speaking notes by email to hansardnotes@parliament.uk. Officials in the Gallery should communicate with the Minister electronically.

The Parliamentary Under-Secretary of State for Transport (Robert Courts): I beg to move,

That the Committee has considered the draft International Organization for Marine Aids to Navigation (Legal Capacities) Order 2022.

It is a pleasure to serve under you, Mrs Murray. May I wish you and all Members a very happy new year?

The draft order will allow the UK to recognise the International Organisation for Marine Aids to Navigation and to assist in its transition from the International Association of Marine Aids to Navigation and Lighthouse Authorities, known as IALA. In other words, we are dealing with a transition from an association to an international organisation.

I will highlight a significant statistic in a moment, but before I do, I will explain a bit about what IALA does, which is of crucial importance. The organisation is perhaps not as well known as it ought to be, but it is vital to maritime safety and, through that, to the prosperity and security of the UK. The association's aim, as set out in its mission statement, is to co-ordinate

"the continuous improvement and harmonization of marine aids to navigation and related services to the benefit of safety of navigation, efficiency of shipping traffic and protection of the environment."

That is vital structural background work for maritime.

We need only reflect on the fact that 95% of the UK's import and export tonnage is transported by sea to realise how important IALA's work is to the UK. The UK was a founding member when the organisation was established in 1957 as a non-governmental, not-for-profit, consultative, technical organisation. It brings together marine aids to navigation authorities, manufacturers, consultants, and scientific and training organisations for all parts of the world, and provides a forum for the exchange of views, expertise and experience.

The UK's maritime heritage and leadership through the illustrious general lighthouse authorities—Trinity House, the Northern Lighthouse Board and Irish Lights—means that it has been able to assist IALA in its many

significant achievements to date. To give an example, hon. Members may not be aware that as late as the 1970s, there were more than 30 different buoyage systems in use worldwide, and many of them had conflicting rules. As those systems are critical to maritime navigation, having conflicting rules was a significant barrier to maritime safety. Where are buoys put? What colour should they be? What are they marking? Those are all basic questions on which there were heated debates at the time, and that is what IALA sought to put right.

Imagine the captain of a vessel entering unfamiliar waters or approaching a new port, without any worldwide standard for the meaning of buoy markings. That lack of a standard had tragic consequences for vessels trying to navigate the world: ships ran aground, or worse, by missing a buoy or not understanding its importance. The need to consult and to have an internationally recognised system was clear, but reaching agreement was really challenging. Sadly, a series of wrecks in the Dover strait in 1971 defied all attempts to mark the shipping lanes, and that galvanised discussions.

If I may, I would like to spend a moment explaining what happened in 1971, because it will help Members to understand more clearly the importance of IALA and what we are trying to do today. On 11 January 1971, the Panamanian tanker the *Texaco Caribbean* was on a ballast voyage from the Netherlands to Trinidad. She was struck by a Peruvian freighter in thick fog. That freighter had ignored the shipping lanes in the Dover strait and taken the shorter way along the English coast. The *Texaco Caribbean* exploded, split in two and sank, releasing 600 tonnes of bunker and ballast. Eight sailors lost their lives. The British coastal authorities responded by placing three vertical green lights on the site to warn other ships of the presence of the wreck.

However, the following day, the West German freighter *Brandenburg* hit the wreck of the *Texaco Caribbean* and sank a few moments later, so quickly that lifeboats did not have time to arrive. Only 11 out of 32 crew members were rescued; the bodies of seven crew members were found, and 14 remain missing. A lightship and five light buoys were added on the site, but on 27 February, the Greek vessel *Niki*, sailing from Dunkirk to Alexandria, ignored the warnings and collided with the sunken wrecks. The tanker *Hebris* was in the area at the same time. Its crew saw the *Niki* sinking, sent radio messages and came as quickly as they could, but by the time they arrived, there was nobody left; the *Niki* had gone down with her entire crew. There were now three wrecks, which were clearly a serious hazard for passing ships.

A second lightship and about 10 more buoys were added. Within two months, British coastal authorities had had to report 16 ships for having ignored the lightships and the buoys. Happily, there were no further incidents, but clearly this was a dreadfully tragic series of events. It was those three shipwrecks, one after another, that galvanised the importance of IALA's work following 1971. Developing a consistent buoy system has been IALA's finest piece of work to date. The 30-plus previous buoyage systems were consolidated into the single IALA maritime buoyage system, which was completed in 1976 and adopted by the International Maritime Organisation in 1977.

I am grateful to the Committee for allowing me to explain the background, because I want everyone to understand how important this area is and what we are

looking to do today. The UK has been a leading light in IALA throughout its history and through the development of that new buoyage system. This is a fast-moving area, and we should not underestimate how difficult it is, particularly when we have things such as the new electronic aids to navigation; the transition from filament bulbs to LEDs; the use of new power sources, such as solar, which is clearly happening now; and autonomous vessels. All those things have safety ramifications that IALA has to address, and it is doing so. The UK's background, which is frequently tragic but clearly also very constructive, helps us to assist not only our own traffic but the rest of the world's, using our experience to make a safer maritime world, and that is why the order before us is so important. IALA's work is of increasing importance.

