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EXTRAORDINARY

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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 (Construction – Fire Protection, Fire Detection and Fire Extinction) Regulations, No. 3 of 2021.
- (2) The purpose of these regulations shall be to give effect to Chapter II - 2 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 the sub-regulations (2), (3), (4), (5) and (6) of this regulation, these regulations shall apply to the ships which are entitled to fly Sri Lanka flag and engaged in international voyages sand to any other foreign ships while they are in Sri Lanka waters.
 - (2) Except as expressly provided otherwise in the International Convention for the Safety of Life at Sea 1974, Protocol of 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 otherwise in the Convention, these regulations shall apply to ships constructed on or after 1st of July 2012.
 - (4) Except as expressly provided otherwise in the Convention, ships constructed before 1st of July 2012 shall comply with the requirements as specified in regulation 1 (2) of Chapter II – 2 of the Convention.
 - (5) Except as expressly provided otherwise in the Convention, requirements referring to “tankers” shall apply to tankers subject to the requirements specified in regulation 1(6) of Chapter II-2 of the Convention.
 - (6) Except as expressly provided in Chapter V of the Convention, the provisions of these regulations shall not apply to Sri Lanka 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) All ships which undergo repairs, alterations, modifications and outfitting related thereto shall continue to comply with at least the requirements previously applicable to these ships. Such ships, if constructed before 1st of July 2012, shall, as a rule, comply with the requirements for ships constructed on or after that date to at least the same extent as they did before undergoing such repairs, alterations, modifications or outfitting.
 - (2) Repairs, alterations and modifications which substantially alter the dimensions of a ship or the passenger accommodation spaces, or substantially increase a ship’s service life and outfitting related thereto shall meet the requirements for ships constructed on or after 1st of July 2012 in so far as the Director-General of Merchant Shipping (in these regulations referred to as the “Director General”) deems reasonable and practicable.
4. (1) A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Director-General from any of the requirements of these regulations:

Provided that it complies 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) 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 relating to the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages:

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 are such as to ensure the overall safety of the ship and which are acceptable to the Governments of the States to be visited by the ship.

- (3) The Director-General may, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of Chapter II-2 of the Convention unreasonable or unnecessary, exempt from those requirements individual Sri Lankan ships or classes of Sri Lanka ships which, in the course of their voyage, do not proceed more than 20 miles from the nearest land.
- (4) The Director-General who allows any such exemption shall communicate to the International Maritime Organization (in these regulations referred to as the “Organization”) particulars of the same and the reasons therefor.
- (5) Exemptions referred to in this regulation shall be issued in accordance with the Merchant Shipping (Surveys and Certifications) Regulations, No. 01 of 2021 published in the Gazette No. 2261/49 of 06.01.2022.
- (6) The Director-General may waive relevant requirements of Chapter II – 2 of the Convention in relation to a ship of its description, provided that such ship shall comply with alternate requirements as specified in the Chapter II – 2 of the Convention or where the Director-General is satisfied such provisions is unreasonable or impracticable.
- (7) An approval or type approval required by Chapter II - 2 of the Convention, or an equivalent arrangement or waiver permitted by Chapter II - 2 of the Convention is only valid if –
- (a) it is in writing;
 - (b) it specifies the date on which it takes effect; and
 - (c) any conditions stated in it are complied with.
- (8) The Director-General may, on giving reasonable notice, alter or cancel any exemption, approval or waiver granted under this regulation.
5. In the case of passenger ships which are employed in special trades for the carriage of large numbers of special trade passengers, such as the pilgrim trade, the Director-General, if satisfied that it is impracticable to enforce compliance with the requirements of Chapter II - 2 of the Convention, may exempt such ships from those requirements, provided that they comply fully with the provisions of :
- (i) The rules annexed to the Special Trade Passenger Ships Agreement, 1971; and
 - (ii) The rules annexed to the Protocol on Space Requirements for Special Trade Passenger Ships, 1973.

