

ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1,469/22 - 2006 ඔක්තෝබර් 31 වැනි අඟහරුවාදා - 2006.10.31

No. 1,469/22 - TUESDAY, OCTOBER 31, 2006

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B. 1/72

THE MERCHANT SHIPPING ACT, No.52 OF 1971

REGULATIONS made by the Minister of Ports and Aviation under Section 321 read with Section 44 of the Merchant Shipping Act, No. 51 of 1971.

MANGALA SAMARAWEEA,
Minister of Ports and Aviation.

Colombo,
16th October, 2006.

REGULATIONS

1. These regulations may be cited as the Merchant Shipping (Registration) Regulations, No. 1 of 2006.
2. These regulations shall, unless a ship is exempted, apply to ships which are qualified to be registered as Sri Lanka Ships in terms of Section 30 of the Act, and which are therefore eligible for registrations ;

Provided that, where consequent to a determination made by the Minister in terms of paragraph (c) of section 30 of the Act a ship is declared to be a Sri Lankan ship, such ship shall be eligible for registration ;

Provided further that eligibility for registration shall not extent to ships owned by off shore companies.

3. Every application for registration of a ship in terms of these regulations, shall be made in triplicate and shall be forwarded to the Registrar of Ships along with the appropriate fee as is prescribed by the Merchant Shipping (Fees) Regulations as may be published from time to time. The application shall be made in the Form set out in Schedule I to these regulations.

4. Unless approved by a Ships Surveyor, no ship which is twenty years old as calculated from the date of its construction shall be eligible for registration. The Ships Surveyor who surveys a ship for the purpose of granting approval under this regulations shall be a Ships' Surveyor accepted by the Chief Registrar of Ships.

5. A Certificate of Class of a ship shall be forwarded along with the application for the registration of a Ship. The Classification of a ship shall be carried out by any one of the Classification Societies as are specified in Schedule II to these regulations ;

Provided that, that Director - General may if it is so required in the best interests of the shipping industry, add any new Classification Society to the list set out in Schedule II to these regulations, or remove therefrom the name of any Classification Society specified therein.

6. In addition to the above requirements, the following documents shall be forwarded to the Registrar of Ships along with the application for registration of a ship :-

- (a) an application as specified in paragraph (3) for the grant of an official number and registration of vessel ;
- (b) the original Bill of Sale ;
- (c) the power of attorney of the selling company authorizing an accredited agent to sign the Bill of Sale on behalf of the company, together with documentary proof of payment for the purchase, to establish the validity of the sale ;
- (d) where a ship is being transferred from a foreign registry, a certificate or other document which would be acceptable to the Registrar of Sri Lanka Ships as proof of cancellation of such ship from such foreign registry ;
- (e) a declaration of ownership consisting of the following :-
 - (i) a letter of consent of the country of current registry of the ship, consenting to the transfer of the registration to Sri Lanka, or a letter containing an undertaking to provide the Certificate of Cancellation within six weeks of the date of purchase of the ship by the new owner. (This requirement may be waived if the Certificate of Cancellation is submitted to the Registrar of Ships) ;
 - (ii) the Construction/Builders Certificate, in the case of new Ships ;
 - (iii) where the applicant was the owner of the ship under a foreign flag, proof of ownership and proof of the transfer to the Sri Lanka Flag under the same ownership ;
 - (iv) if the ship is subject to a mortgage, the name of the mortgagee and the amount of the mortgage and the date of maturity of the same ;
 - (v) a statement setting out the number of shares in the ship ;
 - (vi) the names of the Master, officers and crew of the Ship and their nationality ;
 - (vii) all relevant Convention Certificates issued in respect of the ship under its previous registration ;
 - (viii) the Certificate of Class or the Certificate of Seaworthiness obtained in terms of regulation 5 ;

Provided that such Certificate shall be obtained no later than thirty days prior to the date of making the application for registration ;

- (ix) in the case of a ship which is transferred from a foreign registry a Certificate from the appropriate authority to the effect that such ship is free from any lien ;
- (x) certified copies of the Certificate of Incorporation of the Company and a certificate from the Registrar of Companies setting out the names of the present Directors of the Company ;
- (xi) a certified copy of the resolution of the relevant company in relation to the sale and purchase of the ship ;
- (xii) the license obtained from the appropriate authority for the ships radio station ; and
- (xiii) a declaration by the applicant that to the best of his knowledge and belief, no unqualified person or body of persons, has a claim to the ownership of such ship.

