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David Torrance MSP
Deputy Convener
Public Petitions Committee
Rm T3.40
The Scottish Parliament
Edinburgh
EH99 1SP



22 December 2015

Dear David,

SCOTTISH RED ENSIGN – PE1569

I refer to your letter dated 4 December relating to the petition requesting the Scottish Government seek a warrant to allow a Scottish Red Ensign to be legally worn by Scottish vessels.

I would confirm the Scottish Government has no current plans to apply for a Royal warrant for a Scottish Red Ensign, as our advice is that this would not be permissible under international maritime law.

Specific additional comments from the petition relate to Jersey receiving approval to use a 'defaced' Red Ensign in 2010. A Royal warrant was issued to the Crown Dependency allowing for a Jersey red ensign to be flown on board all Jersey registered vessels, up to 400 tons, that are registered under the Shipping (Jersey) Law 2002 or registered on the Small Ships Register under the Shipping (Jersey) Law 2002. Vessels registered on the Jersey Ship Register may also choose to fly the UK red ensign. Our understanding is that this is not a comparable example to Scotland, which is part of the UK Shipping Register and listed as part of the UK in international maritime law.

As the petition notes, small vessels are not required to register on the UK Ship Register, and therefore fly the official Red Ensign, and some owners choose to use the informal current position to fly a flag of their choosing, including some flying a version of the Scottish Red Ensign. Our previous correspondence noted that if maritime associations or individual vessel owners wished to continue to pursue the aim to have a Royal warrant issued, the Scottish Government could consider supporting this. Given their specific interests and administrative structures (in the case of groups) they would likely be better placed to handle the administration of this.

Having considered the matter further I remain of the view that this is not something that the Scottish Government would currently consider taking forward directly.

Our comments above, and in the previous correspondence, detail some of the impediments to making this informal current arrangement compatible with international maritime law. However we would not wish to stand in the way of interested parties if they wish to continue to explore this issue.

Kind regards

DEREK MACKAY