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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 2261/49 - 2022 ජනවාරි මස 06 වැනි බ්‍රහස්පතින්දා - 2022.01.06
No. 2261/49 - THURSDAY, JANUARY 06, 2022

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B 3/2013 (ii)

MERCHANT SHIPPING ACT, No. 52 OF 1971

REGULATIONS made by the Minister of Ports and Shipping under Section 321 of the Merchant Shipping Act, No. 52 of 1971 read with Section 139 of the said Act.

ROHITHA ABEYGUNAWARDENA,
Minister of Ports and Shipping.

Colombo,
29th December 2021.

Regulations

- (1) These regulations may be cited as the Merchant Shipping (Surveys and Certificates) Regulations, No. 01 of 2021.
- (2) The purpose of these regulations shall be to give effect to Chapter I of the International Convention for the Safety of Life at Sea 1974, Protocol of 1988 as amended from time to time and any subsequent amendment made to such Protocol.



PART I

Applicability of these Regulations

2. (1) Subject to the provisions of sub regulations (2) and (3) of this regulation, these regulations shall apply to the ships which are entitled to fly the Sri Lanka flag and engaged in international voyages, and to any other foreign ships which are in Sri Lankan waters.
- (2) Except as expressly provided otherwise in the International Convention for the Safety of Life at Sea 1974 and Protocol 1988 (in these regulations referred to as the “Convention”), these regulations shall not apply to:
 - (a) ships of war and troopships;
 - (b) cargo ships of less than 500 gross tonnage;
 - (c) ships not propelled by mechanical means;
 - (d) wooden ships of primitive build;
 - (e) pleasure yachts not engaged in trade; and
 - (f) fishing vessels.
- (3) Except as expressly provided in Chapter V of the Convention, the provisions of these regulations shall not apply to Sri Lankan ships solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a straight line drawn from Cape des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.
3. (1) A ship which is not normally engaged in international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Director-General of Merchant Shipping (in these regulations referred to as the “Director-General”) from any of the requirements of the Convention:

Provided that such ship shall comply with safety requirements which are adequate in the opinion of the Director-General for the voyage which is to be undertaken by the ship.
- (2) (a) The Director-General may exempt any ship which embodies features of a novel kind from any of the provisions of Chapters II-1, II-2, III and IV of the Convention for research, and incorporation of such features in ships:

Provided however, such ships shall comply with safety requirements which, in the opinion of the Director-General are adequate for the service for which it is intended and to ensure the overall safety of the ship and which are acceptable to the Governments of the States to be visited by the ship.
- (b) The Director-General who exempts the ship under this regulation shall communicate to the International Maritime Organization (in these regulations referred to as the “Organization”) particulars of same and the reasons therefor.

PART II

Surveys and Certificates

4. The inspection and survey of ships, so far as regards the enforcement of the provisions of the Convention shall be carried out by the Director-General with the support of the officers.

5. (1) The Director-General may for the purpose of regulation (4) recognize any organization (in these regulations referred to as the “recognized organization”) in accordance with the provisions of the Code for Recognized Organizations adopted by the Organization and such recognized organization shall have the minimum power to attend to repairs to a ship and carry out inspections and surveys.
- (2) The Director-General shall notify the Organization of the specific responsibilities and conditions of the authority delegated to recognized organizations.
6. (1) When a recognized organization determines that the condition of the ship or its equipment does not correspond substantially with the particulars of the certificate or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board, such organization shall immediately ensure that corrective action is taken and shall in due course notify the Director-General.
- (2) If such corrective action is not taken the relevant certificate shall be withdrawn and the Director-General shall be notified immediately and if the ship is in the port of another Party, the appropriate authorities of the Port State shall also be notified immediately.
- (3) As such when the Director-General is informed regarding a foreign vessel that is in Sri Lanka waters, the Director-General shall ensure that the ship does not sail until it can proceed to sea, or leave port for the purpose of proceeding to the appropriate repair yard, without danger to the ship or persons on board.
7. (1) A Passenger ship shall be subject to the inspections and surveys mentioned below-
 - (a) an initial survey before the ship is put in service;
 - (b) a renewal survey once every twelve months, except where regulation 14(b), (e), (f) and (g) of Chapter 1 of the Convention is applicable; and
 - (c) additional surveys as the occasion arises.
- (2) The surveys referred to above shall be carried out as specified in regulation 7 (b) of Chapter 1 of the Convention.
8. (1) A cargo ship of five hundred gross tons or more shall be subject to the following surveys of its life-saving appliances and other equipment specified below-
 - (a) before the ship is put in service, a cargo ship safety equipment initial survey;
 - (b) once in every five years except where regulation 14 (b), (e), (f) and (g) of Chapter 1 of the Convention is applicable;
 - (c) within three months before or after the second or third anniversary date of a Cargo Ship Safety Equipment Certificate, a cargo ship safety equipment periodical survey;
 - (d) within three months before or after each anniversary date of the ship’s Cargo Safety Equipment Certificate, other than where a periodical survey is required to be carried out within that period, an annual survey; and
 - (e) an additional survey as may be provided for passenger ships in regulation 7(b)(iii) of Chapter I of the Convention.
- (2) The surveys referred to in paragraphs(a), (b), (c), (d) and (e)of sub regulation (1) shall be carried out as specified in regulation 8 (b) of Chapter 1 of the Convention.
- (3) The periodical and annual surveys referred to in paragraphs (c) and (d) of regulation 8(1) shall be endorsed on the Cargo Ship Safety Equipment Certificate.

