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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 (Radio communications) Regulations, No. 5 of 2021.
- (2) The purpose of these regulations shall be to give effect to the enforcement of Chapter IV 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

- (1) Subject to the provisions of sub-regulations (2), (3) and (4) of this regulation, these regulations shall apply to the ships which are entitled to fly its 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 300 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) These regulations do not apply to Sri Lankan ships to which the Convention would otherwise apply while such ships are being navigated within the Great Lakes of North America and their connecting and tributary waters as far east as the lower exit of the St. Lambert Lock at Montreal in the Province of Quebec, Canada.
- (4) No provision in these regulations shall prevent the use by any ship, survival craft or person in distress, of any means at their disposal to attract attention, make known their position and obtain help.
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 these regulations:
- Provided that such ship 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) (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 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 they are 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.
- (b) The Director-General who allows exemptions under sub-regulation 2(a) shall communicate to the International Maritime Organization (in these regulations referred to as the “Organization”) particulars of same and the reasons therefor.
4. (1) The Director-General may grant partial or conditional exemptions to individual ships from the requirements of regulations 7 to 11 of Chapter IV of the Convention:
- Provided that,
- (a) such ships comply with the functional requirements of regulation 6 of these regulations; and
 - (b) the Director-General has taken into account the effect such exemptions may have upon the general efficiency of the service for the safety of all ships.

- (2) An exemption may be granted under sub-regulation (1) only:
- (a) if the conditions relating to safety are such as to render the full application of regulations 7 to 11 of the Chapter IV of the Convention unreasonable or unnecessary; and
 - (b) in exceptional circumstances, for a single voyage outside the sea area or sea areas for which the ship is equipped.
- (3) The Director-General shall submit to the Organization, as soon as possible after the first of January in each year, a report showing all exemptions granted under sub-regulations (1) and (2) during the previous calendar year and giving the reasons for granting such exemptions.
5. (1) Exemptions referred to in regulations 3 and 4 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
- (2) An approval or typed approval required by Chapter IV 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.
- (3) The Director-General may, on giving reasonable notice, alter or cancel any exemption, or approval granted under these regulations.

PART II

FUNCTIONAL REQUIREMENTS, RADIO INSTALLATIONS AND RADIO EQUIPMENT

6. Every ship, while at sea, shall be capable -
- (a) except as provided in regulations 8.1.1 and 10.1.4.3 of Chapter IV of the Convention, of transmitting ship-to-shore distress alerts by at least two separate and independent means, each using a different radio communication service;
 - (b) of receiving shore-to-ship distress alerts;
 - (c) of transmitting and receiving ship-to-ship distress alerts;
 - (d) of transmitting and receiving search and rescue coordinating communications;
 - (e) of transmitting and receiving on-scene communications;
 - (f) of transmitting and, as required by regulation 19.2.3.2 of Chapter V of the Convention, receiving signals for locating;
 - (g) of transmitting and receiving maritime safety information;
 - (h) of transmitting and receiving general radio communications to and from shore-based radio systems or networks subject to regulation 15.8 of Chapter IV of the Convention; and
 - (i) of transmitting and receiving bridge-to-bridge communications.

7. (1) Every ship shall be provided with radio installations capable of complying with the functional requirements prescribed by regulation 6 throughout its intended voyage and, unless exempted under regulation 4, complying with the requirements of regulation 7 of Chapter IV of the Convention and, as appropriate for the sea area or areas through which it will pass during its intended voyage, the requirements of either regulation 8, 9, 10 or 11 of Chapter IV of the Convention.
- (2) Every radio installation referred in sub-regulation (1) of this regulation shall be-
- so located that no harmful interference of mechanical, electrical or other origin affects its proper use, and so as to ensure electromagnetic compatibility and avoidance of harmful interaction with other equipment and systems;
 - be so located as to ensure the greatest possible degree of safety and operational availability;
 - be protected against harmful effects of water, extremes of temperature and other adverse environmental conditions;
 - be provided with reliable, permanently arranged electrical lighting, independent of the main and emergency sources of electrical power, for the adequate illumination of the radio controls for operating the radio installation; and
 - be clearly marked with the call sign, the ship station identity and other codes as applicable for the use of the radio installation.

