EXPLANATORY MEMORANDUM TO

THE MERCHANT SHIPPING (FIRE PROTECTION) REGULATIONS 2023

2023 No. [XXXX]

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Transport and is laid before Parliament by Command of His Majesty.

1.2 This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 This instrument makes provision for fire protection on ships and implements 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"). The instrument revokes and replaces the Merchant Shipping (Fire Protection: Large Ships) Regulations 1998 (S.I. 1998/1012) ("the 1998 Regulations") and the Merchant Shipping (Fire Protection) Regulations 2003 (S.I. 2003/2950) ("the 2003 Regulations") and makes other consequential amendments.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 This instrument revokes subordinate legislation made under section 2(2) of the European Communities Act 1972. It therefore engages the procedural and publication requirements of paragraphs 13 to 15 of Schedule 8 to the European Union (Withdrawal) Act 2018, which have been complied with.

3.2 The Secondary Legislation Scrutiny Committee, in its 21st Report of Session 2017-19, included an exchange of correspondence between the Committee and the Department in relation to the implementation backlog of international maritime conventions. The Committee, in its 17th Report of Session 2019-21 and in its 11th Report of Session 2021-22, included further correspondence from the Department which described the steps it was taking to address the backlog. These Regulations are one of the statutory instruments, identified in that correspondence, which implement outstanding international obligations to which the Department referred in that correspondence. On 19th October 2021, Robert Courts MP appeared before the Committee to provide a further update on the backlog and to explain how it will be discharged by the Department, and the Committee reported on the outcome in its 17th Report of Session 2021-22. Further correspondence from Robert Courts MP and Trudy Harrison MP, providing detail on the progress made to clear the backlog, was included in the Committee's 37th Report of Session 2021-22.

4. Extent and Territorial Application

4.1 The extent of this instrument (that is, the jurisdiction(s) which the instrument forms part of the law of) is England and Wales, Scotland and Northern Ireland.

4.2 The territorial application of this instrument (that is, where the instrument produces a practical effect) is all United Kingdom ships, wherever they may be in the world, and to non-United Kingdom ships while in United Kingdom waters.

5. European Convention on Human Rights

5.1 Baroness Vere of Norbiton, Parliamentary Under Secretary of State at the Department for Transport, has made the following statement regarding Human Rights:

"In my view the provisions of the Merchant Shipping (Fire Protection) Regulations 2023 are compatible with the Convention rights.".

6. Legislative Context

6.1 The Regulations apply, with certain limited exceptions, to passenger ships engaged on international voyages, to a small class of passenger ships engaged on domestic voyages (Class II(A)), to cargo ships of 500 gross tons and above engaged on both international and non-international voyages, to sailing ships of 500 gross tons and above and to United Kingdom pleasure vessels of 500 gross tons and above. The particular classes of ship to which the Regulations apply are described in each Part of the Regulations and are defined in Schedule 2 to the Regulations. The existing fire protection requirements for such ships are contained in the 1998 Regulations and the 2003 Regulations; the 1998 Regulations apply to ships constructed before 1st July 2002 and the 2003 Regulations apply to ships constructed on or after 1st July 2002.

6.2 Fire protection requirements for passenger ships on non-international voyages (other than Class II(A)) are contained in the Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 (S.I. 1998/1011) ("the Small Ships Regulations") and the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 (S.I. 2000/2687). The fire protection requirements for cargo ships, sailing ships and pleasure vessels under 500 gross tons are contained in the Small Ships Regulations. The Regulations do not impact on the requirements in these instruments, although consequential amendments are made to both instruments, including clarifying the exceptions to the application of the Small Ships Regulations to ensure government ships and naval ships are not within scope of that instrument, and ensuring that the requirements of regulation 19.3 of Chapter II-2 (carriage of dangerous goods – special requirements) apply to cargo ships under 500 gross tons (to which the Small Ships Regulations apply).

6.3 The Regulations implement outstanding amendments to Chapter II-2, which applies to ships engaged on international voyages. These amendments include amendments to the Fire Safety Systems Code ("the FSS Code") and the Fire Testing Procedures Code ("the FTP Code"), which are incorporated into the Convention by Chapter II-2. The Regulations do not make changes to the requirements for ships engaged on domestic voyages; the fire protection requirements for domestic shipping are currently being reviewed and any additional provision needed will be made once these Regulations are in force.

