
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Merchant Shipping (Fire Protection) Regulations 2023

PART 1

Preliminary

General application

- 5.—(1) Subject to paragraph (2), these Regulations apply to—
- (a) United Kingdom ships, wherever they may be; and
 - (b) non-United Kingdom ships while they are within United Kingdom waters.
- (2) These Regulations do not apply to—
- (a) ships to which the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998(1) apply;
 - (b) ships of war and naval auxiliary ships;
 - (c) ships owned or operated by a State and engaged only on governmental non-commercial service;
 - (d) fishing vessels;
 - (e) ships not propelled by mechanical means;
 - (f) wooden ships of primitive build;
 - (g) ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cap des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian;
 - (h) non-United Kingdom ships which are pleasure vessels of 500 gross tons or above;
 - (i) any passenger ship to which the Merchant Shipping (Passenger Ships) (Safety Code for UK Categorised Waters) Regulations 2010(2) apply;
 - (j) high-speed craft to which the Merchant Shipping (High Speed Craft) Regulations 2022(3) apply;
 - (k) vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010(4) apply.

(1) [S.I. 1998/1011](#), amended by [S.I. 1999/992](#), [S.I. 2000/2687](#), [S.I. 2003/2951](#), [S.I. 2004/302](#), [S.I. 2010/680](#), [S.I. 2010/1075](#), [S.I. 2016/1025](#) and [S.I. 2018/1221](#). There is another amending instrument which is not relevant. The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 apply to passenger ships of Class II(A) under 21.34 metres in length, passenger ships of Classes III, IV, V, VI and VI(A), cargo ships of Classes VII, VII(A), VII(T), VIII, VIII(A), VIII(T), VIII(A)(T), IX, IX(A), IX(A)(T) and XI under 500 gross tons, and pleasure vessels of Class XII of 13.7 metres in length and over but under 500 gross tons.

(2) [S.I. 2010/680](#). There are amending instruments but none is relevant.

(3) [S.I. 2022/1219](#).

(4) [S.I. 2010/1075](#), amended by [S.I. 2018/53](#), [2019/160](#), [2019/808](#) and [2020/58](#).

(3) A non-United Kingdom ship flying the flag of a State which is not a party to the Convention is not subject to these Regulations if it would not have been in United Kingdom waters but for stress of weather or any other circumstances which the master, owner or charterer could not have prevented.

(4) Where persons are on board a ship as a consequence of—

(a) the circumstances described in paragraph (3); or

(b) an obligation laid upon the master to carry shipwrecked or other persons⁽⁵⁾,

those persons are not to be taken into account for the purpose of determining the application to that ship of any provision of these Regulations.

(5) For the purposes of this regulation, “non-United Kingdom ship” means any ship other than a United Kingdom ship.

(5) Regulation 33 in Chapter V of the Convention (safety of navigation) places an obligation on the master to provide assistance to persons in distress at sea. This obligation is implemented in the Merchant Shipping (Safety of Navigation) Regulations 2020 (S.I. 2020/673).