
STATUTORY INSTRUMENTS

2023 No. 568

The Merchant Shipping (Fire Protection) Regulations 2023

PART 1

Preliminary

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Merchant Shipping (Fire Protection) Regulations 2023 and come into force on the 22nd day after the day on which they are made.

(2) These Regulations extend to England and Wales, Scotland and Northern Ireland.

Amendments and revocations

2.—(1) The amendments listed in Part 1 of Schedule 1 have effect.

(2) The Regulations listed in the first column of the Table in Part 2 of Schedule 1 are revoked to the extent specified in the third column of that Table.

Interpretation

3. In these Regulations—

“Category A, B, C or D waters” means the waters specified as such in Merchant Shipping Notice 1837 (M) Amendment 2(1);

“Chapter II-2” means Chapter II-2 in the Annex to the Convention (construction: fire protection, fire detection and fire extinction)(2);

“Convention” means the International Convention for the Safety of Life at Sea, 1974(3);

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- (1) Merchant Shipping Notice 1837(M) Amendment 2 is available at <https://www.gov.uk/government/publications/msn-1837-m-amendment-2-categorisation-of-waters> and in hard copy from the Maritime and Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mca.gov.uk) and on <https://www.gov.uk/government/organisations/maritime-and-coastguard-agency>.
- (2) Chapter II-2 was replaced in full by International Maritime Organization (IMO) Resolution MSC.1(45) and further amended by IMO Resolutions MSC.6(48), MSC.13(57), MSC.22(59), MSC.24(60), MSC.27(61), MSC.31(63), MSC.57(67), MSC.99(73), MSC.134(76) (Cm 6587), MSC.194(80), MSC.201(81), MSC.216(82), MSC.256(84), MSC.269(85), MSC.291(87), MSC.307(88), MSC.308(88), MSC.338(91), MSC.365(93), MSC.380(94), MSC.392(95), MSC.403(96), MSC.404(96), MSC.409(97), MSC.410(97) and MSC.421(98). The amendments to Chapter II-2 are available from the IMO of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch>).
- (3) Cmnd 7874. The Convention may be obtained in copy from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office (FCDO) treaties database (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=79786>). The Convention was modified by its Protocol of 1978 (Cmnd. 8277) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=68013>), which was replaced and abrogated by the Protocol of 1988 (Cm 5044) (<https://treaties.fco.gov.uk/awweb/pdfopener?md=1&did=69573>) with respect to the parties to the 1988 Protocol. The amendments to the Convention are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the FCDO treaties database (<https://treaties.fco.gov.uk/responsive/app/consolidatedSearch>). Hard copies of the Command Papers are available for inspection free of charge but by appointment at the Parliamentary Archives, Houses of Parliament, London SW1A 0PW. The Parliamentary Archives catalogue numbers for the Command Papers are HL/PO/JO/10/11/2031/2878 (Cmnd 7874), HL/PO/JO/10/11/1959/2032 (Cmnd 8277) and HL/PO/JO/10/11/3156/2280 (Cm 5044).

“fishing vessel” means a ship used for catching fish, whales, seals, walrus or other living resources of the sea;

“gross tons” means gross tonnage determined in accordance with regulation 6 or regulation 12(1) of the Merchant Shipping (Tonnage) Regulations 1997⁽⁴⁾;

“international voyage” means a voyage between—

- (a) a port in the United Kingdom and a port outside the United Kingdom; or
- (b) a port in a Convention country other than the United Kingdom and a port in any other country or territory, whether a Convention country or not, which is outside the United Kingdom,

and, for the purposes of paragraph (b), “Convention country” means a country or territory which is either a country the Government of which is party to the Convention or a territory to which the Convention extends whether or not it is subject to the amendments to, or reservations in respect of, the Convention;

“long international voyage” means an international voyage which is not a short international voyage;

“Merchant Shipping Notice” means a notice described as such and issued by the Maritime and Coastguard Agency (an executive agency of the Department for Transport) and includes a reference to any document amending or replacing that notice which is considered by the Secretary of State to be relevant from time to time and is specified in a Merchant Shipping Notice;

“mile” means a nautical mile of 1,852 metres;

“passenger” means a person other than—

- (a) the master and the members of the crew or other persons employed or engaged in any capacity on board a ship on the business of that ship; or
- (b) a child under one year of age;

“passenger ship” means a ship which carries more than 12 passengers;