6.4 The amendments to Chapter II-2 which are implemented in the Regulations are contained in 20 resolutions amending Chapter II-2 and which have come into force since the most recent domestic implementation of Chapter II-2 in 2003. These amendments comprise a combination of substantive changes to fire protection safety measures, incremental technical updates and textual clarification.

6.5 The requirements for ships engaged on international voyages and constructed on or after 1st July 2012 are contained in Part 5 of the Regulations, which directly incorporates the requirements in Parts 1.6 of Part A (application of requirements to tankers) and Parts B, C, D, E and G of Chapter II-2 (fire protection requirements).

6.6 Merchant Shipping Notice 1900 (M) ("MSN 1900 (M)") contains the technical requirements for ships constructed before 1st July 2002 on both international and non-international voyages. Some ships within this category are subject to different requirements and these are contained in regulation 13 of the Regulations and in Merchant Shipping Notice 1670 (M) (Amendment 2) referenced in that regulation, including the requirements for ships constructed before 26th May 1965. MSN 1900 (M) replaces, and restates, the requirements for these older ships that were in the 1998 Regulations. MSN 1900 (M) also contains the requirements for sailing ships of 500 gross tons and above and for United Kingdom pleasure vessels of 500 gross tons and above.

6.7 Merchant Shipping Notice 1901 (M) ("MSN 1901 (M)") contains the technical requirements for ships constructed between 1st July 2002 and before 1st July 2012 engaged on international voyages. These requirements are the provisions of Chapter II-2 that apply to ships of this period and these are set out in full in MSN 1901 (M).

6.8 Merchant Shipping Notice 1902 (M) ("MSN 1902 (M)") contains the technical requirements for ships constructed on or after 1st July 2002 which are engaged on non-international voyages. These requirements are the requirements that were contained in the document described as "the MCA's SOLAS 2002 Chapter II-2 Publication" in the 2003 Regulations, which has now been revoked, and are set out in full in MSN 1902.

6.9 Some provisions of Chapter II-2 apply to all ships of all ages and this requirement is implemented in the Regulations. For the purposes of ships to which MSN 1900 (M) and MSN 1901 (M) apply, where there is a conflict between the requirements in the applicable Merchant Shipping Notice and the requirements in Chapter II-2, the requirements in Chapter II-2 prevail (regulations 13(3) and 15(2)).

6.10 The Regulations include an ambulatory reference provision in regulation 6 to ensure that future amendments to Chapter II-2 referenced in the Regulations are automatically incorporated into United Kingdom law. This ensures that United Kingdom domestic law remains in line with the requirements of the Convention. The United Kingdom will continue to be able to scrutinise and, if necessary, object to, any proposed changes in an international arena (in the International Maritime Organization), and to assess the impact of the changes well before any amendment is due to come into force. This will inform decision making. United Kingdom industry and workers' representatives will also be involved at the stage at which the United Kingdom negotiating strategy is being formulated and will be able to influence it. If the United Kingdom objects to an amendment that is due to come into force internationally, and which is referenced in the Regulations, then the Secretary of State will make amending secondary legislation to prevent that amendment from becoming incorporated into domestic law by way of ambulatory reference. An amendment that is accepted by the United Kingdom will be publicised in advance of its in force date by a Parliamentary Statement to both Houses of Parliament, and by a Marine Guidance Note, which will be available from the Maritime & Coastguard Agency (MCA) from Spring Place, 105 Commercial Road, Southampton, SO15 1EG, and on https://www.gov.uk.

6.11 Once a future amendment to Chapter II-2 comes into force it can be obtained in copy from the IMO of 4 Albert Embankment, London SE1 7SR, or found on the Foreign, Commonwealth and Development Office online treaties database: https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/. Until such publication is made on the treaties database an amendment will be available from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG and on https://www.gov.uk. The IMO now adopts and gives effect to amendments to the Annexes to the Convention on a quadrennial cycle; as such, the most recent amendments came into force on 1st January 2020 and the next amendments are scheduled to come into force on 1st January 2024.

6.12 As United Kingdom merchant ships are subject to a survey and certification regime under the Merchant Shipping (Survey and Certification) Regulations 2015 (S.I. 2015/508), compliance with the Regulations is checked at that time. A ship must comply with all the requirements of Chapter II-2 applicable to it and failure to do so is an offence under the Regulations. Provision for offences and penalties under the Regulations is contained in regulation 22. A ship may also be detained under regulation 23 where it does not comply with the Regulations.

