
DRAFT STATUTORY INSTRUMENTS

2023 No.

The Merchant Shipping (Fire Protection) Regulations 2023

PART 1

Preliminary

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⁽¹⁾.

(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)—

(1) 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 amended by MSC.1/Circ.1552, MSC.1/Circ.1002/Corr.2 and MSC.1/Circ.1002/Corr.3. IMO Circulars are available from the IMO of 4 Albert Embankment, London SE1 7SR or on request from the Maritime & Coastguard Agency of Spring Place, 105 Commercial Road, Southampton SO15 1EG (telephone 020 3817 2000 and email infoline@mcga.gov.uk).

- (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.