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STATUTORY INSTRUMENTS

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**2023 No. 568**

**The Merchant Shipping (Fire Protection) Regulations 2023**

**PART 1**

**Preliminary**

**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);

“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,

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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@mcga.gov.uk](mailto:infoline@mcga.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).
  - (4) *S.I. 1997/1510*, amended by *S.I. 2020/362*. There are other amendments but none is relevant.

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 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.

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**Commencement Information**

**II** Reg. 3 in force at 15.6.2023, see [reg. 1\(1\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Merchant Shipping (Fire Protection) Regulations 2023, Section 3.