6.13 These sanctions are applicable in respect of both United Kingdom ships and non-United Kingdom ships visiting United Kingdom ports. The Maritime & Coastguard Agency is a prosecuting authority, acting on behalf of the Secretary of State; it has the power to investigate potential offences and, where necessary, bring prosecutions.

7. Policy background

What is being done and why?

7.1 This legislation puts the most up-to-date international standards for fire protection into United Kingdom domestic law and is being made to ensure that the United Kingdom meets its international obligations in relation to Chapter II-2 in the Convention.

7.2 Provision for fire protection on ships includes structural fire protection, prevention of fire and explosion, detection and suppression of fire, escape from fire, operational requirements, alternative design and arrangements and other requirements which are specific to particular situations. As one of the greatest risks to seafarers and passengers, fire protection arrangements are under continual review at the IMO and the requirements are frequently updated. The requirements were last implemented into United Kingdom law by the 2003 Regulations. Since 2003, the 20 resolutions referred to in section 6 have been agreed in the IMO to further improve safety standards related to fire protection. The specific changes are set out in paragraphs 7.3 to 7.22.

7.3 MSC.134(76) entered into force on 1st July 2004. This resolution updated the requirements for the stowage of certain classes of dangerous goods below deck and made some updates to definitions and other minor editorial changes.

7.4 MSC.173(79) entered into force on 1st July 2006. This resolution updated the FTP Code to amend the acceptable limit for sulphur dioxide in the Smoke and Toxicity test for certain materials on ships.

7.5 MSC.194(80) entered into force on 1st July 2007. This resolution made editorial changes to clarify sections of the regulations related to the probability of ignition, fire fighting requirements and protection of vehicle, special category and roll-on/roll-off (ro-ro) spaces.

7.6 MSC.201(81) entered into force on 1st July 2010. This resolution updated the requirements for fire fighting systems to add water mist nozzles as an acceptable type of sprinkler as well as clarify the requirements for arrangements for fuel oil, lubricating oil and other flammable liquids based on the age of the ship.

7.7 MSC.216(82) entered into force on 1st January 2009. This resolution added requirements related to cabin balconies which were defined in the regulations for the first time. Regulations were added relating to the probability of ignition, fire growth potential, smoke generation and toxicity, detection and alarm, containment of fire and firefighting requirements.

7.8 MSC.217(82) entered into force on 1st July 2010. This resolution amended the FSS Code to update requirements for portable foam fire extinguishers, fixed foam fire extinguishing systems, fixed water spraying and water mist systems and for fire detection and alarm systems to include remote and individual identification of detectors and manually operated call points, as well as the requirement for sections of fire detectors and call points not to be situated in more than one main vertical zone.

7.9 MSC.256(84) entered into force on 1st January 2010. This resolution updated Chapter II-2 to update requirements for all existing ships where a carbon dioxide fire-extinguishing system is fitted to ensure it complies with the FSS Code (previously only ships built after 1st July 2002 had to comply with these requirements), and to add requirements to ensure there is no serious loss of stability from use of fixed pressure water spraying systems. This includes requirements related to drains and scuppers with differing requirements for ships built before and after 2010.

7.10 MSC.269(85) entered into force on 1st July 2010. This resolution updated requirements for ships carrying dangerous goods that were built between 1984 and 2011, the classification of doors and permitted gaps as well as clarification on material definitions and need for dampers in ducts, updated the dangerous goods classifications and required passenger ships carrying more than 36 people to be fitted with a means for fully recharging breathing air cylinders.

7.11 MSC.291(87) entered into force on 1st January 2012. This resolution updated requirements for tankers to have portable instruments for gas measurement, or where this is not appropriate to have fixed gas detection systems. The application provision in Chapter II-2 was amended to apply regulation 4.5.7.1 of Chapter II-2 (portable instrument for measuring oxygen and flammable vapour concentrations) to ships constructed before 1st July 2002.