“pleasure vessel” means—

- (a) any vessel which at the time it is being used is—
 - (i) in the case of a vessel wholly owned by—
 - (aa) an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (bb) a body corporate, used only for sport or pleasure and on which the persons on board are employees or officers of the body corporate, or their immediate family or friends; and
 - (ii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members’ club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family, and for the use of which any charges levied are paid into club funds and applied for the general use of the club,

where, in the case of any vessel referred to in paragraph (a) or (b), no other payments are made by or on behalf of users of the vessel, other than by the owner; and in this definition “immediate

(4) [S.I. 1997/1510](#), amended by [S.I. 2020/362](#). There are other amendments but none is relevant.

family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the individual’s spouse or civil partner; and “relative” means brother, sister, ancestor or lineal descendant;

“relevant Merchant Shipping Notices” means—

- (a) Merchant Shipping Notice 1665 (M) Amendment 1;
- (b) Merchant Shipping Notice 1666 (M) Amendment 1;
- (c) Merchant Shipping Notice 1667 (M) Amendment 1;
- (d) Merchant Shipping Notice 1668 (M) Amendment 1;
- (e) Merchant Shipping Notice 1669 (M) Amendment 1; and
- (f) Merchant Shipping Notice 1670 (M) Amendment 2;

“sea”, other than in the definition of “fishing vessel”, includes any estuary or arm of the sea but does not include Category A, B, C or D waters;

“short international voyage” means an international voyage—

- (a) in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety; and
- (b) which does not exceed 600 miles in distance between the last port of call in the country in which the voyage begins and the final port of destination,

and, for the purposes of paragraph (b), the final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the country in which the voyage began;

“similar stage of construction” means the stage at which—

- (a) construction identifiable with a specific ship begins; and
- (b) assembly of that ship has commenced comprising at least 50 gross tons or one per cent of the estimated mass of all structural material, whichever is less.

Classification of ships

- 4. For the purposes of these Regulations, ships are classified as set out in Schedule 2.

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(5) 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;

(5) 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.

- (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(6) apply;
- (j) high-speed craft to which the Merchant Shipping (High Speed Craft) Regulations 2022(7) apply;
- (k) vessels to which the Merchant Shipping (Technical Requirements for Inland Waterway Vessels) Regulations 2010(8) apply.

(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(9),

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.

Ambulatory reference

6.—(1) In these Regulations, any reference to Chapter II-2 is to be construed—

- (a) as a reference to Chapter II-2 as modified from time to time; and
- (b) as, if Chapter II-2 is replaced, a reference to the replacement.

(2) For the purposes of paragraph (1), Chapter II-2 is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention.

(3) A modification or replacement of Chapter II-2 has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.

Repairs, alterations, modifications and outfitting

7.—(1) A ship which undergoes repairs, alterations, modifications or outfitting, must continue to comply with at least the requirements previously applicable to that ship.

(2) A ship constructed before 1st July 2012 which undergoes repairs, alterations, modifications or outfitting must, so far as practicable, comply with the requirements for ships constructed on or

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

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

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

(9) 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](#)).

after 1st July 2012 at least to the same extent as it did before undergoing such repairs, alterations, modifications or outfitting.

- (3) A ship which undergoes repairs, alterations or modifications which substantially—
- (a) alter the dimensions of the ship or the passenger accommodation spaces; or
 - (b) increase the ship's service life,

and undergoes any outfitting related to such repairs, alterations or modifications, must comply with the requirements for ships constructed on or after 1st July 2012.

Approvals

8.—(1) Unless approved under the Merchant Shipping (Marine Equipment) Regulations 2016(**10**), equipment relating to fire protection, fire detection and fire extinction placed on board a United Kingdom ship and required by any provision of, or listed in—

- (a) regulation 1.2 or 1.6 of Part A of Chapter II-2;
- (b) Parts B, C, D, E and G of Chapter II-2;
- (c) Merchant Shipping Notice 1900 (M);
- (d) Merchant Shipping Notice 1901 (M);
- (e) Merchant Shipping Notice 1902 (M); or
- (f) the relevant Merchant Shipping Notices,

must be approved by the Secretary of State, or any person authorised by the Secretary of State.