9. (1) A cargo ship to which Chapters III and IV of the Convention apply shall be subject to the following surveys of its radio installations, including those used in life-saving appliances-
- (a) before the ship is put in service, a cargo ship radio installations initial survey;
 - (b) once in every five years a cargo ship safety equipment renewal survey except where regulation 14 (b), (e), (f) and (g) of Chapter 1 of the Convention is applicable;
 - (c) within three months before or after each anniversary date of the ship's Cargo Ship Safety Radio Certificate, a cargo ship radio installations periodical survey; and
 - (d) an additional survey as may be provided for passenger ships in regulation 7(b)(iii) of Chapter I of the Convention.
- (2) The surveys referred to in paragraphs (a), (b), (c) and (d) of sub regulation (1) shall be carried out as specified in regulation 9 (b) of Chapter 1 of the Convention.
- (3) The periodical surveys referred to in paragraph (c) of regulation 9(1) shall be endorsed on the Cargo Ship Safety Radio Certificate.
10. (1) A cargo ship of five hundred gross tons or more shall be subject to the following surveys and inspections of its structure, machinery and equipment, other than equipment to which regulations 8 and 9 apply-
- (a) before the ship is put in service, an initial survey including an inspection of the outside of the ship's bottom;
 - (b) once in every five years a cargo ship safety construction renewal survey except where regulation 14 (b), (e), (f) and (g) of Chapter 1 of the Convention is applicable;
 - (c) within three months before or after the second or third anniversary date of a Cargo Ship Safety Construction Certificate, which shall take place of one of the annual surveys specified in paragraph (d), a cargo ship construction intermediate survey;
 - (d) within three months before or after each anniversary date of the ship's Cargo Ship Safety Construction Certificate, other than where a cargo ship construction renewal or intermediate survey is required to be carried out within that period, a cargo ship construction annual survey;
 - (e) a minimum of two inspections of the outside of the ship's bottom to take place out of the water during any five-year period, except where regulation 14 (5) or (6) is applicable. Where regulation 14 (5) or (6) is applicable, this five-year period may be extended to coincide with the extended period of validity of the certificate. In all cases the interval between any two such inspections shall not exceed thirty-six months; and
 - (f) an additional survey as may be provided for passenger ships in regulation 7(b)(iii) of Chapter I of the Convention.
- (2) The surveys and inspections referred to in paragraph (a), (b), (c), (d) and (e) of sub regulation (1) shall be carried out as specified in regulation 10(b) of Chapter 1 of the Convention.
- (3) The intermediate and annual surveys and inspections of the outside of the ship referred to in paragraphs (c), (d) and (e) of sub regulation (1) shall be endorsed on the Cargo Ship Safety Construction Certificate.

11. (1) The owner and master of every ship to which this regulation applies shall ensure that—

- (a) the condition of the ship and its equipment is maintained so as to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board;
- (b) after any survey of the ship required by these regulations has been completed, no change shall be made in the structural arrangements, machinery, equipment and other items covered by the survey, without the approval of the Director-General;
- (c) whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment-
 - (i) it is reported at the earliest opportunity to the Director-General, or a recognized organization; and
 - (ii) if a Sri Lankan ship is in such a case in a port outside Sri Lanka, it is also reported to the appropriate authorities of that country in which such port is situated.