7.12 MSC.307(88) took effect on 1st July 2012, upon the entry into force of MSC.308(88). This resolution fully revised the FTP Code and made the Code mandatory for ships constructed on or after 1st July 1998, including the material used in the construction of high speed craft under the International Code of Safety for High-Speed Craft, 2000 as being compliant with the FTP Code. It also included general updates to the testing provisions included within the Code in compliance with recognised best practice.

7.13 MSC.308(88) entered into force on 1st July 2012. This resolution added a requirement for detection in closed spaces containing incinerators as well as making other editorial changes.

7.14 MSC.338(91) entered into force on 1st July 2014. This resolution updated the requirements for cargo ships of 500 gross tons or more built before 2002 in relation to structural fire protection and fixed fire-extinguishing systems in special category and ro-ro spaces, and inserted a requirement for firefighters' suits, including the breathing

apparatus to comply with the FSS Code, as well as a requirement for firefighters to carry two-way radios. The requirement for fixed local application fire-extinguishing systems to protect areas of the ship without the necessity of engine shutdown, personnel evacuation, or sealing of the spaces was also extended to the fire hazard portions of internal combustion machinery or, for ships constructed before 1 July 2014, the fire hazard portions of internal combustion machinery used for the ship's main propulsion and power generation. A requirement for a means of recharging breathing apparatus used in drills was also inserted.

7.15 MSC.365(93) entered into force on 1st January 2016. This resolution updated the application of requirements for vehicle carriers, tankers and smoke and fire dampers, including the updating of definitions. It updated the requirements for inert gas systems and their operation in tankers including chemical tankers and gas carriers. It also updated requirements for ventilation systems as well as the requirements for means of escape including additional protection to inclined ladders and stairways, as well as fire shelters to means of escape from workshops within machinery spaces for ships built after 2016. Further to this, it also included new requirements for vehicle carriers carrying motor vehicles with compressed hydrogen or natural gas in their tanks for their own propulsion as cargo. Updates were also made for the requirements for firefighting in cargo ships designed to carry containers on or above the weather deck.

7.16 MSC.380(94) entered into force on 1st July 2012. This resolution made minor editorial updates to regulation 10 of Chapter II-2 (fire fighting).

7.17 MSC.392(95) entered into force on 1st January 2017. This resolution updated the requirements regarding low flash point fuels, updated the structural integrity requirements for tankers and updated the requirements for performance of ventilation systems in vehicle, special category and ro-ro spaces.

7.18 MSC.403(96) entered into force on 1st January 2020. This resolution updated the requirements for the protection of freezing of automatic sprinkler systems and added a new chapter to the FSS Code on requirements of foam firefighting appliances at helicopter facilities.

7.19 MSC.404(96) entered into force on 1st January 2020. This resolution inserted requirements for the evacuation analysis required for passenger ships and also inserted a requirement for helicopter landing facilities to have a foam firefighting appliance on ships built on or after 1st January 2020.

7.20 MSC.409(97) entered into force on 1st January 2020. This resolution updated the requirements for boilers, removing the need for foam type fire extinguishers for domestic boilers under 175kW and for boilers protected by fixed water based fire extinguishing systems for ships built before 1st January 2020.

7.21 MSC.410(97) entered into force on 1st January 2020. This resolution updated the FSS Code to amend the requirements for means of escape for passengers in public spaces.

7.22 MSC.421(98) entered into force on 1st January 2020. This resolution provided for windows of A-0 fire integrity to be installed at or below embarkation areas on passenger ships carrying more than 36 passengers to be of a suitable fire protection rating; if a dedicated sprinkler system is provided at the window, then the fire protection rating can be A-0. For passenger ships carrying not more than 36 passengers, A0 rated windows are allowed without protection from sprinkler systems. This resolution also updates the requirements for vehicles carrying fuel in their own

tanks for means of propulsion. A new definition was added for "vehicle carriers", and new provisions for these ships, were also inserted.

7.23 All the IMO resolutions are available from the International Maritime Organization of 4 Albert Embankment, London SE1 7SR or found on the Foreign, Commonwealth and Development Office treaties database (https://treaties.fcdo.gov.uk/responsive/app/consolidatedSearch/).

8. European Union Withdrawal and Future Relationship

8.1 This instrument is not being made under the European Union (Withdrawal) Act 2018 ("the 2018 Act") but relates to the withdrawal of the United Kingdom from the European Union because it revokes subordinate legislation made under section 2(2) of the European Communities Act 1972.