(2) Unless approved under the Merchant Shipping (Survey and Certification) Regulations 2015(**11**), arrangements relating to fire protection, fire detection and fire extinction on board a United Kingdom ship and required by any provision of, or listed in—

- (a) regulation 1.2 or 1.6 of Part A of Chapter II-2;
- (b) Parts B, C, D, E and G of Chapter II-2;
- (c) Merchant Shipping Notice 1900 (M);
- (d) Merchant Shipping Notice 1901 (M);
- (e) Merchant Shipping Notice 1902 (M); or
- (f) the relevant Merchant Shipping Notices,

must be approved by the Secretary of State, or any person authorised by the Secretary of State.

(3) The Secretary of State, or any person authorised by the Secretary of State, may give an approval in relation to a United Kingdom ship for anything in the instruments, or in the provisions of an instrument, referred to in paragraph (4) requiring to be—

- (a) approved by the Administration of the State whose flag the ship is entitled to fly;
- (b) done to the satisfaction of such Administration; or
- (c) acceptable to that Administration.

(4) The provisions and instruments referred to in paragraph (3) are—

- (a) regulations 1.2 and 1.6 of Part A of Chapter II-2;
- (b) Parts B, C, D, E and G of Chapter II-2;
- (c) Merchant Shipping Notice 1901 (M);

(10) [S.I. 2016/1025](#). The Regulations are amended by this instrument and by [S.I. 2019/470](#), [S.I. 2019/1304](#) and [S.I. 2020/1025](#). There are other amending instruments which are not relevant.

(11) [S.I. 2015/508](#), amended by [S.I. 2018/53](#) and [S.I. 2018/1221](#).

(d) Merchant Shipping Notice 1902 (M).

(5) The Secretary of State, or any person authorised by the Secretary of State, may give an approval in relation to a United Kingdom ship for anything in the instruments referred to in paragraph (6) requiring to be—

- (a) approved by the Secretary of State;
- (b) done to the satisfaction of the Secretary of State; or
- (c) acceptable to the Secretary of State.

(6) The instruments referred to in paragraph (5) are—

- (a) Merchant Shipping Notice 1900 (M);
- (b) the relevant Merchant Shipping Notices.

(7) An approval given under paragraph (1), (2), (3) or (5) may, on the giving of reasonable notice, be continued, altered or cancelled.

(8) Any approval given under paragraph (1), (2), (3) or (5), or a continuation, alteration or cancellation under paragraph (7), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(9) The requirement that the approval referred to in paragraph (1), (2), (3) or (5), or a continuation, alteration or cancellation under paragraph (7), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

Equivalents

9.—(1) Where any provision of, or listed in—

- (a) regulations 1.2 and 1.6 of Part A of Chapter II-2;
- (b) Parts B, C, D, E and G of Chapter II-2;
- (c) Merchant Shipping Notice 1900 (M);
- (d) Merchant Shipping Notice 1901 (M);
- (e) Merchant Shipping Notice 1902 (M); or
- (f) the relevant Merchant Shipping Notices,

contains any of the requirements referred to in paragraph (2), the Secretary of State may make provision in accordance with paragraph (3).

(2) The requirements referred to in paragraph (1) are that—

- (a) a particular fitting, material, appliance or apparatus, or a type of fitting, material, appliance or apparatus be fitted on, or carried in, a ship;
- (b) any particular arrangement be made on, or in relation to, a ship; or
- (c) any particular provision be made in relation to a ship.

(3) The Secretary of State may approve any other fitting, material, appliance, apparatus, arrangement or other provision as an alternative to the requirement in question if satisfied that it is at least as effective as that requirement.

(4) An approval given under paragraph (3) may, on the giving of reasonable notice, be continued, altered or cancelled.

(5) Any approval given under paragraph (3), or a continuation, alteration or cancellation under paragraph (4), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(6) The requirement that the approval referred to in paragraph (3), or a continuation, alteration or cancellation under paragraph (4), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(7) The procedure for the giving of approvals in regulation 8 (approvals) does not apply to this regulation.