12. (1) A certificate called a Passenger Ship Safety Certificate shall be issued after an initial or renewal survey, to a passenger ship which complies with the relevant requirements of Chapters II-1, II-2, III, IV and V of the Convention and any other relevant requirements of the Convention.

- (2) A certificate called a Cargo Ship Safety Construction Certificate shall be issued after an initial or renewal survey to a cargo ship which complies with the relevant requirements of Chapters II-1 and II-2 (other than those relating to fire safety systems and appliances and fire control plans) of the Convention and any other relevant requirements of the Convention.
- (3) A certificate called a Cargo Ship Safety Equipment Certificate shall be issued after an initial or renewal survey to a cargo ship which complies with the relevant requirements of Chapters II-1, II-2, III, IV and V of the Convention and any other relevant requirements of the Convention.
- (4) A certificate called a Cargo Ship Radio Certificate shall be issued after an initial or renewal survey to a cargo ship which complies with the relevant requirements of Chapter IV of the Convention and any other relevant requirements of the Convention.
- (5) (a) A certificate called a Cargo Ship Safety Certificate may be issued after an initial or renewal survey to a cargo ship which complies with the relevant requirements of Chapters II-1, II-2, III, IV and V of the Convention and any other relevant requirements of the Convention, as an alternative to the certificates referred to in sub regulations (2), (3) and (4).
(b) Wherever in these regulations reference are made to a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate or Cargo Ship Safety Radio Certificate, it shall apply to a Cargo Ship Safety Certificate, if it is used as an alternative to these certificates.
- (6) The Passenger Ship Safety Certificate, the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Certificate, referred to in this regulation shall be supplemented by a Record of Equipment.
- (7) (a) When an exemption is granted to a ship under and in accordance with the provisions of the Convention, a certificate called an Exemption Certificate shall be issued in addition to the Certificates issued under this regulation. The period of validity of an Exemption Certificate shall not be longer than the period of validity of the certificate to which it refers and shall be subject to the same extension and other provisions as the certificate to which it refers. The granting of exemptions shall be carried out by the Director-General.

- (b) The Director General may, after giving reasonable notice, alter or cancel any exemption granted under sub regulation (a).
- (8) The certificates referred to in this regulation except the Exemption Certificate referred to in sub regulation (7) shall be issued or endorsed by either the Director-General or recognized organization in every case the Director-General assumes full responsibility for certificates.
- 13.** (1) The Director-General may, at the request of a government of a country to which the Convention applies, survey a ship registered in that country and, if satisfied that the requirements of the Convention are complied with, the Director-General shall issue to the ship, certificates referred to in regulation 12, and, where appropriate, endorse such certificates in accordance with the requirements of the Convention. Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of the State whose flag the ship is or will be entitled to fly and it shall have the same force and receive the same recognition as a certificate issued under regulation 12.
- (2) The Director-General may request the Government of a country to which the Convention applies to survey a Sri Lankan ship and, if satisfied that the requirements of the Convention are complied with, to issue certificates to the ship in accordance with the Convention. Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of Sri Lanka and it shall have the same force and receive the same recognition as a certificate issued by the Director-General.
- 14.** (1) A Passenger Ship Safety Certificate shall be issued for a period not exceeding twelve months. A Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate and Cargo Ship Safety Radio Certificate shall be issued for a period of five years.
- (2) (a) Notwithstanding the requirements of paragraph (1), when the renewal survey is completed within three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey -
- (i) for a passenger ship, to a date not exceeding twelve months from the date of expiry of the existing certificate;
- (ii) for a cargo ship, to a date not exceeding five years from the date of expiry of the existing certificate.
- (b) When the renewal survey is completed after the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey -
- (i) for a passenger ship, to a date not exceeding twelve months from the date of expiry of the existing certificate;
- (ii) for a cargo ship, to a date not exceeding five years from the date of expiry of the existing certificate.
- (c) When the renewal survey is completed more than three months before the expiry date of the existing certificate, the new certificate shall be valid from the date of completion of the renewal survey -
- (i) for a passenger ship, to a date not exceeding twelve months from the date of completion of the renewal survey;
- (ii) for a cargo ship, to a date not exceeding five years from the date of completion of the renewal survey.
- (3) If a certificate other than a Passenger Ship Safety Certificate is issued for a period of less than five years, the Director-General may extend the validity of the certificate beyond the expiry date to the maximum period specified in sub regulation (1), provided that the surveys referred to in regulations 8,9 and 10 applicable when a certificate is issued for a period of five years, are carried out as appropriate.