8. In addition to meeting the requirements of regulation 7 of Chapter IV of the Convention, every ship engaged on voyages exclusively in sea area A1 shall be provided with a radio installation in accordance with regulation 8 of Chapter IV of the Convention.

9. In addition to meeting the requirements of regulation 7 of Chapter IV of the Convention, every ship engaged on voyages beyond sea area A1, but remaining within sea area A2, shall be provided with radio installations and equipment in accordance with regulation 9 of Chapter IV of the Convention.

10. In addition to meeting the requirements of regulation 7 of Chapter IV of the Convention, every ship engaged on voyages beyond sea areas A1 and A2, but remaining within sea area A3, shall be provided with radio installations and equipment in accordance with the regulation 10 of Chapter IV of the Convention.

11. In addition to meeting the requirements of regulation 7 of Chapter IV of the Convention, every ship engaged on voyages in all areas, shall be provided with radio installations and equipment in accordance with the regulation 11 of Chapter IV of the Convention.

PART III

WATCHES AND SOURCES OF ENERGY

12. (1) Every ship, while at sea, shall maintain a continuous watch in accordance with regulation 12 of Chapter IV of the Convention.
- (2) Every ship, while at sea, shall maintain a radio watch for broadcast of maritime safety information on the appropriate frequency or frequencies on which such information is broadcast for the area in which the ship is navigating.

13. There shall be available at all times, while the ship is at sea, a supply of electrical energy sufficient to operate the radio installations and to charge any batteries used as part of a reserve source or sources of energy for the radio installations in accordance with regulation 13 of Chapter IV of the Convention.

PART IV

PERFORMANCE STANDARDS AND MAINTENANCE REQUIREMENTS

14. (1) All equipment to which these regulations apply shall be of a type approved by the Director-General. Such equipment shall conform to appropriate performance standards not inferior to those adopted by the organization.
- (2) In pursuance of 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.
15. (1) An equipment shall be so designed that the main units can be replaced readily, without elaborate recalibration or re adjustment.
- (2) Where applicable, an equipment shall be so constructed and installed that it is readily accessible for inspection and on-board maintenance purposes.
- (3) Adequate information shall be provided to enable the equipment to be properly operated and maintained, taking into account the recommendations of the organization.
- (4) Adequate tools and spares shall be provided to enable the equipment to be maintained.
- (5) Radio equipment required by these regulations shall be maintained to provide the availability of the functional requirements specified in regulation 6 and to meet the recommended performance standards of such equipment.
- (6) On ships engaged on voyages in sea areas A1 and A2, the availability shall be ensured by using such methods as duplication of equipment, shore-based maintenance or at sea electronic maintenance capability, or a combination of these, as may be approved by the Director-General.
- (7) On ships engaged on voyages in sea areas A3 and A4, the availability shall be ensured by using a combination of at least two methods such as duplication of equipment, shore-based maintenance or at sea electronic maintenance capability, as may be approved by the Director-General, taking into account the recommendations of the organization.
- (8) While all reasonable steps shall be taken to maintain the equipment in efficient working order to ensure compliance with all the functional requirements specified in regulation 6, malfunction of the equipment for providing the general radiocommunications required by regulation 6 (h) shall not be considered as making a ship unseaworthy or as a reason for delaying the ship in ports where repair facilities are not readily available, provided the ship is capable of performing all distress and safety functions.
- (9) The satellite Emergency Position Indicating Radio Beacons (EPIRB) shall be -
- (a) annually tested for all aspects of operational efficiency, with special emphasis on checking the emission on operational frequencies, coding and registration, at intervals as specified below -
- (i) on passenger ships, within 3 months before the expiry date of the passenger ship safety certificate; and
- (ii) on cargo ships, within 3 months before expiry date, or 3 months before or after the anniversary date, of the cargo ship safety certificate.
- The test may be conducted on board a ship or at an approved testing station by the Director-General; and
- (b) subject to maintenance at intervals not exceeding five years, performed at an approved shore-based maintenance facility that has been approved by the Director-General in accordance with the guidelines developed by the Organisation.