Exemptions

10.—(1) The Secretary of State may exempt from the requirements of any provision of Chapter II-2, Merchant Shipping Notices 1900 (M), 1901 (M) or 1902 (M) or the relevant Merchant Shipping Notices—

- (a) a ship or class of ship which, during a voyage, does not proceed more than 20 miles from the nearest land, and where the Secretary of State is satisfied that the sheltered nature and conditions of such a voyage make it unreasonable or unnecessary to require compliance with the requirements;
- (b) a ship employed in special trades⁽¹²⁾ for the carriage of large numbers of special trade passengers (such as the pilgrim trade) where—
 - (i) the Secretary of State is satisfied that it is impracticable to enforce compliance with the requirements; and
 - (ii) the ship complies with—
 - (aa) the rules annexed to the Special Trade Passenger Ships Agreement, 1971⁽¹³⁾; and
 - (bb) the rules annexed to the Protocol on Space Requirements for Special Trade Passenger Ships, 1973⁽¹⁴⁾;
- (c) a ship which does not normally engage on international voyages but is, in exceptional circumstances, required to undertake a single international voyage;
- (d) a ship which embodies features of a novel kind if research into the development of those features and their incorporation in ships engaged on international voyages may be seriously impeded if the ship had to comply with the requirements.

(2) The Secretary of State may exempt—

(12) “Special trade” is defined in Rule 2 of the Special Trade Passenger Ships Agreement, 1971 (Cmnd 7761). The Special Trade Passenger Ships Agreement, 1971 is available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fcdo.gov.uk/data/Library2/pdf/1980-TS0007.pdf>).

(13) Cmnd 7761. See footnote (a) for information on how to obtain the Special Trade Passenger Ships Agreement, 1971.

(14) Cmnd 7761. The rules annexed to the Protocol on Space Requirements for Special Trade Passenger Ships, 1973 are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign and Commonwealth Office treaties database (<https://treaties.fcdo.gov.uk/data/Library2/pdf/1980-TS0007.pdf>).

- (a) a ship of Class I, II or II(A) of 1,000 gross tons or more, other than such a ship engaged in the carriage of dangerous goods, from the requirements of paragraph 3.17 in Merchant Shipping Notice 1900 (M) (fixed gas fire-extinguishing systems in cargo spaces); or
- (b) a ship of Class I, II or II(A) from the requirements of paragraph 3.37 in Merchant Shipping Notice 1900 (M) (fixed fire detection and fire alarm system in areas not accessible to fire patrol),

if satisfied that the short duration of the voyages on which the ship is engaged would make compliance with such provision unreasonable.

(3) The Secretary of State may exempt a ship other than a ship of Class I, II, II(A), XI or XII from the requirements of—

- (a) paragraphs 7.1.3 and 7.2 in regulation 10 of Chapter II-2 (fire-extinguishing arrangements in cargo spaces);
- (b) paragraphs 7.1.3 and 7.2 in regulation 10 in Merchant Shipping Notice 1901 (M) (fire-extinguishing arrangements in cargo spaces); or
- (c) paragraphs 7.1.3 and 7.2 in regulation 10 in Merchant Shipping Notice 1902 (M) (fire-extinguishing arrangements in cargo spaces),

where the ship is constructed and solely intended for the carriage of ore, coal, grain, unseasoned timber, non-combustible cargoes or cargoes which, in the opinion of the Secretary of State, constitute a low fire risk.

(4) An exemption under paragraph (3) may only be granted where the ship is fitted with—

- (a) steel hatch covers; and
- (b) an effective means of closing all ventilators and other openings leading to the cargo spaces.

(5) The Secretary of State may exempt a ship of Class VII, VII(A), VIII, VIII(A), IX, IX(A), XI or XII of 2,000 gross tons or more constructed before 1st July 2002, other than a ship engaged in the carriage of dangerous goods, from the requirements of paragraph 4.7 of Merchant Shipping Notice 1900 (M) (fixed fire-extinguishing arrangements in cargo spaces) in so far as the arrangements referred to in that paragraph relate to the provision of a fixed fire-smothering gas installation in the cargo holds of the ship, if satisfied that—

- (a) the conditions in paragraph (6) are met; or
- (b) requiring compliance would be unreasonable on account of the short duration of the voyages on which the ship is engaged (which voyages may be more than 20 miles from the nearest land).

(6) The conditions referred to in paragraph (5)(a) are that—

- (a) the ship is constructed and solely intended for the carriage of bulk cargoes which are listed in—
 - (i) Table 1 of MSC.1/Circ.1395/Rev.4(15) as non-combustible or constituting a low fire risk; or
 - (ii) Table 2 of MSC.1/Circ.1395/Rev.4 and for which a fixed gas system is ineffective, the cargo spaces being provided with a fire-extinguishing system which provides equivalent fire protection; and
- (b) the requirements in paragraph (4) are met.