- (4) If a renewal survey has been completed and a new certificate cannot be issued or placed on board the ship before the expiry date of the existing certificate, the recognized organization may endorse the existing certificate and such a certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.
- (5) If a ship at the time when a certificate expires is not in a port in which it is to be surveyed, the Director-General may extend the period of validity of the certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed, and then only in cases where it appears proper and reasonable to do so.
- (6) No certificate shall be extended for a period longer than three months, and a ship to which an extension is granted shall not, on its arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new certificate. When the renewal survey is completed, the new certificate shall be valid -
 - (a) for a passenger ship, to a date not exceeding twelve months from the date of expiry of the existing certificate before the extension was granted;
 - (b) for a cargo ship, to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.
- (7) A certificate issued to a ship engaged on short voyages which has not been extended under the foregoing provisions of this regulation may be extended by the Director-General for a period of grace of up to one month from the date of expiry stated on it. When the renewal survey is completed, the new certificate shall be valid -
 - (a) for a passenger ship, to a date not exceeding twelve months from the date of expiry of the existing certificate before the extension was granted;
 - (b) for a cargo ship, to a date not exceeding five years from the date of expiry of the existing certificate before the extension was granted.
- (8) In special circumstances, as determined by the Director-General, a new certificate may not be dated from the date of expiry of the existing certificate as required by paragraph (b) of sub regulation (2), sub regulation (5) or (6). In these special circumstances, the new certificate shall be valid -
 - (a) for a passenger ship, to a date not exceeding twelve months from the date of completion of the renewal survey;
 - (b) for a cargo ship, to a date not exceeding five years from the date of completion of the renewal survey.
- (9) If an annual, intermediate or periodical survey is completed before the period specified in these regulations then-
 - (a) the anniversary date shown on the relevant certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;
 - (b) the subsequent annual, intermediate or periodical survey required shall be completed at the intervals prescribed by these regulations using the new anniversary date; and
 - (c) the expiry date may remain unchanged provided one or more annual, intermediate or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by these regulations are not exceeded.

(10) A certificate issued under regulation 12 or 13 shall cease to be valid in any of the following cases-

- (a) if the relevant surveys and inspections are not completed within the periods specified under regulations 7 (1), 8 (1), 9 (1) and 10 (1);
- (b) if the certificate is not endorsed in accordance with the Convention; or
- (c) upon transfer of the ship to the flag of another State.

(11) Where a certificate ceases to be valid under sub regulation (9), a new certificate shall only be issued when the Director-General is fully satisfied that the ship is in compliance with the requirement of paragraphs (a) and (b) of regulation 11(1). In the case of a transfer of any Sri Lankan Ship to another State to which the Convention applies, if requested within three months after the transfer has taken place, the Director-General shall as soon as possible transmit to the administration of that State, copies of the certificates carried by the ship before the transfer and, if available copies of the relevant survey reports.

(12) The Director General may cancel a certificate issued to a Sri Lankan ship where there is reason to believe that-

- (a) the certificate was issued on false or erroneous information;
- (b) the structure, equipment or machinery of the ship has sustained damage or is otherwise deficient.

(13) The Director General may require that a certificate issued to a Sri Lankan ship which has expired or has been cancelled shall be surrendered.

(14) No person shall-

- (a) intentionally alter a certificate referred to in these regulations;
- (b) intentionally make a false certificate as a certificate referred to in these regulations;
- (c) in connection with any survey required by these regulations, knowingly or recklessly furnish false information;
- (d) with intent to deceive, use, lend, or allow to be used by another, a certificate referred to in these regulations; or
- (e) fail to surrender a certificate required to be surrendered under sub regulation (13).

15. The certificates and records of equipment shall be drawn up in the form corresponding to the models given in the Appendix to the Annex to the Convention.

16. The owner and master of every ship issued with Convention Certificates shall ensure that they are readily available on board for examination at all times.

17. The certificates issued under the authority of a Government of a country to which the Convention applies shall be accepted by the Director-General for all purposes covered by the Convention. They shall be regarded by the Director-General as having the same force as certificates issued by them.

