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The Gazette of the Democratic Socialist Republic of Sri Lanka
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 (Life Saving Appliances and Arrangements) Regulations, No. 4 of 2021.
- (2) The purpose of these regulations shall be to give effect to Chapter III 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, and International Life Saving Appliance (LSA) Code as amended from time to time.

PART I

Applicability of these Regulations

- (1) Subject to the provisions of Sub-regulations (2), (3), (4) and (5) 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 while they are in Sri Lankan 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, the provisions of these regulations shall apply to ships the keels of which are laid or which are at a similar stage of construction on or after 1st July 1998.
- (4) The ships constructed before 1st of July 1998 shall comply with requirements as specified in the regulation 1 (4) and (5) of Chapter III of the Convention.
- (5) 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 on 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) 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 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 III of the Convention unreasonable or unnecessary, exempt from those requirements individual Sri Lankan ships or classes of Sri Lankan ships which, in the course of their voyage, do not proceed more than 20 miles from the nearest land.
- (4) The Director-General who exempts a ship under this regulation shall communicate to the International Maritime Organization (in these regulations referred to as the “Organization”) particulars of the same and the reasons therefor.
- (5) In accordance with the regulation 20.6.2 of Chapter III of the Convention, the Director-General may waive requirements for all engines in lifeboats and rescue boats to be run for a total period of not less than 3 minutes, provided the ambient temperature is above the minimum temperature required for starting and running the engine. A waiver may only be permitted for such ships constructed before 1st of July 1986.

- (6) Exemptions referred to in this regulation shall be issued in accordance with the Merchant Shipping (Surveys and Certificates) Regulations, No. 01 of 2021 published in the *Gazette* No. 2261/49 of 06.01.2022.
- (7) An approval or type approval required by Chapter III of the Convention, or an equivalent arrangement or waiver permitted by Chapter III 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.

4. 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 III 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

Life-saving appliances and arrangements

5. A ship to which these regulations apply shall comply with the requirements for life-saving appliances and arrangements specified in Chapter III of the Convention in relation to a ship of its description.
6. All life-saving appliances and arrangements on board shall comply with the applicable requirements of the LSA Code.
7. (1) All life-saving appliances and arrangements on board shall be tested to confirm that they comply with the requirements of Chapter III of the Convention and the LSA Code, in accordance with the recommendations of the Organization or to the satisfaction of the Director-General, have successfully undergone, tests which are substantially equivalent to those specified in those recommendations.
 - (2) Novel life-saving appliances or arrangements installed on board shall;
 - (a) provide safety standards at least equivalent to the requirements of Chapter III of the Convention and the LSA Code and have been evaluated and tested based on the guidelines developed by the Organization; and
 - (b) have successfully undergone an engineering analysis, evaluation and approval in accordance with regulation 38 of Chapter III of the Convention.
 - (3) Life-saving appliances required by the Chapter III of the Convention for which detailed specifications are not included in the LSA Code shall be to the satisfaction of the Director-General.
8. (1) If Chapter III of the Convention or LSA code requires anything to be type approved, it shall be type approved by the Director-General in accordance with the provisions of Regulation 4 of Chapter III of the Convention.

- (2) Pursuant to sub-regulation (1) of this regulation, 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.

PART III

Operational readiness, maintenance and inspections

9. (1) Before a ship leaves a port and at all times during the voyage, all life-saving appliances shall be in working order and ready for immediate use.
- (2) Maintenance, testing and inspections of life-saving appliances on board a ship shall be carried out as prescribed in regulation 20 of Chapter III of the Convention.
- (3) Instructions for on-board maintenance of life-saving appliances complying with regulation 36 of Chapter III of the Convention shall be provided and maintenance shall be carried out accordingly.
- (4) Spares and repair equipment shall be provided for life-saving appliances and their components which are subject to excessive wear or consumption and need to be replaced regularly.
- (5) The Director-General may accept, in compliance with the requirements of sub-regulation 3, a shipboard planned maintenance programme, which includes the requirements of regulation 36 of the Chapter III of the Convention.
10. (1) Every inflatable life raft, inflatable life jacket, and marine evacuation system on board a ship shall be serviced :-
- (a) at intervals not exceeding 12 months, provided where in any case this is impracticable, the Director-General may extend this period to 17 months: and
- (b) at an approved servicing station which is competent to service them, maintains proper servicing facilities and uses only properly trained personnel.
- (2) In addition to or in conjunction with the servicing intervals of marine evacuation systems required by sub-regulation (1) of this regulation, each marine evacuation system should be deployed from the ship on a rotational basis. Each system shall be deployed at least once every six years.
- (3) The Director-General who approves new and novel inflatable life raft arrangements pursuant to regulation 9 may allow for extended service intervals on the following conditions: -
- (a) The new and novel life raft arrangement has proved to maintain the same standard, as required by testing procedure, during extended service intervals;
- (b) The life raft system shall be checked on board by certified personnel according to sub-regulation (1) of this regulation; and
- (c) Service at intervals not exceeding five years shall be carried out in accordance with the recommendations of the Organization.
- (4) All repairs and maintenance of inflated rescue boats shall be carried out in accordance with the manufacturer's instructions. Emergency repairs may be carried out on board the ship; however, permanent repairs shall be carried out at an approved servicing station.
- (5) The Director-General who permits extension of life raft service intervals in accordance with sub-regulation (3) of this regulation shall notify the Organization of such action in accordance with regulation 5(b) of Chapter I of the Convention.

