

ANNEX 3 – GENERAL EXEMPTION ON THE CLOSING DOWN OF  
CLASS XII MACHINERY SPACES



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**GENERAL EXEMPTION ON THE CLOSING DOWN OF CLASS XII MACHINERY SPACES**

The Secretary of State, in exercise of the powers conferred by Regulation 85(3) of The Merchant Shipping Act 1995 and Regulation 47 of SI 1998/1011 hereby exempts any vessel of Class XII under 24 metres, as defined in these regulations, from compliance with Regulation 38(1)(b) and 38(1)(c) of The Merchant Shipping (Fire Protection: Small Ships) Regulations 1998 (SI1998/1011), if such vessels are constructed to Recreational Craft Directive (RCD) standards for fire protection. Acceptable RCD standards for Fire protection are detailed in ISO 9094.

This exemption is granted on the condition that the machinery space is fitted with a fixed, type approved, extinguishing system designed, manufactured and installed to a standard not requiring close-down of naturally ventilated air-intakes in the event of fire; and

*the vessel owner –*

- complies with the Schedule attached to this Exemption;
- advises the MCA of any changes that affect this Exemption;
- ensures that the approval, installation, maintenance and operation conditions or limitations of fixed fire-fighting systems are complied with at all times;
- ensures that no modifications are made to machinery space boundaries, ventilation systems or fixed fire extinguishing systems in machinery spaces without consultation with the system manufacturer and the vessel manufacturer about any potential implications for the effective use of the fire extinguishing system;
- ensures that if the vessel's use is changed so that it no longer falls within the definition of Pleasure Vessel, the vessel is then modified (if required) to comply with the appropriate Code of Practice or otherwise applicable regulations for Merchant Shipping, as appropriate and in accordance with the Schedule of Exemption.

This General Exemption revokes and replaces the General Exemption issued under SI 1999/2721 on 01 January 2019, published in Annex 3 of Marine Guidance Note (MGN) 599 (M).

This General Exemption shall remain valid unless revoked or cancelled.

Dated this day the 23 October 2024

Fraser Heasley  
Director of UK Technical Maritime Services

## SCHEDULE TO EXEMPTION ON THE CLOSING DOWN OF CLASS XII MACHINERY SPACES

1. The intent of UK policy for the construction and equipment of pleasure vessels is to rely on compliance with the EU Recreational Craft Directive (EU Directive 2013/53/EU) (RCD) or the Recreational Craft Regulations 2017 (SI 2017/737) (RCR) plus the provision of certain levels of life-saving and fire-fighting equipment suitable for small craft. The intent of this Exemption is to allow for compliance of the fire protection for United Kingdom Class XII Ships (pleasure vessels) where the fire protection systems permit machinery space natural ventilation to remain open in the event of fire if it is demonstrated that the fire is extinguished within a set period. The Exemption applies to means of closing all skylights, doorways, ventilators, annular spaces around funnels and other openings to machinery space openings and means to permit the release of smoke from those spaces but only on the basis of compliance with RCD/RCR standards for fire protection. The Exemption does not apply to forced air ventilation systems.
2. **Regulation 38 (1)(a)** of Merchant Shipping (Fire Protection: Small Craft) Regulations 1998 (SI 1998/1011) requires that in every ship to which these Regulations apply means shall be provide for stopping ventilating fans serving machinery, accommodation and cargo spaces. This regulation is NOT exempted by this exemption because it is imperative that forced ventilation to machinery spaces can be closed down in the event of a machinery space fire.
3. **Regulation 38 (2)** of Merchant Shipping (Fire Protection: Small Craft) Regulations 1998 (SI 1998/1011) requires that machinery driving forced and induced draught fans, oil fuel transfer pumps, oil fuel unit pumps and other similar fuel pumps shall be fitted with remote controls situated outside the spaces in which such machinery or pumps are situated and which would not be made inaccessible by a fire within such spaces. The controls shall be capable of stopping such machinery or pumps in the event of fire in such spaces. **This regulation is NOT exempted by this exemption because it is imperative that forced ventilation and fuel pumps to machinery spaces can be remotely closed down in the event of a machinery space fire.**
4. While it is acknowledged that compliance with Regulations 38(1)(a) and Regulation 38(2) of Merchant Shipping (Fire Protection: Small Craft) Regulations 1998 (SI 1998/1011) may be achieved through automated systems, manual and remote override is the intent of these regulations and automated systems should therefore be capable of manual activation in case of the failure of the automatic system.
5. It is the responsibility of the manufacturer of the vessels to which this Exemption applies to ensure that compliance with this Exemption does not adversely affect other requirements, for example the stability of the vessel with respect to down-flooding.
6. It is the responsibility of the manufacturer of RCD/ RCR vessels to which this Exemption applies to ensure that the fixed machinery space extinguishing system is compliant with the RCD/ RCR and fit for purpose. With this in mind, the MCA highlights that for total flooding fire extinguishing systems like gas, clean agent and aerosol, if the complete gas-tight closure of the space cannot be guaranteed then the space may not contain the required concentration of agent for the necessary period to avoid re-ignition. **It is therefore essential that the system manufacturer's installation instructions and the conditions of type approval (including the limitations of the space volume and location of applicator nozzles) are complied with in full.**
7. Vessel owners and manufacturers need to be aware that the location of ventilation openings and the calculation of the ventilation rate of air changes in an engine room are critical to ensure the effectiveness of any extinguishing system.