

The committee has sought further information in relation to the following instruments

2.1 Please see the response on Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Zimbabwe) Amendment List 2013 at page 13 of this report for comments on the following instruments:

- Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Zimbabwe) Amendment List 2013 (No. 2);
- Autonomous Sanctions (Designated Persons and Entities and Declared Persons – Syria) Amendment List 2013.

Marine Order 4 (Transitional modifications) 2013

FRLI: F2013L00871

Portfolio: Infrastructure and Transport

Summary of committee view

2.2 The committee seeks further information in relation to the civil penalties provided for in this instrument.

Overview

2.3 This instrument makes modifications to some Marine Orders so that Marine Orders originally made under the *Navigation Act 1912* (the 1912 Act) can operate under the *Navigation Act 2012* (the Act) which comes into effect on 1 July 2013.

Compatibility with human rights

2.4 The statement of compatibility accompanying this instrument states that ‘Conduct that is subject to a criminal penalty in a Marine Order now also gives rise to a civil penalty.’

2.5 The committee would like to draw its interim *Practice Note 2* relating to civil penalties to the attention of the Minister. This Practice Note provides guidance on the committee’s expectations regarding the type of information that should be provided in statements of compatibility accompanying legislation containing civil penalties.

2.6 The committee intends to write to the Minister for Infrastructure and Transport to request:

- further information in relation to whether the civil penalty provisions contained in this instrument should be considered to be ‘criminal’ for the purposes of human rights law; and
- if any of the provisions should be considered ‘criminal’, an explanation as to whether the provisions are consistent with the criminal process rights in article 14 and article 15 of the ICCPR, including a justification for any limitations of these rights.