In 2014, IALA's general assembly voted to move it from a non-governmental organisation to an inter-governmental organisation, or IGO. The importance of that is quite straightforward: at the moment, IALA has bodies such as Trinity House as part of it, but it would like to have governmental impact too, for a number of reasons. Becoming an IGO will help IALA to be a peer to bodies such as the International Maritime Organisation and to have input from Governments and states. In many parts of the world, the equivalents of Trinity House or the Northern Lighthouse Board are Government bodies, so it is important that Governments are represented too.

This change will mean that the importance of the safety of life at sea, a responsibility that is held by Governments, is properly understood and valued as part of the international regime. It will also ensure that all coastal states around the world understand the importance of this work; IALA's becoming an intergovernmental organisation will underline that. The change will put IALA on the same standing as organisations that have already taken the path of becoming an intergovernmental body, such as the IMO, the International Hydrographic Organisation and the International Telecommunication Union. There is a clear driver for that, and that is what we seek to do.

The convention that we seek to ratify through this Order in Council will require the new IGO to have legal capacity; that is what we are concerned with here today. That will enable it to enter into contracts, to acquire and dispose of property, and to institute legal proceedings. That is the background; that is what we are seeking to do.

The procedure—the process that we have to follow—stems from the International Organisations Act 1968, which allows Her Majesty, by Order in Council, to confer legal capacity upon this new IGO, and that is what the draft order does. It will enable the UK to become a member state of the new IGO when it is established, which will enable the UK to ratify the convention as soon as possible and, of course, allow us to maintain and enhance our influence once the IGO is created.

I want to highlight to the Committee that despite the change of status, there will not be a change in IALA's aim. IALA will remain a consultative, technical, not-for-profit organisation. This measure is about broadening participation to include Governments and states rather than just national bodies such as Trinity House. It will lead to an enhancement of safety by further harmonising the safety measures that IALA has been working towards so far.

Of course, maritime safety is a reserved matter, but in any event we have undertaken consultation with the devolved Administrations, and they are all supportive of ratification by the UK as soon as possible. Furthermore, members of the Red Ensign Group of British shipping registers have also been consulted, and they have confirmed that they are content for the UK to continue to represent them at the new IGO, as we do in the current organisation. In other words, therefore, we will continue to represent the overseas territories and the Crown dependencies as well.

In summary, IALA's work remains critical to the UK, and the move to an IGO will just enhance its status and the importance of the advice and service that it provides. To highlight that, and to reinforce the UK's strong links to maritime safety and to this organisation, the Government would like the UK to be one of the first states to fully ratify the convention, sending a strong message about our commitment to IALA and our support both for it and for maritime safety. I hope that the Committee will join me in supporting the draft order.

11.42 am

Mike Kane (Wythenshawe and Sale East) (Lab): It is a pleasure to serve under your chairmanship, Mrs Murray; I know that you have a keen interest in this area.

I agree with the Minister's eloquent explanation of what this piece of delegated legislation is about. However, I think that the civil servants have been having a bit of a joke with his speech, because he said that the UK is a "leading light" in this area. I think they inserted that pun as some sort of score mechanism. Nevertheless, it was a very good explanation by the Minister and I am only gently teasing him.

One of the wonders of the ancient world was the lighthouse at Alexandria, a beacon that was reputed to stand some 120 metres tall and guided boats into the harbour. At night, a fire was burnt at the top, helping ships to enter the port safely, while by day a mirror was used to reflect sunlight. Thankfully, modern marine aids to navigation such as lighthouses and buoys mean that we no longer rely solely on fires atop granite columns, as people did in the times of King Ptolemy of Egypt.

It is very much the concern of us all in this place that our seafarers, of whom we as a nation are rightly proud, are kept safe as they navigate the globe at great personal cost to themselves, particularly over the last couple of years during covid-19. I thank them for their service. The Minister eloquently pointed to the events of 1971, which are one of the reasons we are here today.

This statutory instrument aims to continue the work of IALA, which was established in 1957 and is the leading international association for technical standards in marine aids to navigation, vessel traffic services and e-navigation. The development of common standards and practices across the maritime industry to foster safe, economic and efficient shipping can only be a good thing, both for seafarers and for the environment, which I will come to in just a moment.

IALA's crucial role is best undertaken in the spirit of global co-operation between Governments, gathering expertise from right across the industry—from manufacturers and consultants, and taking the knowledge and achievements of global scientific and training institutes on board. [*Laughter.*] I think my parliamentary assistant

[Mike Kane]

played the same trick on me there. Such sharing of best practice ensures the safe movement of vessels in a timely and cost-effective way while protecting our environment.