(15) MSC.1/Circ.1395/Rev.4 is a guidance and information note issued by the International Maritime Organization (IMO). This is the fourth revision of this circular and it may be liable to further updating in the future. The document is available from the IMO of 4 Albert Embankment, London SE1 7SR.

(7) The Secretary of State may exempt from the requirements of regulation 7(3) (substantial repairs, alterations, modifications and outfitting) a ship or class of ship if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(8) The Secretary of State may, in exceptional circumstances not provided for in this regulation, exempt from the requirements of any provision in Chapter II-2, Merchant Shipping Notice 1900 (M), 1901 (M) or 1902 (M) or the relevant Merchant Shipping Notices, a ship or class of ship if satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ship.

(9) An exemption under paragraph (1), (2), (3), (5), (7) or (8) may be granted subject to such safety requirements as the Secretary of State thinks fit to ensure the overall safety of the ship.

(10) An exemption granted under paragraph (1), (2), (3), (5), (7) or (8) may, on the giving of reasonable notice, be altered or cancelled.

(11) An exemption granted under paragraph (1), (2), (3), (5), (7) or (8) or an alteration or cancellation under paragraph (10), must—

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(12) The requirement that an exemption granted under paragraph (1), (2), (3), (5), (7) or (8) or an alteration or cancellation under paragraph (10), be in writing is satisfied where the text of the exemption, alteration or cancellation is—

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(13) Where an exemption is granted subject to safety requirements under paragraph (9), the exemption ceases to have effect if those requirements are not complied with.

(14) For the purposes of this regulation, “dangerous goods” means dangerous goods as defined in the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations 1997⁽¹⁶⁾.

Alternative design and arrangements

11.—(1) Fire safety design and arrangements for a ship to which either Part 2, Part 3, Part 4 or Part 6 applies, may deviate from the requirements of—

- (a) Merchant Shipping Notice 1900 (M);
- (b) Merchant Shipping Notice 1901 (M);
- (c) Merchant Shipping Notice 1902 (M); or
- (d) the relevant Merchant Shipping Notices,

which apply to it, provided that any alternative design and arrangement meets the fire safety objectives and functional requirements contained in those Merchant Shipping Notices and is approved by the Secretary of State.

(2) Fire safety design and arrangements for a ship to which either Part 2, Part 3 or Part 5 applies, may deviate from the requirements of Parts B, C, D, E and G of Chapter II-2 which apply to it, provided that the alternative design and arrangements meet the fire safety objectives and functional requirements contained in those Parts⁽¹⁷⁾.

⁽¹⁶⁾ S.I. 1997/2367, amended by S.I. 2004/2110 and S.I. 2011/2616.

⁽¹⁷⁾ IMO circular MSC/Circ.1002 provides guidance on alternative design and arrangements for fire safety and how to meet the fire safety objectives and functional requirements contained in Parts B, C, D, E and G of Chapter II-2 and has been

- (3) In relation to a ship to which paragraph (2) applies—
- (a) an alternative design or arrangement must be subjected to an engineering analysis in accordance with regulation 17.3 of Chapter II-2 (alternative design and arrangements – engineering analysis); and
 - (b) a copy of the engineering analysis must be provided by the owner to the Secretary of State.
- (4) In relation to the alternative design or arrangement and the engineering analysis mentioned in paragraph (3), the Secretary of State—
- (a) must evaluate and, if satisfied that the requirements of regulation 17.3 of Chapter II-2 are met, approve the engineering analysis; and
 - (b) if satisfied that the alternative design or arrangement is at least as effective as that required by Parts B, C, D, E or G of Chapter II-2, must approve the alternative design or arrangement.
- (5) Where there are changes to the assumptions and operational restrictions that were stipulated in the alternative design or arrangement mentioned in paragraph (3)—
- (a) a further engineering analysis must be carried out which takes into account the changed assumptions and operational restrictions; and
 - (b) where the alternative design or arrangement requires amendment, this must be evaluated and, if satisfied that such alternative design or arrangement is at least as effective as that required by Parts B, C, D, E or G of Chapter II-2, be approved by the Secretary of State.
- (6) An approval given under paragraph (1), (4) or (5) may, on the giving of reasonable notice, be continued, altered or cancelled.
- (7) An approval given under paragraph (1), (4) or (5), or a continuation, alteration or cancellation under paragraph (6), must—
- (a) be in writing;
 - (b) specify the date on which it takes effect; and
 - (c) specify the terms, if any, on which it is given.
- (8) The requirement that an approval given under paragraph (1), (4) or (5), or a continuation, alteration or cancellation under paragraph (6), be in writing is satisfied where the text of the approval, continuation, alteration or cancellation is—
- (a) transmitted by electronic means;
 - (b) received in legible form; and
 - (c) capable of being used for subsequent reference.
- (9) A copy of an approval given under paragraph (1), (4) or (5), or a continuation or alteration under paragraph (6), must be carried on board the ship.

