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IRMP – firefighting and rescue operations at sea

Issued by:	
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Addressed to:	Please forward to:
CFO’s England, Wales and Northern Ireland	Chief Fire Officers
Summary	

The purpose of this Circular is to explain the following:

- a) the background to the principles of categorisation of waters around the UK
- b) two specific areas of operational assessment
- c) proposed operational response levels
- d) the categorisation of waters.

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1.0 Introduction

1.1 The Fire & Rescue Service can provide a professional role of firefighting and rescue for incidents at sea and has the appropriate capability to fulfil these roles. It has demonstrated that capability at many types of incident over several years. While the duty of the Fire Authority to make provision for fire-fighting purposes normally relates to the Authority's own area, there is nothing to prevent a Fire Authority employing its fire service to extinguish a fire in a ship at sea outside its area. The recent introduction of Integrated Risk Management Plans (IRMPs) places obligations on Authorities to ensure they adequately address the risks within their areas of operation, some of which will include 'hostile' waters.

1.2 The Maritime & Coastguard Agency (MCA) provides a response and co-ordination service for maritime search & rescue (SAR), counter pollution and salvage. The Civil Aviation Division has overall responsibility for UK civil aviation SAR and assigns appropriate SAR functions to the MoD and MCA.

Responsibility for SAR policy rests with the Department for Transport (DfT). As such, DfT is responsible, through the UK SAR Strategic Committee, for assessing the adequacy of UK civil aeronautical and maritime SAR resources, response and co-ordination.

1.3 On the 6 January 2003 the Maritime and Coastguard Agency (MCA), on behalf of the Department of Transport and supported by OPDM and CFOA, commenced research into the operational issues surrounding firefighting and rescue at sea. In particular, the primary objective of this project is to identify a local authority Fire & Rescue Services integrated response to incidents involving firefighting, chemical hazards and rescue at sea.

This integrated response will currently be funded by the MCA in relation to the provision of specific equipment and training for those teams forming a United Kingdom Fire & Rescue Services Maritime Incident Response Group (MIRG) to carry out the 'at sea' role.

1.4 The use of these specifically trained and equipped 'MIRG' teams can support those Authorities who may not meet all the skills required to operate in the 'at sea' environment therefore ensuring a more cost effective and safer approach in dealing with marine incidents. **The Coastguard will not call upon the services of non 'MIRG' Fire & Rescue Services to deal with incidents 'at sea' as they need to be assured of the standards and ability to interact safely with other teams.**

1.5 All dock areas, ports and associated facilities are currently seen as being within the Brigade's statutory responsibility and calls for assistance will normally be raised via the Harbour Authority for those incidents within the Authority areas. For incidents that occur at sea, calls for assistance will be directed to the relevant Fire & Rescue Service by the co-ordinating Coastguard centre.

- 1.6 There is no provision in the existing Fire Services Act, 1947 as to the power of the Fire Authority to employ its Fire Brigade in extinguishing fires specifically in ships. Nevertheless, the power of the Fire Authority to employ its Fire Brigade applies in relation to fires in ships in its area e.g. ports, as it does to fires on land.
- 1.7 Section 72 of the Local Government Act 1972 confirms that the area of responsibility for Fire Authorities in England, Wales and Northern Ireland generally extend to the mean low water mark (MLWM) at ordinary tide. That may include estuarial waters up to a prominent water mark. (The MLWM as quoted in the Local Government Act means that all navigable tidal waters, at low tide, are theoretically deemed as being outside the authority's statutory jurisdiction for firefighting, and in a number of cases these can be some miles inland from the mouth of a river).
- 1.8 In Scotland a Fire Authority's area may extend to the UK territorial limit. In addition, under Scottish common law, an Authority's area may be held to extend over such sea waters as are contained within 'Arms of Land'.
- 1.9 While the duty of the Fire Authority to make provision for firefighting purposes normally relates to the Authority's own area, there is nothing to prevent a Fire Authority employing its Fire & Rescue Service to respond to an incident aboard a ship at sea and outside its area.

All incidents at sea below the low water mark are currently responded to in accordance with the current Fire Services Act, 1947, Supplementary Powers of Fire Authorities, Section 3(1)(d) and (dd) as amended by the Merchant Shipping & Maritime Security Act 1997 (Commencement Order No 2) Order 1997. Paragraph (dd) of the Fire Services Act 1947 with regard to the Power of Fire Authorities states:

“(dd)” to employ the Fire Brigade maintained by them or use any equipment so maintained, at sea (whether or not within the territorial sea of the United Kingdom).”

This paragraph ensures that deployment 'at sea' has a clear legal base within existing United Kingdom legislation, but does not extend the statutory power or duties of the Fire Authority. The amendment strengthens the advice contained within DCOL 9/1992, and removes any ambiguity over Fire Authorities' discretionary powers to attend incidents at sea, and beyond territorial waters if so required.

- 1.10 When the new Fire & Rescue Services Act 2004 comes into force the position with regards to responding to incidents at sea will be further clarified. The guidance herein can still apply.
- 1.11 It is clear that the various legislation and regulations are at variance with one another when it comes to clearly defining for Fire Service purposes the areas:
- At sea
 - Inland and estuarial waters

(The term ‘offshore’ is generic and used throughout the marine industry, but only adds confusion for Fire & Rescue Services when determining areas of operation and should therefore not be used in this context).

Therefore, a more pragmatic approach should be adopted by fire authorities in determining their response to marine incidents based on a process of risk assessment.

1.12 The purpose of this circular is to explain the following:

- the background to the principles of categorisation of waters around the UK
- two specific areas of operational assessment
- proposed operational response levels
- the categorisation of waters.

