
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Merchant Shipping (Fire Protection) Regulations 2023

PART 1

Preliminary

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⁽¹⁾ 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⁽²⁾; and
 - (bb) the rules annexed to the Protocol on Space Requirements for Special Trade Passenger Ships, 1973⁽³⁾;
 - (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—
- (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

(1) “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>).

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

(3) 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>).

- (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(4) 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.

(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

(4) 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.

(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(5).