PART 2

Fire protection requirements for ships constructed before 1st July 2002

Application

- 12.** This Part applies to ships of Classes—

- (a) I, II, VII, VII(A), VII(T), VIII, VIII(T) and IX and engaged on international voyages; and
- (b) II(A), VII(A), VIII(A), VIII(A)(T), IX, IX(A) and IX(A)(T) and engaged on non-international voyages,

the keels of which were laid, or which were at a similar stage of construction, before 1st July 2002.

Compliance by ships constructed before 1st July 2002

13.—(1) A ship must comply with each requirement in—

- (a) Merchant Shipping Notice 1900 (M); and
- (b) the relevant Merchant Shipping Notices,

that applies to it.

(2) For the purposes of paragraph (1), a ship constructed before 26th May 1965 must comply with—

- (a) each condition specified in Schedule 1 to Merchant Shipping Notice 1670 (M) Amendment 2;
- (b) each provision of Merchant Shipping Notice 1900 (M) listed in the Annex to Schedule 1 to Merchant Shipping Notice 1670 (M) Amendment 2;
- (c) in the case of a passenger ship carrying 36 or fewer passengers, each provision of Schedule 2 to Merchant Shipping Notice 1670 (M) Amendment 2; and
- (d) in the case of a passenger ship carrying more than 36 passengers, each of the following requirements of Merchant Shipping Notice 1900 (M)—
 - (i) paragraph 3.24 (fixed fire-extinguishing systems in machinery spaces of category A);
 - (ii) paragraph 3.40 (general emergency alarm to be provided in every Class I ship);
 - (iii) paragraph 3.41 (public address system in every Class I ship); and
 - (iv) paragraphs 7.3 to 7.76 (structural fire protection for passenger ships),

that applies to it.

(3) A ship to which regulation 12(a) (ships constructed before 1st July 2002 and engaged on international voyages) applies must comply with—

- (a) each requirement listed in regulation 1.2 of Part A of Chapter II-2 (applicable requirements to existing ships); and
- (b) each requirement of—
 - (i) regulation 1.6 of Part A of Chapter II-2 (application of requirements to tankers); and
 - (ii) Parts B, C, D, E and G of Chapter II-2 (fire protection requirements)(**18**),

that applies to it(**19**).

(4) For the purposes of this regulation, where there is a conflict between the requirements of—

- (a) the Merchant Shipping Notices described in paragraphs (1) and (2); and
- (b) the provisions of Chapter II-2 described in paragraph (3),

the provisions of Chapter II-2 take precedence.

(18) Part B of Chapter II-2 relates to prevention of fire and explosion; Part C relates to suppression of fire; Part D relates to escape; Part E relates to operational requirements; and Part G relates to special requirements.

(19) Ships constructed before 1st July 2002 are subject to certain specified requirements in Chapter II-2, including all provisions that apply to “all ships”. The expression “all ships” is defined in regulation 1.1.2.2 of Chapter II-2 and includes references to all ships, irrespective of type, constructed before, on or after 1st July 2002.

PART 3

Fire protection requirements for ships constructed on or after 1st July 2002 and before 1st July 2012 engaged on international voyages

Application

14. This Part applies to ships of Classes I, II, VII, VII(T), VIII, VIII(T) and IX, the keels of which were laid, or which were at a similar stage of construction, on or after 1st July 2002 and before 1st July 2012, and engaged on international voyages.

Compliance by ships constructed on or after 1st July 2002 and before 1st July 2012 and engaged on international voyages

15.—(1) A ship to which this Part applies must comply with each requirement in Merchant Shipping Notice 1901 (M) that applies to it.