8.2 In accordance with the requirements of the 2018 Act, the Minister has made the relevant statements as detailed in Part 2 of the Annex to this Explanatory Memorandum.

9. Consolidation

9.1 As the 1998 Regulations and the 2003 Regulations are replaced by this instrument, there is no need for consolidation.

10. Consultation outcome

10.1 The Department conducted an eight-week public consultation that ran from 18th July to 24th September 2022, including an extension to account for the period of national mourning following the death of Queen Elizabeth II. Industry stakeholders, including the Devolved Administrations of Scotland, Wales and Northern Ireland, Trade Unions, operators of passenger ships, operators of cargo ships of 500 gross tons and over, Class Associations and others were notified of the consultation and invited to respond by a letter sent by email. An email reminder was also sent to these industry stakeholders two weeks prior to the consultation closing. The consultation was also publicised on the Maritime and Coastguard Agency's social media channels, and a press release was issued.

10.2 A total of five responses were received, two from domestic operators, one from a ship operator impacted by the Regulations, one from the UK Chamber of Shipping and one from the Law Society of Scotland. Not all questions posed in the Consultation Document were answered. The answers given have been fully and carefully considered with no resulting alterations made to the Regulations or associated documentation.

10.3 The consultation and the consultation report can be found at https://www.gov.uk/government/consultations/the-merchant-shipping-fire-protection-regulations-2023-public-consultation. A hard copy version can be obtained 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).

11. Guidance

11.1 The Department has published two Marine Guidance Notes (MGNs): MGN 666 (M) (guidance on MSN 1900 (M)) and MGN 667 (M) (guidance on Chapter II-2, MSN 1901 (M) and MSN 1902 (M)).

11.2 MSN 1900 (M), MSN 1901 (M) and MSN 1902 (M) also contain guidance in the introductory sections on the content of each Merchant Shipping Notice and its relationship with the Regulations.

11.3 All this guidance is available on www.gov.uk/topic/ships-cargoes/m-notices and from the MCA of Spring Place, 105 Commercial Road, Southampton SO15 1EG.

12. Impact

12.1 There is no, or no significant, impact on business, charities or voluntary bodies.

12.2 There is no, or no significant, impact on the public sector.

12.3 A full Impact Assessment has not been prepared for this instrument because the instrument falls below the threshold for an impact assessment. Further, the instrument relates to the updating and maintenance of existing regulatory standards and no, or no significant, impact on the private or voluntary sector is foreseen. Industry bodies were consulted and were in favour of the implementation of the amendments to Chapter II-2. Routine surveys carried out by the MCA and its external authorised surveyors have established that the ships owned by members of these industry bodies are already mostly in compliance with the updated Convention requirements. To do otherwise would impact on the ability of these ships to trade internationally as they risk detention in overseas ports. On this basis, there is a limited cost impact as a result of the instrument.

12.4 There are 440 ships on the UK flag that are impacted by the amendments to Chapter II-2 implemented by this instrument, of which 324 are wholly or partially UK owned. Of these 324 ships, 18 are passenger ships, 21 are tankers and 285 comprise other types of cargo ships.

12.5 The Regulations ensure that the Convention requirements can be enforced against foreign flagged ships in the United Kingdom.

13. Regulating small business

13.1 The legislation applies to activities that are undertaken by small businesses.

13.2 To minimise the impact of the requirements on small businesses (employing up to 50 people), the approach taken is to analyse the companies owning United Kingdom registered ships in order best to determine any impact. It is estimated that around 3% of ships (approximately 25 ships) on the United Kingdom Shipping Register are owned by companies which may employ fewer than 50 people. The vast majority of companies owning United Kingdom registered ships are large multinational, or subsidiaries of multinational companies, and would therefore fall outside of the scope of the small firms' impact test.

13.3 The basis for the final decision on what action to take to assist small businesses is that the Chapter II-2 amendments are primarily concerned with safety measures for fire protection on ships. In the interests of safety, it is not possible to justify different requirements just because a company has fewer employees. The benefits of lives potentially saved, even amongst smaller operators, greatly outweigh the impact. All

operators are expected to comply with the same standards and, therefore, there will be no disproportionate impact upon one smaller business relative to another.

14. Monitoring & review

14.1 The approach to monitoring of this legislation is to review the Regulations. A report of that review will be published no later than five years from the coming into force of the Regulations, and every five years thereafter.