18. (1) If in the course of a particular voyage a Sri Lankan ship has on board a number of persons less than the total number stated in the Passenger Ship Safety Certificate and is in consequence, in accordance with the provisions of the Convention, free to carry a smaller number of lifeboats and other life-saving appliances than that stated in the certificate, an Annex may be issued by the Director-General or recognized organization.

(2) The Annex issued under sub regulation (1) shall state that there is no infringement of the provisions of the Convention. It shall be annexed to the Certificate. It shall be valid only for the particular voyage for which it is issued.

19. (1) A foreign ship in a port of Sri Lanka is subject to control by officers duly authorized by the Director-General in so far as this control is directed towards verifying that the certificates issued under regulation 12 or regulation 13 are valid.
- (2) Such certificates, if valid, shall be accepted unless there are clear grounds for believing that the condition of the ship or of its equipment does not correspond substantially with the particulars of any of the certificates or that the ship and its equipment are not in compliance with the provisions of paragraphs (a) and (b) of sub-regulation (1) of regulation 11.
- (3) In the circumstances given in sub regulation (2) of this regulation or where a certificate has expired or ceased to be valid, the officer carrying out the control shall take steps to ensure that the ship does not sail until it can proceed to sea or leave the port for the purpose of proceeding to the appropriate repair yard without danger to the ship or persons on board.
- (4) When exercising control under this regulation all possible efforts shall be made to avoid a ship being unduly detained or delayed. If a ship is thereby unduly detained or delayed it shall be entitled to compensation for any loss or damage suffered.
- (5) In the event of this control giving rise to an intervention of any kind, the officer carrying out the control shall forthwith inform, in writing, the Consul or, in his absence, the nearest diplomatic representative of the State whose flag the ship is entitled to fly, of all the circumstances in which intervention was deemed necessary. In addition, nominated surveyors or recognized organizations responsible for the issue of the certificates shall also be notified. The facts concerning the intervention shall be reported to the Organization.
- (6) The Director General shall notify all relevant information about the ship to the authorities of the next port of call, in addition to the Parties mentioned in sub regulation (5), if he is unable to act as specified in sub regulation (3) and (5) or if the ship has been allowed to the next port of call.
- (7) The procedures relating to the Port State Control specified in regulation 4 of the Chapter XI-I of the Convention shall apply to this regulation.
20. The privileges of the Convention may not be claimed in favour of any ship unless it holds appropriate valid certificates.

PART III

Casualties and Miscellaneous Provisions

21. (1) The Director-General shall undertake to conduct an investigation of any casualty occurring to any of its ships subject to the provisions of the regulation 6 of Chapter XI-I of the Convention.
- (2) The Director-General shall undertake to supply the Organization with pertinent information concerning the finding of such investigations. No reports or recommendations of the Organization based upon such information shall disclose the identity or nationality of the ships concerned or in any manner fix or imply responsibility upon any ship or person.
22. Where the Convention requires that a particular fitting, material, appliance or apparatus, or type thereof shall be fitted or carried in a ship, or that any particular provision shall be made, the Director-General may allow any other fitting, material, appliance or apparatus, or type thereof, to be fitted or carried, or any other provision to be made in that ship, if he is satisfied by trial thereof or otherwise that such fitting, material, appliance or apparatus, or type thereof, or provision is at least as effective as that required by the Convention.

23. Where any ship, being in any port or place in Sri Lanka, is found to be an unsafe ship, and is, by reason of the defective condition of such ship's hull, equipment, or machinery, under manning, overloading or improper loading or any other condition that is not consistent with the Convention, unfit to proceed to sea without serious damage to human life having regard to the nature of the service for which such ship is intended, such ship may be provisionally detained for the purpose of being surveyed or rectifying the defective condition.
24. The footnotes in Chapter I of the Convention and the resolutions, circulars or documents referred to by such footnotes shall be deemed to be a part of these regulations.
25. The Director-General may, with the concurrence of the Minister issue such implementing standards for the compliance with the minimum technical standards of the provisions of the Convention and Protocol 1988 as may be required for the implementation of the provisions of these regulations.
26. Any person who contravenes the provisions of these regulations commits an offence and on conviction thereof shall be liable to a fine not exceeding one million rupees.
27. In these regulations-
 - “anniversary date” means the day and the month of each year which will correspond to the date of expiry of the relevant certificate;
 - “cargo ship” means any ship which is not a passenger ship;
 - “passenger ship” means a ship which carries more than twelve passengers.

EOG 01-0241