

Minister for Transport and Islands  
Derek Mackay MSP

T: 0300 244 4000  
E: scottish.ministers@scotland.gsi.gov.uk



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



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**SCOTTISH RED ENSIGN – PE1569**

Further to our recent correspondence regarding the Scottish Red Ensign petition, on 19 October 2015 I received correspondence from the UK Minister with responsibility for maritime issues in the Department for Transport, Robert Goodwill MP regarding the procedure for obtaining a warrant to allow a Scottish Red Ensign to be legally worn by Scottish vessels. The response is attached to this letter.

Mr Goodwill MP advised that there is no set process in the 1995 Merchant Shipping Act for obtaining a warrant to request colours other than those that constitute the red ensign and that any request should be directed to the Secretary of State for Transport in writing, detailing the description of any proposed flag and including supporting information regarding why such a flag is requested and which type of vessels would be flying it.

I have sought advice on the legal position in relation to the flying of different ensigns within the same shipping register. Our understanding is that this is not currently permitted under international maritime law.

Against that background, the Scottish Government has no current plans to apply for a Royal warrant for a Scottish Red Ensign to be legal under international maritime law within the UK Shipping Register. However, we would be prepared to consider supporting any proposal by the petitioner or other interested parties, if they wished to pursue directly with the UK Government potential avenues for making the current informal use of the flag on small vessels compliant with international maritime law.

Kind regards

**DEREK MACKAY**



Department  
for Transport

From the Parliamentary  
Under Secretary of State  
**Robert Goodwill MP**

Great Minster House  
33 Horseferry Road  
London  
SW1P 4DR

Tel: 0300 330 3000  
E-Mail: [robert.goodwill@dft.gsi.gov.uk](mailto:robert.goodwill@dft.gsi.gov.uk)

Web site: [www.gov.uk/dft](http://www.gov.uk/dft)

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Derek Mackay MSP  
Minister for Transport and Islands  
The Scottish Government  
5 Atlantic Quay, 150 Broomielaw  
Glasgow, G2 8LU

19 OCT 2015

*Dear Derek,*

Thank you for your letter of 6 October about a petition seeking to reintroduce a Scottish Red Ensign to be worn by Scottish ships.

I can confirm that my officials have been in contact with yours about the difficulties surrounding this request, but that there has been no direct contact with the petitioner.

As you note, Part I of the 1995 Merchant Shipping Act allows for any colours to be worn following a warrant authorised by Her Majesty or the Secretary of State (in this case, Transport). There is no process set out in the Act for obtaining such a warrant. Given that such a request to Her Majesty would most likely be referred to the Government of the day, it may be more straightforward to write directly to the Secretary of State for Transport.

Any such request for colours other than those that constitute the red ensign should include an example and description of any proposed flag and should also include supporting information setting out the reasons, for example, as to why such a flag is requested, and other such matters relating to when it would be used, by whom, under what conditions, which type of vessels would be flying it, so that a full and informed decision can be made on any such request.

I trust that this will be sufficient for you in respect of preparing any such request and my officials here would be happy to help you.

Yours sincerely

**ROBERT GOODWILL**