7. On the submission of the above documents, the Registrar of Ships shall proceed to register the Ship in terms of the Act and grant the applicant a certificate of Registration ;

Provided however, if the applicant is unable to produce all documents at the time of submitting his application, the Registrar may on being satisfied that the inability is not due to a fault of the applicant,-

- (i) require the applicant to produce in its place any other relevant document in his possession ; or
- (ii) exempt the applicant from the requirements to produce the same,

and proceed to grant the applicant a Provisional Certificate of Registration in respect of such ship.

8. A person to whom a Provisional Certificate of Registration has been granted shall ensure that the necessary documents are obtained without delay. On obtaining the documents he shall in writing request the Registrar of Ships to grant him a Certificate of Registration, He shall along with such request forward the following documents :-

- (a) the names of the Master, Officers and Crew of the Ship and their nationality consequent to the transfer to the Sri Lankan Flag ;
- (b) an undertaking to inform the Registrar of Ships of any change in any of the entries contained in his application, within one month of any change taking place ; and
- (c) all relevant Convention Certificates issued in respect of the ship under the present registration.

9. In these regulations—

“Act” means the Merchant Shipping Act, No. 52 of 1971 ; and

“Company” means a company incorporated under the Companies Act, No. 17 of 1982.

10. All regulations made in relation to Section 30(c) of the Act, other than the regulations published in Gazette Extraordinary No. 257/5 of August 8, 1983, are hereby rescinded.

SCHEDULE I

(Regulation 3)

| APPLICATION FOR THE REGISTRATION OF A SHIP | | |
|--|--|----------------------------------|
| 1. | Present Name of Vessel : | |
| 2. | Port of Registry : | |
| 3. | Proposed new Name : | |
| 4. | Ex-names of Vessel : | |
| 5. | Name and Address of Owner | |
| 6. | Country of Nationality of the incorporating company : | |
| 7. | Name/address and Nationality of Chairman/President : | |
| 8. | Names/Address and Nationality of Directors : | 1. 2. 3. 4. 5. 6. |
| 9. | Paid up capital of Company : | |
| 10. | Name/address and Nationality of Manager of Company : Telex No./Cable Address : | |
| 11. | Names of Operators : | |
| 12. | Name and. Address of Builder of Vessel : | |
| 13. | <i>Particulars of Vessel :</i> 1. Type of Vessel : 2. Type of Cargo carried : 3. Type of Service : 4. Speed : | |
| 14. | <i>Details of Vessel :</i> 1. Date of building : 2. Place of building : 3. Type of Hull : 4. Number of Masts : 5. Number of Decks : 6. Length (Article 2 of ITC*) : 7. Breadth (Reg 2(3) of ITC*) : 8. Depth (Reg 2 (2) of ITC*) : 9. Gross Tonnage : 10. Net Tonnage : 11. Under Deck Tonnage ; 12. Light Weight : 13. Dead Weight : 14. Number of Passengers : | |
| 15. | Name and. Address of Builder of Engine : | |

| | | |
|-----|--|--|
| 16. | <i>Particulars of Engine :</i> 1. No: of Engines : 2. Description of Engines : 3. Number of Cylinders : 4. Diameter 5. Stroke : 6. Bore : 7. B.H.P. : | |
| 17. | Name and Address of Maker of Boilers : | |
| 18. | <i>Description of boilers :</i> 1. No: of Boilers : 2. Working Pressure : | |
| 19. | Name of Classification Society from whom Certificate of Class is provided : | |
| 20. | Name and Address of P and I Club : | |
| 21. | Name and address of Licensing Authority who issued the Radio License : (Copy of the application for the Official No : and Call Sign for Vessel to be attached) | |
| 22. | Proof of Ownership : (Original Bill of Sale and Construction/Builders Certificate to be attached) | |
| 23. | Name of Master : Nationality : Age : Particulars of Certificate : Issuing Authority : Date of Issue : | |
| 24. | Name of Chief Engineer : Nationality : Age : Particulars of Certificate : Issuing Authority : Date of Issue : | |

I,..... ofherewith submit the application for registration of the vessel mentioned herein. The foregoing particulars are true and accurate to the best of my knowledge and belief.

Signature.

Name :
 Address :
 Nationality :
 Sex :
 Civil Status :
 Date :

* ITC denotes the International Tonnage Conventions - 1969

SCHEDULE II

LIST OF CLASSIFICATION SOCIETIES

(Regulation 5)

1. American Bureau of Shipping ;
- ✓ 2. Bureau Veritas ;
3. China Classification Society ;
- ✓ 4. Det Norske Veritas ;
- ✓ 5. Germanischer Lloyd ;
6. Korean Register of Shipping ;
- ✓ 7. Lloyds Register ;
- ✓ 8. Nippon Kaiji Kyokai ;
9. Registro Italiano Navale ;
10. Russian Maritime Register of Shipping ;
11. Indian Register of Shipping.

11-359