

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.

Commencement Information

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

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.

Commencement Information

12 Reg. 2 in force at 15.6.2023, see [reg. 1\(1\)](#)

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);

- (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 info@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

- “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,
- 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

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.

- (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.

Commencement Information

I3 Reg. 3 in force at 15.6.2023, see [reg. 1\(1\)](#)

Classification of ships

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

Commencement Information

I4 Reg. 4 in force at 15.6.2023, see [reg. 1\(1\)](#)

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;
 - (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),

(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.

(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](#)).

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.

Commencement Information

I5 Reg. 5 in force at 15.6.2023, see [reg. 1\(1\)](#)

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.

Commencement Information

I6 Reg. 6 in force at 15.6.2023, see [reg. 1\(1\)](#)

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 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.

Commencement Information

I7 Reg. 7 in force at 15.6.2023, see [reg. 1\(1\)](#)

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);
- (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—

⁽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.

- (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.

Commencement Information

18 Reg. 8 in force at 15.6.2023, see [reg. 1\(1\)](#)

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.

Commencement Information

I9 Reg. 9 in force at 15.6.2023, see **reg. 1(1)**

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).

Commencement Information

I10 Reg. 10 in force at 15.6.2023, see [reg. 1\(1\)](#)

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).

(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.

(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 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).

Changes to legislation: There are currently no known outstanding effects for the The Merchant Shipping (Fire Protection) Regulations 2023, PART 1. (See end of Document for details)

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Commencement Information

III Reg. 11 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, PART 1.