PART II

Fire protection, fire detection and fire extinction

6. A ship to which these regulations apply shall comply with the fire protection, fire detection, and fire extinction requirements specified in Parts B, C, D and G of Chapter II- 2 of the Convention in relation to a ship of its description.
7. (1) Fire safety design and arrangements may deviate from the prescriptive requirements set out in parts B, C, D, E or G of Chapter II-2 of the Convention, provided that the design and arrangements meet the fire safety objectives and the functional requirements specified in Chapter II- 2 of the Convention.
- (2) When fire safety design or arrangements deviate from the prescriptive requirements of the Chapter II-2 of the Convention, engineering analysis, evaluation and approval of the alternative design and arrangements shall be carried out in accordance with Part F of Chapter II- 2 of the Convention.
- (3) The Director-General shall communicate to the Organization pertinent information concerning alternative design and arrangements approved by the Director-General for circulation to all Contracting Governments.

PART III

Operational requirements

8. (1) The purpose of this regulation is to maintain and monitor the effectiveness of the fire safety measures the ship is provided with. For this purpose, the following functional requirements shall be met:
 - (a) fire protection systems and fire- fighting system and appliances shall be maintained ready for use; and
 - (b) fire protection systems and fire- fighting systems and appliances shall be properly tested and inspected.
- (2) At all times while the ship is in service, the requirements of sub-regulation 1 (a) shall be complied with. A ship is not in service when:
 - (a) it is in for repairs or lay-up (either at anchor or in port) or in dry-dock;
 - (b) it is declared not in service by the owner or the owner's representative; and
 - (c) in the case of passenger ships, there are no passengers on board.
- (3) The following fire protection systems shall be kept in good order so as to ensure their required performance if a fire occurs:
 - (a) structural fire protection including fire-resisting divisions, and protection of openings and penetrations in these divisions;
 - (b) fire detection and fire alarm systems; and
 - (c) means of escape systems and appliances.
- (4) Fire- fighting systems and appliances shall be kept in good working order and readily available for immediate use. Portable extinguishers which have been discharged shall be immediately recharged or replaced with an equivalent unit.

9. (1) Maintenance, testing and inspections shall be carried out based on the guidelines developed by the Organization and in a manner having due regard to ensuring the reliability of fire- fighting systems and appliances.
 - (2) The maintenance plan shall be kept on board the ship and shall be available for inspection whenever required by the Director-General.
 - (3) The maintenance plan shall include at least the following fire protection systems and fire- fighting systems and appliances, where installed:
 - (a) fire mains, fire pumps and hydrants including hoses, nozzles and international shore connections;
 - (b) fixed fire detection systems and other fire extinguishing appliances;
 - (c) fixed fire- extinguishing systems and other fire extinguishing appliances;
 - (d) automatic sprinkler, fire detection and fire alarm systems;
 - (e) ventilation systems including fire and smoke dampers, fans and their controls;
 - (f) emergency shutdown of fuel supply;
 - (g) fire doors, including their controls;
 - (h) general emergency alarm systems;
 - (i) emergency escape breathing devices;
 - (j) portable fire extinguishers including space charges; and
 - (k) fire- fighter's outfits.
 - (4) The maintenance programme may be computer-based.
10. (1) In addition to the fire protection systems and appliances listed in regulation 9 (3), ships carrying more than 36 passengers shall develop a maintenance plan for low- location lighting and public address systems.
 - (2) In addition to the fire protection systems and appliances listed in regulation 9 (3), tankers shall develop a maintenance plan for:
 - (a) inert gas systems;
 - (b) deck foam systems;
 - (c) fire safety arrangements in cargo pump rooms; and
 - (d) flammable gas detectors.
11. (1) Crew members on board a ship shall receive instruction on fire safety on board the ship and their assigned duties. Parties responsible for fire- extinguishing shall be organized. These parties shall have the capability to complete their duties at all times while the ship is in service.
 - (2) Crew members shall be trained to be familiar with the arrangements of the ship as well as the location and operation of any fire-fighting systems and appliances that they may be called upon to use. Training in the use of the emergency escape breathing devices shall be considered as part of on- board training.

