

Draft Legislation: Ship Safety – the Merchant Shipping (Fire Protection) Regulations 2023

The Merchant Shipping (Fire Protection) Regulations 2023 were today (22 November 2022) published as a draft, along with an accompanying draft explanatory memorandum.

The draft regulations revoke and replace the Merchant Shipping (Fire Protection: Large Ships) Regulations 1998 (SI 1998/1012) ('the 1998 regulations'), the Merchant Shipping (Fire Protection) Regulations 2003 (SI 2003/2950) ('the 2003 regulations') and makes other consequential amendments to implement the most up to date requirements of chapter II-2 in the annex to the International Convention for the Safety of Life at Sea, 1974 ('the convention'), relating to safety measures for fire protection on ships.

The draft regulations are being published for 28 days. Following the conclusion of this period, and once any observations on the draft regulations have been taken into account, they will be laid for approval by each House of Parliament. This procedure is required under paragraph 14 of schedule 8 to the European Union (Withdrawal) Act 2018 because these regulations revoke an instrument, the 1998 regulations, that was made under section 2(2) of the European Communities Act 1972.

Statutory statements explaining the steps taken to publish the draft regulations and the reasons for the revocation of the provision made by section 2(2) are contained in the annex to the draft explanatory memorandum.

The draft regulations implement requirements for fire protection on ships in chapter II-2 of the annex to the convention, including previously unimplemented requirements to improve fire detection and suppression on cabin balconies for tanker ships to carry an oxygen measuring meter and portable gas detector and other measures.

The updated measures in chapter II are in force internationally, but the measures must also be incorporated into our national legislation to enable them to be enforced effectively, most notably to discourage non-compliance by non-UK flagged ships in UK waters, which would be detrimental to the safety of shipping in UK coastal areas.

The draft regulations will ensure that UK law includes increased safety standards for fire protection on both UK flagged ships and non-UK flagged ships within the scope of the convention operating in UK waters.

The draft regulations also include an ambulatory reference provision to ensure that future amendments to chapter II-2 referred to in the draft regulations will automatically become UK law when they enter into force internationally.

As described in the accompanying draft explanatory memorandum, a ministerial statement will be provided to both Houses of Parliament ahead of any amendment to chapter II-2 referenced in the draft regulations, prior to it coming into force in UK law by way of the ambulatory reference provision.

The draft regulations and the accompanying draft explanatory memorandum can be found on [GOV.UK](https://www.gov.uk).