



Ian Lawrie

Call 1985

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Qualifications

LLB (Hons) Warwick University

Ian Lawrie is a criminal and regulatory law specialist with an emphasis and focus on work connected with the marine sector: for example, collision, pollution and fisheries work. He also leads the Regulatory Compliance Unit of our Public and Regulatory Group. For details of Ian's criminal practice please see his specialist profile. Ian's marine experience and expertise covers all vessel types from Tugs to VLCC's and work includes the following areas:

- Advising Owners, Charterers and Deck Officers in respect of Marine Accident Investigation Branch investigations, this includes the declaration taking process part of the investigation, submission and review of Marine Accident Investigation Branch reports.
- Instructed on behalf of Masters, Charterers and Owners in respect of Marine Coastguard Agency investigations and prosecutions. This work covers pollution, breaches of the Merchant Shipping Act 1995 and attendant subsidiary regulations or when appropriate, health & safety legislation.
- Breaches of section 58 and 100 Merchant Shipping Act 1985
- Application and breaches of SOLAS and MARPOL.
- Piracy
- ISM Code application and compliance including advice on auditing and breaches.

Examples of recent work include:

- Defended master of aggregate carrier involved in collision with Battersea Bridge.
- Prosecuting on behalf of Associated British Ports in respect of foreign flag vessel pollution in UK port.
- Instructed by Associated British Ports in prosecution of the Master of vessel belonging to environmental lobby group in respect of obstruction of the Military Port at Marchwood, Southampton.
- Instructed on behalf of Icelandic marine management company for breaches of ISM Code Regulations and Collision Regulations.
- Instructed by insurers of Seatruck Ferries in respect of the beaching at Blackpool of the ferry MV 'Riverdance'. Advised on legal issues of arising from MAIB declaration process and the status of tape interviews/declarations with crewmembers.
- Instructed by Svitzer Salvage in respect MAIB inquiry arising out of the 'Flying Phantom' tug casualty on the River Clyde.
- Advised and acting for 2 offshore vessel support companies in respect of HSE and/or police investigations regarding fatal accidents onboard vessels.
- Advised German owned cargo vessel in respect of HSE/Police investigation in respect of fatality arising from collapse of cargo hold divider.

Ian's other marine-related areas of practice include:

Pollution issues

- Advising on application for FEPA licence applications.
- Representing harbour/marina clients accused of breaching section 9 Food & Environmental Protection Act 1985.
- Representing clients accused of breaching provisions pursuant to Part VI Merchant Shipping Act 1995 in respect of oil pollution.
- Representing Harbour Authorities prosecuting breaches of Part VI of Merchant Shipping Act 1995.

Examples of recent work:

- Defended Premier Marinas (Falmouth) Ltd in respect of alleged breach of Food & Environmental Protection Act 1985.
- Instructed in respect of breach under section 9(1) of the Food and Environment Protection Act 1985, resolving question as to what constitutes 'deposits' in dock construction and the definition of 'Mean High Water Springs'.
- Represented tug company accused of 'short dumping' and dealing with applicability of force majeure conditions in licence.
- Instructed to advise Port Company in respect of MFA investigation into FEPA licence application breaches and the legal scope a Harbour/Port company has in respect of conducting work outside remit of FEPA 1985 under its statute of creation.

Fisheries

- Offences under the Common Fisheries Policy and attendant domestic legislation, trawler operations, fish licensing and breaches of the Merchant Shipping Act 1995.
- Confiscation proceedings against fishermen under the Proceeds of Crime Act 2002.

Examples of recent work:

- Instructed to defend trawlermen, both masters and owners, in 2 large scale DEFRA prosecutions in respect of breaches under Common Fisheries Policy.
- Instructed for owner of under 10 metre fishing vessel in 1st DEFRA prosecution in Crown Court. Case currently subject to appeal in respect of DEFRA's interpretation of the CFP in respect of under 10 metre vessels. Reported as *R v Joy and Bossom* [2005] EuLR 765.
- Instructed to defend fish auction businesses under CPF registered buyers' regulations.
- Instructed by Inshore Fishery Committees to prosecute offences concerned with Common Fisheries Policy conservation regulation breaches.
- Prosecuted fishermen for poaching within Poole Harbour under CFP and Food Safety Act.
- Appealing on behalf of trawler owner who challenged the imposition of fines and costs in addition to significant confiscation order.

Inquests

- Inquest for USA based oil exploration company. Issues concerning quality of care in respect of malarial risks on vessel in West African waters. Family of deceased seeking neglect verdict.
- Instructed to represent Oxford County Council in respect of fatal scalding of profoundly disabled young woman.
- Inquest on behalf of large Cruise Company in respect of fatal accident in vessel's engine room.

Other regulatory work

In addition to the above areas of work Ian advises in respect of other regulatory work aspects such as investigations and audits in respect of corporate governance. Examples of recent work include:

- Instructed on behalf of The Kyrgyz Republic (Ministry of Transport and Telecommunications Civil Aviation division) as respondent in arbitration.
- Instructed by British Security Company, Aegis Defence Services Limited, to conduct inquiry into alleged 'trophy videos' created in Iraq by former company personnel and allegedly showing the shooting of Iraqi civilians. Drafted and submitted report to American Military Authorities and contents and conclusions in report accepted. Contract with company retained and continued.
- Conducted investigation on behalf of large French utilities company into financial activities of their English Finance Director who was issuing preferential high value contracts to companies with which he was financially linked.

Ian is available to give advice at short notice 24 hrs a day, 7 days a week.

Cases of note

DEFRA v Joy & Bossom [2005] EuLR 765

Challenge to DEFRA in respect of variable monthly catch limits for under 10 metre fishing vessels.

HSE v MV 'Armana' Ltd 2005 1 Cr.App R (S)

Appeal on behalf of company fined for breach H&S breach. Fine reduced from £40,000 to £15,000.

MFA v Barnes

(2008) 11th November EWC. Total costs and fines of £21,500 reduced to £40 on appeal. Issue raised as to the extent fines and costs should be imposed on top of significant confiscation order.

Articles & presentations

Ian has written articles and given presentations on areas of regulatory including:

- Ian was invited as a guest speaker, along with Professor Horder, to attend the Andrew Jackson Solicitor Annual Lecture held at the Hull University Law Faculty in February 2008. Ian addressed the audience on the impact of the Corporate Manslaughter and Corporate Homicide Act 2007 on the marine industry.
- Given presentation to Fishery Officers at Sea Fishery Committee Conference on court procedure and legislation.
- Given talk to Thomas Cooper Solicitors on the remit of the Corporate Manslaughter and Corporate Homicide Act 2007 and presented talk on similar topic to invited audience of solicitors as part of the 3PB Criminal Group Seminars for 2008.
- Gave one day presentation to Oxford Trading Standards in respect of evidence gathering during investigations and the changes brought about by the Criminal Justice Act 2003.
- Ian had an article published in the industry periodical, **The Fishing News** on the MFA's use of POCA proceedings against fishermen.

Appointments

Recorder

Professional Bodies

Association of Regulatory & Disciplinary Lawyers

Criminal Bar Association

United Kingdom Environmental Law Association (UKELA)