(6) Periodic servicing of hydrostatic release units, launching appliances and on-load release gear shall be in accordance with the provisions of paragraphs 9 and 11 of regulation 20 of Chapter III of the Convention.

(7) The Master or the owners shall ensure that maintenance, thorough examination, operational testing, overhaul and repair of life boats and rescue boats, launching appliances and release gear on board a ship is conducted in accordance with the provisions of the Resolution MSC. 402(96) and other guidelines adopted by the Organisation and regulation 20 of the Chapter III of the Convention.

(8) The personnel carrying out maintenance, thorough examination, operational testing, overhaul and repair referred in sub-regulation (7) of this regulation shall be certified by an approved service provider in accordance with the requirements specified in the Resolution MSC. 402 (96) and other guidelines adopted by the Organisation.

(9) No person shall carry on the business in Sri Lanka as a service provider as prescribed in sub-regulation (8) unless he is authorized by the Director-General.

(10) The Director-General shall recognize any service provider as approved service provider pursuant to this regulation provided that service provider fulfills the requirements prescribed in the Resolution MSC. 402(96) and other guidelines adopted by the Organisation.

(11) Every approved service provider shall be issued with an authorization document defining the scope of services provided (e.g. makes and types of equipment) by the Director-General upon successful initial audit of a service provider. The expiry date shall be clearly written on the document.

(12) The Director-General shall withdraw the authorization of service providers who are not maintaining the requirements in the Resolution MSC. 402(96) and other guidelines adopted by the Organisation by giving a written notice.

(13) The Director-General may accept or recognize service providers authorized by other Contracting Governments or by approved Recognized Organizations.

(14) The Director-General shall ensure that information regarding approved service providers is made available.

PART IV

Emergency training and drills

11. (1) Every crew member onboard a ship with assigned emergency duties shall be familiar with such duties before the voyage begins.
- (2) Familiarity with onboard safety installations, practice musters and conducting onboard drills, training and giving instructions shall be carried out in accordance with regulations 19 and 30 of Chapter III of the Convention.
- (3) A training manual complying with the requirement of paragraph 3 of regulation 35 of the Chapter III of the Convention shall be provided in each crew mess room and recreation room or in each cabin.
- (4) There shall be on board every ship a muster list and emergency instructions complying with the regulation 37 of Chapter III of the Convention.
- (5) The date when musters are held, details of abandon ship and drills and fire drills, enclosed space entry and rescue drills, drills of other life-saving appliances and on-board training shall be recorded in the official log- book onboard a Sri Lankan ship prescribed by the Director- General or in such log book as may be prescribed by the state whose flag the ship is flying. If a full muster, drill or training session is not held at the appointed time, an entry shall be made in the log- book stating the circumstances and the extent of the muster, drill or training session held.

PART V

General Provisions

12. (1) Life-saving appliances and arrangements may deviate from the requirements set out in Part B of Chapter III of the Convention, provided that alternative design and arrangements meet the intent of the requirements concerned and provide an equivalent level of safety to Chapter III of the Convention.
- (2) When alternative design or arrangements deviate from or the recommended requirements of Part B of Chapter III of the Convention, an engineering analysis, evaluation and approval of the design and arrangements shall be carried out in accordance with regulation 38 of Chapter III of the Convention.

13. In the case where references are made in Chapter III of the Convention to the satisfaction of the administration or references are made in these regulations to the satisfaction of the Director-General and no direct interpretation to such references are 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.

14. 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 such ship is intended, such ship may be provisionally detained for the purpose of being surveyed or rectifying the defective condition.

15. The footnotes in Chapter III of the Convention and the resolutions, circulars or documents referred by such footnotes shall be deemed to be a part of these regulations.

16. 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.

17. In these regulations -

“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;

“launching appliance or arrangement” means transferring a survival craft or rescue boat from its stowed position safely to the water;

“LSA code” means the International Life-Saving Appliance Code adopted by the organization by resolution MSC. 48(66), as may be amended by the organization;

“marine evacuation system” means an appliance for the rapid transfer of persons from the embarkation deck of a ship to a floating survival craft;

“novel life-saving appliance or arrangement” means a life-saving appliance or arrangement which embodies new features not fully covered by the provisions of Chapter III of the Convention or the LSA Code but which provides an equal or higher standard of safety;

“organisation” means International Maritime Organisation;

“passenger ship” means 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;

“rescue boat” means a boat designed to rescue persons in distress and to marshal survival craft.