- (3) Performance of crew members assigned fire-fighting duties shall be periodically evaluated by conducting on-board training and drills to identify areas in need of improvement, to ensure competency in fire-fighting skills is maintained, and to ensure the operational readiness of the fire-fighting organization.
 - (4) On-board training in the use of the ship's fire-extinguishing systems and appliances shall be planned and conducted in accordance with provisions of 19.4.1 of Chapter III of the Convention.
 - (5) Fire drills shall be conducted and recorded in accordance with the provisions of regulation 19.3 and regulation 19.5 of Chapter III of the Convention.
 - (6) An onboard means of recharging breathing apparatus cylinders used during drills shall be provided or a suitable number of spare cylinders shall be carried on board to replace those used.
12. (1) A training manual written in English shall be provided in each crew mess room and recreation room or in each crew cabin.
- (2) The training manual, which may comprise several volumes, shall contain the instructions and information required in sub-regulation (3) in easily understood terms and illustrated wherever possible. Any part of such information may be provided in the form of audio-visual aids in lieu of the manual.
 - (3) The training manual shall explain the following in detail:
 - (a) general fire safety practice and precautions related to the dangers of smoking, electrical hazards, flammable liquids and similar common shipboard hazards;
 - (b) general instructions on fire-fighting activities and fire-fighting procedures including procedures for notification of a fire and use of manually operated call points;
 - (c) meaning of the ship's alarms;
 - (d) operation and use of fire-fighting systems and appliances;
 - (e) operation and use of fire doors;
 - (f) operation and use of fire and smoke dampers; and
 - (g) escape systems and appliances.
 - (4) General arrangement plans shall be permanently exhibited for the guidance of the ship's officers, showing clearly for each deck the control stations, the various fire sections enclosed by "A" class divisions, the sections enclosed by "B" class divisions together with particulars of the fire detection and fire alarm systems, the sprinkler installation, the fire-extinguishing appliances, means of access to different compartments, decks, etc., and the ventilating system including particulars of the fan control positions, the position of dampers and identification numbers of the ventilating fans serving each section. Alternatively, the aforementioned details may be set out in a booklet, a copy of which shall be supplied to each officer, and one copy shall at all times be available on board in an accessible position. Plans and booklets shall be kept up to date; any alterations thereto shall be recorded as soon as practicable. Description in such plans and booklets shall be in English.

- (5) A duplicate set of fire control plans or a booklet containing such plans shall be permanently stored in a prominently marked weathertight enclosure outside the deckhouse for the assistance of shore-side fire-fighting personnel.
13. (1) In addition to the requirement of regulation 11 (3) fire drills shall be conducted in accordance with the provisions of regulation 30 of Chapter III of the Convention having due regard to notification of passengers and movement of passengers to assembly stations and embarkation decks.
- (2) In ships carrying more than 36 passengers, plans and booklets required by these regulations shall provide information regarding fire protection, fire detection and fire extinction based on the guidelines issued by the Organization.
14. (1) For the purpose of providing information and instructions for proper ship and cargo handling operations in relation to fire safety, there shall be a fire safety operational booklet provided on board every ship.
- (2) Fire safety operational booklet referred to in sub-regulation (1) above shall include information concerning the crew's responsibilities for the general fire safety of the ship while loading and discharging cargo and while underway. Necessary fire safety precautions for handling general cargoes shall be explained. For ships carrying dangerous goods and flammable bulk cargoes, the fire safety operational booklet shall also provide reference to the pertinent fire-fighting and emergency cargo handling instructions contained in the International Maritime Solid Bulk Cargoes Code, the International Bulk Chemical Code, the International Gas Carrier Code and the International Maritime Dangerous Goods Code, as appropriate.
- (3) The fire safety operational booklet referred to in sub-regulation (1) shall be provided in each crew mess room and recreation room or in each crew cabin and shall be written in English.
- (4) The fire safety operational booklet referred to in sub-regulation (1) may be combined with the training manuals required in regulation 12.
- 15.(1) On tanker vessels the fire safety operational booklet referred to in regulation 14 shall include provisions for preventing fire spread to the cargo area due to ignition of flammable vapours and include procedures of cargo tank gas-purging and / or gas-freeing, taking into account the provisions in regulation 16 of Chapter II – 2 of the Convention.
- (2) Operation of inert gas system on tankers shall be carried out in accordance with regulation 16 of Chapter II – 2 of the Convention.