16. In all Sri Lanka ships to which these regulations apply a person nominated by the Master, normally the person qualified under regulation 17, shall, while the ship is at sea, carry out the appropriate tests as prescribed by implementation standards published by the Director General. If any of the radio installations required by these regulations are not in working order, the nominated person shall inform the Master and record details of the deficiencies in the Radio Log referred to in regulation 18 below.

PART V

RADIO PERSONNEL, RADIO RECORDS AND POSITION UPDATING

17. (1) Every ship shall carry personnel qualified for distress and safety radio communication purposes as specified in paragraph (3) or (4) of this regulation. Such personnel shall be holders of certificates specified in the Radio Regulations as appropriate.
- (2) (a) In the case of passenger ships, at least one such person as mentioned in sub-regulation (1) above shall be assigned by the master to perform only radio communication duties during distress incidents.
- (b) In the case of all other ships one such person as mentioned in sub-regulation (1) above shall be designated by the master to have primary responsibility for radio communications during distress incidents.
- (3) On ships trading in sea area A1, the person qualified as mentioned in sub-regulation (1) above shall hold at least a Global Maritime Distress and Safety System (in these regulations referred to as the “GMDSS”) restricted operator’s certificate issued in accordance with the Radio Regulations and a certificate of competency as GMDSS Restricted Radio Operator issued in accordance with Merchant Shipping (Standards of Training, Certification and Watch Keeping for Seafarers) Regulations, 2016 published in the *Gazette* No. 1987/19 of October 4, 2016.
- (4) On ships trading in sea areas A2, A3 and A4, the person qualified as mentioned in sub-regulation (1) above shall hold at least a GMDSS general operator’s certificate issued in accordance with the Radio Regulations and a certificate of competency as GMDSS Radio Operator issued in accordance with Merchant Shipping (Standards of Training, Certification and Watch Keeping for Seafarers) Regulations, 2016.
18. (1) A record called GMDSS radio log book shall be kept on board every ship and the following information shall be recorded in that log book –
- (a) a summary of all the radio communications relating to any distress, urgency and safety traffic of the ship together with time of the communications;
- (b) the names of all the persons handling the communications including their certification details;
- (c) all the important service incidents relating to the ship and the time of their occurrences;
- (d) the daily position of the ship; and
- (e) date, time and details of appropriate tests and checks referred in regulation 16.
- (2) The Master shall inspect and sign each day’s entries in the Radio Log.
19. (1) This regulation applies to a ship on which a piece of two-way communication equipment which is capable of including the ship’s position in a distress alert is provided.
- (2) If a navigation receiver is installed on a ship, the receiver must automatically provide the ship’s position to the two-way communication equipment on the ship, so that the ship’s position can be included in a distress alert.
- (3) If no navigation receiver is installed on a ship, the ship’s position and the time at which the ship is at that position must be manually updated at intervals not exceeding four hours while the ship is engaged in a voyage, so that the ship’s position and the time can be transmitted by the two-way communication equipment at any time.

PART VI

GENERAL PROVISIONS

20. A ship shall be issued with a ship station radio license, in accordance with the radio regulations.

21. A ship shall not go to sea on a voyage to or from any port or place in Sri Lanka and a Sri Lanka ship shall not perform an international voyage unless there is in force a ship station radio license.

22. 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.

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

24. 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.

25. In these regulations -

“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;

“GMDSS” means Global Maritime Distress and Safety System;

“MF (Medium Frequency)” means the frequency spectrum exceeding 300kHz and not exceeding 3000kHz;

“organization” means International Maritime Organisation;

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

“radio regulations” means the Radio Regulations annexed to, or regarded as being annexed to, the Constitution and Convention of the International Telecommunication Union as in force from time to time;

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

“sea area A1” means a sea area within the radiotelephone coverage of at least one Very High Frequency coast station in which continuous digital selective calling alerting is available;

“sea area A2” means a sea area within the radiotelephone coverage of at least one Medium Frequency coast station in which continuous digital selective calling alerting is available, other than any sea area A1;

“sea area A3” means a sea area within the coverage of an INMARSAT geostationary satellite in which continuous alerting is available, other than any sea area A1 or sea area A2;

“sea area A4” means a sea area other than any sea area A1, sea area A2 or sea area A3;

“VHF (Very High Frequency)” means the frequency spectrum exceeding 30MHz and not exceeding 300MHz.