I am mindful of the challenges faced by the maritime industry and would like to mention again the opportunities available to us as a nation to ensure that our seafarers are able to take full advantage of the transition to a greener, cleaner industry. There is a real opportunity for this country to become truly world-leading by funding maritime decarbonisation and training for our seafarers. That could revitalise our steel industry, as well as encouraging a new and diverse workforce into these jobs and ensuring a genuine, just transition for the sector. To quote Virginia Woolf in “To the Lighthouse”, and to continue the Egyptian reference, is

“the lot of the average human being better now than in the time of the Pharaohs”

and King Ptolemy?

I digress. There is a long history of collaboration among nations, and I am happy to support the statutory instrument in order to continue their work to reduce maritime accidents, to protect the environment and, most importantly, to increase safety for our mariners.

11.46 am

Dr Matthew Offord (Hendon) (Con): It is a pleasure to serve under your chairmanship, Mrs Murray, although I think the Whip probably groaned as a Back Bencher stood up to speak.

The SI is of great interest to me. As a qualified yachtmaster, I am certainly aware of the collision regulations at sea and the IALA-A system. However, the Minister did not mention that there are actually two systems in operation internationally, with the IALA-B system in use in Korea, Singapore, Japan and United States of America.

The biggest problem that we have is that the two systems are not compatible. In the IALA-B system, a port can will be green; in the United Kingdom, under the IALA-A system, it will be red. The problem occurs not on our shores in the United Kingdom—in places in the Solent or other locations where I happen to sail—but in some of the overseas territories, most significantly in the British Virgin Islands, where I have sailed. The British Virgin Islands are under the jurisdiction of the United Kingdom, but the US Virgin Islands are under a completely different system. That is a location that many sailors wish to visit—as I said, I have done so—and the system becomes complicated, so I would like to hear from the Minister whether the United States will undertake co-operation on the same basis as the United Kingdom and the rest of the world. If not, can representations be made for a universal system? That would make it very easy for us all.

The whole IALA system is complicated enough, as I am sure hon. Members know; it is not just about port and starboard cans. The Minister spoke about the wreck in the English channel. He will know—or his officials will—that a blue or yellow can should have been put down to indicate a temporary wreck before a permanent marker was installed, so there was a failure on our behalf in 1971. On the whole, the SI is very good and I will support it, but I would like that clarification from the Minister.

11.48 am

Robert Courts: I am grateful to both the hon. Member for Wythenshawe and Sale East and my hon. Friend the Member for Hendon for making those points.

The hon. Member for Wythenshawe and Sale East went back even further in history than I did, and I congratulate him on doing so. That was particularly appropriate given that the Niki, the third of those tragic shipwrecks, was going to Alexandria on that tragic voyage. He is right to draw attention to the importance of wreck marking and lighthouses throughout history. He is also right to highlight the importance of the environmental aspect. I did not focus on that particularly—I focused on the safety of life at sea—but he is right to draw attention to it, because there are serious environmental impacts of any shipwrecks.

My hon. Friend the Member for Hendon is right to draw attention to the two systems, IALA-A and IALA-B, and I am grateful to him for bringing his yachting expertise to the Committee. In fact, the entire purpose of what we are trying to do is to broaden participation, with a view to having an internationally recognised system. Clearly, no state can be compelled to join in, but we will always encourage our international partners and work with them to do that. The shift from a non-governmental association to an intergovernmental organisation, which we are carrying out today, will assist us in that aim.

Working with other coastal states to further harmonise the measures that are in place is entirely the aim of IALA, which we seek to support. While I cannot give any promises or indications of what other states may wish to do, clearly we will continue to co-operate with them in any further harmonisation of the safety measures that my hon. Friend quite rightly draws attention to and asks for. That is something that we will certainly continue to do. I am grateful to him for raising that point, and I am grateful that the UK will be able to quickly ratify the convention, which will be vital in demonstrating our support and illustrating the esteem in which we hold IALA as well maritime safety more generally.

The Committee will know from previous debates—I am grateful to the shadow Minister for always having assisted me in underlining the critical importance of maritime workers to our country—that, despite being an island nation, we can sometimes be a bit sea blind, and that we do not always recognise the continued importance that the sea has to all of us. Whether we go to sea or not, the lives that we lead are facilitated by those who do.

Chief among those are our great, historic general lighthouse authorities—Trinity House, the Northern Lighthouse Board and Irish Lights. I hope you will indulge me, Mrs Murray, if I take a second to offer the thanks of the House to all those organisations. They go above and beyond every single day, in the most challenging of conditions, to ensure that our maritime navigation aids remain operational. I have seen at first hand the extremely challenging work that they do in very difficult environments, particularly in the teeth of a pandemic, and we all owe them our thanks. Together with our Maritime and Coastguard Agency and the marine accident investigation branch, they are recognised around the world for their high standards, professionalism, knowledge

and expertise. It is vital as never before that the UK continues to contribute its expertise on the global stage. This order will help us to do so.

The Chair: I could not be more supportive of the Minister's final words. I think we all recognise the massive contribution of the people that he mentioned to this country.

Question put and agreed to.

11.52 am

Committee rose.