14.2 A statutory review clause is included in the instrument.

15. Contact

15.1 Allan Love at the Maritime and Coastguard Agency Telephone: 020 3817 2000 or email: allan.love@mcga.gov.uk can be contacted with any queries regarding the instrument.

15.2 Gwilym Stone, Deputy Director for Regulations and Standards, at the Maritime and Coastguard Agency can confirm that this Explanatory Memorandum meets the required standard.

15.3 Baroness Vere of Norbiton, Parliamentary Under Secretary of State at the Department for Transport, can confirm that this Explanatory Memorandum meets the required standard.

15.4

Annex

Statements under the European Union (Withdrawal) Act 2018 and the European Union (Future Relationship) Act 2020

Part 1A

Table of Statements under the 2018 Act

This table sets out the statements that may be required under the 2018 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraphs 3(3), 3(7) and 17(3) and 17(7) of Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees
Appropriate-ness	Sub-paragraph (2) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	A statement that the SI does no more than is appropriate.
Good Reasons	Sub-paragraph (3) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	Explain the good reasons for making the instrument and that what is being done is a reasonable course of action.
Equalities	Sub-paragraphs (4) and (5) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2	Explain what, if any, amendment, repeals or revocations are being made to the Equalities Acts 2006 and 2010 and legislation made under them. State that the Minister has had due regard to the need to eliminate discrimination and other conduct prohibited under the Equality Act 2010.
Explanations	Sub-paragraph (6) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2 In addition to the statutory obligation the Government has made a political commitment to include these statements alongside all EUWA SIs	Explain the instrument, identify the relevant law before IP completion day, explain the instrument's effect on retained EU law and give information about the purpose of the instrument, e.g., whether minor or technical changes only are intended to the EU retained law.

Criminal offences	Sub-paragraphs (3) and (7) of paragraph 28, Schedule 7	Ministers of the Crown exercising sections 8(1) or 23(1) or jointly exercising powers in Schedule 2 to create a criminal offence	Set out the 'good reasons' for creating a criminal offence, and the penalty attached.
Sub-delegation	Paragraph 30, Schedule 7	Ministers of the Crown exercising section 8 or part 1 of Schedule 4 to create a legislative power exercisable not by a Minister of the Crown or a Devolved Authority by Statutory Instrument.	State why it is appropriate to create such a sub-delegated power.
Urgency	Paragraph 34, Schedule 7	Ministers of the Crown using the urgent procedure in paragraphs 5 or 19, Schedule 7.	Statement of the reasons for the Minister's opinion that the SI is urgent.
Scrutiny statement where amending regulations under 2(2) ECA 1972	Paragraph 14, Schedule 8	Anybody making an SI after IP completion day under powers conferred before the start of the 2017-19 session of Parliament which modifies subordinate legislation made under s. 2(2) ECA	Statement setting out: a) the steps which the relevant authority has taken to make the draft instrument published in accordance with paragraph 16(2), Schedule 8 available to each House of Parliament, b) containing information about the relevant authority's response to— (i) any recommendations made by a committee of either House of Parliament about the published draft instrument, and (ii) any other representations made to the relevant authority about the published draft instrument, and, c) containing any other information that the relevant authority considers appropriate in relation to the scrutiny of the instrument or draft instrument which is to be laid.
Explanations where amending regulations under 2(2) ECA 1972	Paragraph 15, Schedule 8	Anybody making an SI after IP completion day under powers outside the European Union (Withdrawal) Act 2018 which modifies subordinate legislation made under s. 2(2) ECA	Statement explaining the good reasons for modifying the instrument made under s. 2(2) ECA, identifying the relevant law before IP completion day, and explaining the instrument's effect on retained EU law.

Part 1B

Table of Statements under the 2020 Act

This table sets out the statements that may be required under the 2020 Act.