(2) A ship to which this Part applies must comply with—

(a) each requirement listed in regulation 1.2 of Part A of Chapter II-2 (applicable requirements to existing ships); and

(b) each requirement of—

(i) regulation 1.6 of Part A of Chapter II-2 (application of requirements to tankers); and

(ii) Parts B, C, D, E and G of Chapter II-2 (fire protection requirements),

that applies to it⁽²⁰⁾.

(3) For the purposes of this regulation, where there is a conflict between the requirements of—

(a) Merchant Shipping Notice 1901 (M); and

(b) the provisions of Chapter II-2 described in paragraph (2),

the provisions of Chapter II-2 take precedence.

PART 4

Fire protection requirements for ships constructed on or after 1st July 2002 and engaged on non-international voyages

Application

16. This Part applies to ships of Classes II(A), VIII(A), VIII(A)(T), IX, IX(A) and IX(A)(T), the keels of which were laid, or which were at a similar stage of construction, on or after 1st July 2002 and engaged on non-international voyages.

Compliance by ships constructed on or after 1st July 2002 and engaged on non-international voyages

17. A ship to which this Part applies must comply with each requirement in Merchant Shipping Notice 1902 (M) that applies to it.

⁽²⁰⁾ Ships constructed on or after 1st July 2002 and before 1st July 2012 are subject to certain specified requirements in Chapter II-2, including the provisions that apply to “all ships”. The expression “all ships” is defined in regulation 1.1.2.2 of Chapter II-2 and includes references to all ships, irrespective of type, constructed before, on or after 1st July 2002 and before 1st July 2012.

PART 5

Fire protection requirements for ships constructed on or after 1st July 2012 engaged on international voyages

Application

18. This Part applies to ships of Classes I, II, VII, VII(T), VIII, VIII(T) and IX, the keels of which were laid, or which were at a similar stage of construction, on or after 1st July 2012 and engaged on international voyages.

Compliance by ships constructed on or after 1st July 2012 and engaged on international voyages

19.—(1) A ship to which this Part applies must comply with each requirement in—

- (a) regulation 1.6 in Part A of Chapter II-2 (application of requirements to tankers); and
- (b) Parts B, C, D, E and G of Chapter II-2 (fire protection requirements),

that applies to it.

(2) For the purposes of paragraph (1)(b), requirements in Parts B, C, D, E and G of Chapter II-2 which—

- (a) do not refer to a specific ship type, apply to ships of all types; and
- (b) refer to “tankers”, apply to tankers subject to the requirements in regulation 1.2.7 in Part A of Chapter II-2 (tankers constructed before 1st January 2016 to comply with regulation 16.3.3 of Chapter II-2, with the exception of paragraph 3 of that provision).

PART 6

Fire protection requirements for ships of Classes XI and XII

Application

20. This Part applies to all ships of Classes XI and XII, whether engaged on international or non-international voyages.

Compliance by ships of Classes XI and XII

21. A ship of Class XI or XII to which this Part applies must comply with each requirement in—

- (a) Merchant Shipping Notice 1900 (M); and
- (b) the relevant Merchant Shipping Notices,

that applies to it.

PART 7

Enforcement

Offences and penalties

22.—(1) If a ship proceeds or attempts to proceed to sea or on any voyage, or arrives within United Kingdom waters, in breach of any of the requirements applicable to that ship in, or listed in, these Regulations, other than a matter to which paragraph (3) applies, the owner and master are each guilty of an offence in respect of each case of non-compliance.

(2) An offence under paragraph (1) is punishable—

(a) on summary conviction—

(i) in England and Wales by a fine; or

(ii) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum; or

(b) on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(3) Any contravention of—

(a) regulation 16.3.3.3 in Chapter II-2;

(b) paragraph 5.4(c) in Merchant Shipping Notice 1900 (M);

(c) paragraph 1.15 in Merchant Shipping Notice 1901 (M); or

(d) paragraph 3.8 in Part A of Merchant Shipping Notice 1902 (M),

(which relate to the oxygen content of the inert gas supply) is an offence by the master.

(4) An offence under paragraph (3) is punishable—

(a) in England and Wales by a fine; or

(b) in Scotland or Northern Ireland by a fine not exceeding the statutory maximum.

(5) It is a defence for the person charged with an offence under this regulation to prove that the person charged took all reasonable steps to avoid the commission of the offence.