2.0 Categorisation of waters

2.1 The MCA employs a risk assessed approach to identify categories of waters, in and around the UK, principally for the purposes of licensing smaller passenger vessels. This risk-based approach is seen as a credible and suitable tool in assisting Fire & Rescue Services when developing IRMPs in relation to coastal/maritime risks.

2.2 The MCA recognises four categories of water in addition to those waters which are regarded as “sea”. The four categories (‘A’, ‘B’, ‘C’, ‘D’) are defined and identified in the statutory Merchant Shipping Notice MSN 1776, a copy of which is attached with this circular and may also be found at www.mcga.gov.uk

Categories are as follows:

Category A - waters are defined as “narrow rivers and canals where the depth of water is generally less than 1.5 metres”.

Category B - “wider rivers and canals where the depth of water is generally 1.5 metres or more and where the significant wave height¹ could not be expected to exceed 0.6 metres at any time”.

Category C - “tidal rivers and estuaries and large, deep lakes and lochs where the significant wave height could not be expected to exceed 1.2 metres at any time”.

Category D - “tidal rivers and estuaries where the significant wave height could not be expected to exceed 2.0 metres at any time”.

¹ “Significant wave height” is defined as the average height of the largest one-third of the waves in the area concerned.

2.3 It should be noted that for areas not indicated in the MSN Annex, Local Authorities should either formulate their own assessment and/or seek additional guidance from the Hydrographic section of the MCA. (Contacts telephone number; 023 80329137; Facsimile 023 80329204).

3.0 IRMPs (coastal risks)

3.1 There will be two areas of operational response to incidents in vessels within the UK Search & Rescue (SAR) region for UK Fire and Rescue Services.

3.1.1 The first area identified for local authority purposes as **'inshore'** will include dock areas, ports, associated facilities and waters up to and including Category C. The reason for establishing a division at the boundary between Categories C & D is that conditions within Category D are assessed as being potentially as hazardous for the deployment of Fire & Rescue Service teams as those experienced at sea.

3.1.2 The second area will be known as **'at sea'**. This will be all areas of water in Category D and beyond not declared by Fire Authorities in their IRMP assessment. The **'at sea'** area is not limited to territorial waters.

This will give Authorities two clearly defined areas of operation with differing levels of provision and training, namely **'inshore'** and **'at sea'**. A degree of flexibility must be allowed between these two defined areas as conditions and risks are variable and local authority plans should consider requests for assistance from the proposed Maritime Incident Response Group when appropriate.

The area known as **'inshore'** when declared will be the responsibility of the Fire Authority in providing appropriate resources to carry out operations to the necessary standards. (See also 6.3).

3.2 The term 'offshore' should be discontinued with regard to determining areas of operation and replaced with the term **'at sea'**. This area will then be the responsibility of a the proposed MIRG consisting of strategically located local authority Fire & Rescue Service teams suitably trained for 'at sea' activities.

3.3 All coastal Fire Authorities should assess the areas of water that they will fully respond to *'for a case where there is risk to life or high environmental risk for which firefighting, chemical hazard and rescue teams may be required'*. These should include dock areas, ports, associated facilities and Category A, B, C and similar waters inland. These areas should then be declared to the MCA and relevant Port and Harbour Authorities.

This places a clear responsibility on each Fire Authority to determine the area in which it will provide the lead response.

3.4 All waters in Category D and to seaward of the Category D boundaries will be classified as being 'at sea'.

4.0 Operational response levels

4.1 The five Operational Response Levels defined below are based on the categorisation of waters, extended where necessary for Fire & Rescue Services purposes to cover all inshore waters. This in turn is based on a practical operational analysis of access, water depth and wave conditions suitable to the risk assessment for deployment of Fire & Rescue teams.

Response Level 1 Incidents in Category A, B, C waters as identified in MSN 1776 (or its successors) and similar waters not so identified but similarly definable - including areas of flooding - located within the local Fire Authority boundary that pose no immediate threat to life.

- **Responsibility of the Fire Authority**

Response Level 2 Incidents in Category A, B & C waters as identified in MSN 1776 (or its successors) and similar waters not so identified but similarly definable - including areas of flooding - located within the local Fire Authority boundary that pose an immediate threat to life or of major environmental impact.

- **Responsibility of the Fire Authority**

Response Level 3 Incidents on vessels/structures secured alongside established docks or jetties.

- **Responsibility of the Fire Authority with an option to call in support from the 'MIRG'**.

Response Level 4 Incidents on vessels / structures not secured alongside established docks or jetties and in Category A, B & C waters as identified in MSN 1776 (or its successors) and similar waters not so identified but similarly definable.

- **Responsibility of the Fire Authority with an option to call in support from the 'MIRG'**.

Response Level 5 Incidents on vessels/structures in Category D waters or at sea as identified in MSN 1776 (or its successors) – that is, on vessels/ structures not in Category A, B or C waters or similar waters inland, or alongside established docks or jetties.

- **Responsibility of the 'MIRG'**.

- 4.2** It can be seen therefore that Categories A, B, C and similar waters are identified as the responsibility of the Fire Authority and all other waters are the responsibility of the MCA, and will receive a response if requested via the Coastguard, from a member of the proposed 'MIRG'. These response levels apply specifically to Fire & Rescue Service operations as a hazard risk assessment for working in, on or around water.
- 4.3** Chief Fire Officers may wish to consider arrangements in accordance with Section 2/12 of the current Fire Services Act 1947 in relation to response levels 3 and 4.
- 4.4** Adopting this integrated risk management approach in defining the provision of services by the Fire Authority in relation to incidents in the maritime arena will allow their Fire & Rescue Services to respond to the needs of their communities more flexibly and therefore more effectively.