Statement	Where the requirement sits	To whom it applies	What it requires
Sifting	Paragraph 8 Schedule 5	Ministers of the Crown exercising section 31 to make a Negative SI	Explain why the instrument should be subject to the negative procedure and, if applicable, why they disagree with the recommendation(s) of the SLSC/Sifting Committees

Part 2

Statements required under the European Union (Withdrawal) Act 2018 or the European Union (Future Relationship) Act 2020

1. Scrutiny statement where amending or revoking regulations etc. made under section 2(2) of the European Communities Act 1972

1.1 Baroness Vere of Norbiton, Parliamentary Under Secretary of State at the Department for Transport, has made the following statement regarding this instrument:

"I have taken the following steps to publish the draft instrument in accordance with paragraph 14(2) of Schedule 8 to the European Union (Withdrawal) Act 2018 available to each House of Parliament. On 22nd November 2022, a draft of the Merchant Shipping (Fire Protection) Regulations 2023 was published on the GOV.UK website and on the same day the Written Ministerial Statement "Draft Legislation: The Merchant Shipping (Fire Protection) Regulations 2023" was tabled in the House of Commons by Richard Holden MP. The clerks to the European Scrutiny Committee, the Transport Select Committee and the House of Lords Secondary Legislation Scrutiny Committee were also notified of the publication of the draft of the Regulations.".

2. Explanations where amending or revoking regulations etc. made under section 2(2) of the European Communities Act 1972

2.1 Baroness Vere of Norbiton, Parliamentary Under Secretary of State at the Department for Transport, has made the following statement, in accordance with paragraph 15(3) of Schedule 8 to the European Union (Withdrawal) Act 2018, regarding regulations made under the European Communities Act 1972:

"In my opinion, there are good reasons for the Merchant Shipping (Fire Protection) Regulations 2023 to revoke the Merchant Shipping (Fire Protection: Large Ships) Regulations 1998 ("the 1998 Regulations"). This is because of the need to implement amendments to Chapter II-2 in the Annex to the International Convention for the Safety of Life at Sea 1974 ("the Convention"), which update the safety standards for fire protection on ships. The 1998 Regulations implemented the Convention requirements for ships constructed before 1st July 2002, with separate legislation implementing the requirements for ships constructed after this date. It was therefore considered that a new, single, instrument containing the fire protection requirements for all ships was appropriate. Regulation 104 of the 1998 Regulations (alternative construction and equivalents) provides, for the purposes of the 1998 Regulations, that the results of a verification or test must be accepted if it is carried out in accordance with a standard, code of practice, specification or technical description of an EEA State offering equivalent levels of safety, suitability and fitness for purpose, and by a body or laboratory of an EEA State offering suitable and satisfactory guarantees of technical and professional competence and independence. It is appropriate that the references to "EEA State", the definition of which was amended in the 1998

Regulations by section 2(2) of the European Communities Act 1972, be removed from the domestic implementing legislation as the same provision can be made by reference to a decision of the Secretary of State.".

2.2 Baroness Vere of Norbiton, Parliamentary Under Secretary of State at the Department for Transport, has made the following statement regarding regulations made under the European Communities Act 1972:

"Paragraph 15(3)(a): law which is relevant to the revocation:

Requirements relating to the fire protection requirements for ships constructed before 1st July 2002 are currently contained in the Merchant Shipping (Fire Protection: Large Ships) Regulations 1998 ("the 1998 Regulations"). The 1998 Regulations were amended by the Merchant Shipping (Miscellaneous Provisions) (Amendments etc.) (EU Exit) Regulations 2018 ("the 2018 Regulations"), which amended the definition of "EEA State" by way of the power contained in section 2(2) of the European Communities Act 1972. Paragraph 6.1 of the Explanatory Memorandum (legislative context) explains the purpose of the 1998 Regulations."

"Paragraph 15(3)(b): effect of the revocation on retained EU law:

The Merchant Shipping (Fire Protection) Regulations 2023 ("the 2023 Regulations") revoke the 1998 Regulations, the 2003 Regulations and the provisions in the 2018 Regulations amending the 1998 Regulations. The 2023 Regulations update the fire protection requirements for ships in accordance with Chapter II-2 in the Annex to the International Convention for the Safety of Life at Sea 1974. The effect of the revocation is also to remove the reference to "EEA State", which was included in the 1998 Regulations in relation to the granting of equivalents; the results of a verification or test must be accepted if it is carried out in accordance with a standard, code of practice, specification or technical description of an EEA State offering equivalent levels of safety, suitability and fitness for purpose, and by a body or laboratory of an EEA State offering suitable and satisfactory guarantees of technical and professional competence and independence. Such provision is no longer needed as appropriate provision is made by reference to the decision of the Secretary of State.".