Detention

23.—(1) For the purposes of this regulation, any reference to “the Act” is a reference to the Merchant Shipping Act 1995.

(2) Any ship which does not comply with the requirements of, or listed in—

(a) these Regulations;

(b) regulation 1.2 in Part A of Chapter II-2 (applicable requirements to existing ships);

(c) regulation 1.6 in Part A of Chapter II-2 (application of requirements to tankers);

(d) Parts B, C, D, E and G of Chapter II-2 (fire protection requirements);

(e) Merchant Shipping Notice 1900 (M);

(f) Merchant Shipping Notice 1901 (M);

(g) Merchant Shipping Notice 1902 (M); or

(h) the relevant Merchant Shipping Notices,

applicable to that ship, may be detained in the United Kingdom.

(3) Section 284 of the Act(21) (enforcing detention of ship) applies where a ship is liable to be detained under this regulation as if—

- (a) references to detention of a ship under the Act were references to detention of the ship in question under this regulation; and
- (b) subsection (7) were omitted.

(4) Where a ship is liable to be detained under this regulation, the person detaining the ship must serve on the master a detention notice which—

- (a) states the grounds for the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 284(1) of the Act.

(5) Subject to paragraph (6), section 96 (references of detention notices to arbitration)(22) and section 97 (compensation in connection with invalid detention of a ship) of the Act apply in relation to a detention notice issued pursuant to this regulation as they apply in relation to detention notices issued pursuant to section 95 (power to detain dangerously unsafe ship)(23).

(6) For the purposes of paragraph (5)—

- (a) section 96 of the Act applies as if—
 - (i) subsection (3) were omitted;
 - (ii) the words “as a dangerously unsafe ship” in subsection (5) were omitted;
 - (iii) subsection (11) were omitted; and
- (b) sections 96 and 97 of the Act apply as if “the relevant inspector” means a person issuing the detention notice pursuant to this regulation.

(7) Subject to paragraph (8), where a ship other than a United Kingdom ship is detained, the Secretary of State must immediately inform the ship’s flag administration in writing.

(8) If it is not possible to inform the ship’s flag administration in accordance with paragraph (7), the Secretary of State must inform the Consul of the State of the flag administration, or in the absence of a Consul, the nearest diplomatic representative of the State of the flag administration.

(9) For the purposes of paragraphs (7) and (8), “flag administration” in relation to a ship means the administration of the State whose flag the ship is entitled to fly.

Review of the Regulations

24.—(1) The Secretary of State must from time to time—

- (a) carry out a review of the regulatory provision contained in these Regulations; and
- (b) publish a report setting out the conclusions of the review.

(2) The first report must be published before the end of the period of five years beginning with the date on which these Regulations come into force.

(3) Subsequent reports must be published at intervals not exceeding five years.

(4) Section 30(3) of the Small Business, Enterprise and Employment Act 2015(24) requires that a review carried out under this regulation must, so far as is reasonable, have regard to how

(21) Section 284 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28) and S.I. 2015/664.

(22) Section 96(7) was amended by Part 1 of Schedule 10 to the Tribunals, Courts and Enforcement Act 2007 (c. 15) and by Schedule 11 to the Constitutional Reform Act 2005 (c. 4). Section 96(10) was repealed by Schedule 4 to the Arbitration Act 1996 (c. 23).

(23) Section 95 was amended by Schedule 1 to the Merchant Shipping and Maritime Security Act 1997 (c. 28).

(24) 2015 c. 26. Section 30(3) was amended by section 19 of the Enterprise Act 2016 (c. 12) and Schedule 8 to the European Union (Withdrawal) Act 2018 (c. 16).

the obligations under the Convention are implemented in other countries which are subject to the obligations.

(5) Section 30(4) of the Small Business, Enterprise and Employment Act 2015 requires that a report published under this regulation must, in particular—

- (a) set out the objectives intended to be achieved by the regulatory provision referred to in paragraph (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) if those objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

(6) In this regulation, “regulatory provision” has the same meaning as in sections 28 to 32 of the Small Business, Enterprise and Employment Act 2015 (see section 32 of that Act).

Signed by authority of the Secretary of State for Transport

24th May 2023

Vere
Parliamentary Under Secretary of State
Department for Transport

We consent to the making of these Regulations

23rd May 2023

Andrew Stephenson
Scott Mann
Two of the Lords Commissioners of His
Majesty’s Treasury