PART IV

General Provisions

16. Where references are made in Chapter II - 2 of the Convention to the satisfaction of the administration and no direct interpretation to such references is provided by the Director-General through implementation standards, unified interpretations of the International Association of Classification Societies shall be considered as the interpretation of the Director-General.
17. The Director-General accepts equipment approvals granted by a Recognized Organization (RO) or by the United States Coast Guard, Maritime Coast Guard Agency in United Kingdom or Maritime Administration of Japan, provided, the approvals are fully in accordance with Convention requirements. The Director-General will also accept equipment that has been approved under the European Union Marine Equipment Directive certification procedure.
18. Where any ship, being in any port or place in Sri Lanka, is found to be an unsafe ship, is, by reason of the defective condition of such ship's hull, equipment, 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 the ship is intended, such ship may be provisionally detained for the purpose of being surveyed or rectifying the defective condition.

19. The footnotes in Chapter II - 2 of the Convention and the resolutions, circulars or documents referred by such footnotes shall be deemed to be a part of these regulations.
20. 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 or Protocol 1988 as may be required for the implementation of the provisions of these regulations.
21. In these regulations -

“A” class divisions”means those divisions formed by bulkheads and decks which comply with the following criteria:

1. they are constructed of steel or other equivalent material;
2. they are suitably stiffened;
3. they are insulated with approved non-combustible materials such that the average temperature of the unexposed side will not rise more than 140°C above the original temperature, nor will the temperature, at any one point, including any joint, rise more than 180°C above the original temperature, within the time listed below:

class “A-60” 60 min

class “A-30” 30 min

class “A-15” 15 min

class “A-0” 0 min;

“B” class divisions”means those divisions formed by bulkheads, decks, ceilings or linings which comply with the following criteria:

1. they are constructed of approved non-combustible materials and all materials used in the construction and erection of “B” class divisions are non-combustible, with the exception that combustible veneers may be permitted provided they meet other appropriate requirements of Chapter II – 2 of the Convention;
2. they have an insulation value such that the average temperature of the unexposed side will not rise more than 140°C above the original temperature, nor will the temperature at any one point, including any joint, rise more than 225°C above the original temperature, within the time listed below:

class “B-15” 15 min

class “B- 0” 0 min

3. they are constructed as to be capable of preventing the passage of flame to the end of the first half hour of the standard fire test; and
4. the Director-General required a test of a prototype division in accordance with the Fire Test Procedures Code to ensure that it meets the above requirements for integrity and temperature rise;

“cargo ship” means any ship which is not a passenger ship;

“Convention” means, 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;

“organization” means International Maritime Organisation;

“passenger ship” is a ship which carries more than twelve passengers;

“recognised organisation” means an organization that has been recognized in accordance with the provisions of the Code for Recognised Organisations adopted by the Organisation;

“tanker” means a cargo ship constructed or adapted for the carriage in bulk of liquid cargoes of an inflammable nature;

“watertight” means having scantlings and arrangements capable of preventing the passage of water in any direction under the head of water likely to occur in intact and damaged conditions. In the damaged condition, the head of water is to be considered in the worst situation at equilibrium, including intermediate stages of flooding;

“weathertight” means that in any sea conditions water will not penetrate into the ship.

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