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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. (1) These regulations may be cited as the Merchant Shipping (Safety of Navigation) Regulations, No. 06 of 2021.
- (2) The purpose of these regulations shall be to give effect to the enforcement of Chapter V of the International Convention for the Safety of Life at Sea 1974, Protocol of 1988 as amended from time to time and any subsequent amendments made to such Protocol.



PART 1

Applicability of these Regulations and Safety of Navigation

2. (1) Subject to the provisions of sub-regulations (2), (3), (4), (5), (6) and (7) of this regulation, these regulations and relevant regulations of the International Convention for the Safety of Life at Sea 1974 and Protocol 1988 (in these regulations referred to as the “Convention”) relating to tonnage and the date of construction shall apply to the ships which are entitled to fly the Sri Lanka flag wherever they may be and engaged in international voyages, and to any other foreign ships while they are in Sri Lanka waters.
- (2) Except as expressly provided otherwise in the Convention these regulations shall not apply to warships, naval auxiliaries and ships which are owned or operated by a Contracting Government and used only on government non-commercial service.
- (3) Except as expressly provided otherwise 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 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) These regulations shall not apply to ships where the Merchant Shipping (Small Commercial Vessels) Regulations, 2017 published in the *Gazette* No. 2017/31 of May 4, 2017 apply.
- (5) Regulations 19 and 20 in Chapter V of the Convention, paragraphs 1 to 3 and 7 and 8 of regulation 18 in Chapter V of the Convention, in so far as they relate to systems and equipment, do not apply in relation to ships below 150 gross tons engaged on any voyage.
- (6) Paragraph 2.2.3 of regulation 19 in Chapter V of the Convention does not apply to a ship below 150 gross tons engaged on any voyage or to a ship below 500 gross tons not engaged on an international voyage.
- (7) Regulation 23 in Chapter V of the Convention does not apply to—
 - (a) ships below 150 gross tons engaged on any voyage; and
 - (b) ships below 500 gross tons not engaged on international voyages:

Provided that, such ships shall be engaged on a voyage during the course of which a pilot is employed.

3. (1) The Director-General of Merchant Shipping (in these regulations referred to as the “Director-General”) may grant exemptions from all or any of the provisions set out in regulations 15, 17 to 19 (except paragraph 2.1.7 of regulation 19), 20, 22 and 24 to 28 in Chapter V of the Convention for ships without mechanical means of propulsion.
- (2) Subject to the provisions of sub-regulation (3), the Director-General may -
 - (a) grant exemptions from the application of all or any of the provisions of these regulations (as may be specified in the exemption certificate) on such terms as may be specified;
 - (b) permit any fitting, material, appliance or apparatus, or type thereof, to be fitted or carried in a ship, or permit other provision to be made in the ship in place of any particular fitting, material, appliance or apparatus, or type thereof, or provision, which is required under these regulations, if the Director-General is satisfied by trial or otherwise that it is at least as effective for the purpose for which the requirements in the regulations are set.

- (3) For the purpose of sub-regulation(2), the Director-General shall satisfy himself that the ship is engaged on a voyage where the maximum distance of the ship from the shore, the length and nature of the voyage, the absence of general navigational hazards, and other conditions affecting safety do not require the full application of Chapter V of the Convention and such application is unreasonable or unnecessary, the Director-General shall take into account the effect that such an exemption or permission may have upon the safety of other ships.
 - (4) The Director-General may grant exemptions for classes of ships or individual ships from the requirements of regulations 18, 19, 19-1 or 20 in Chapter V of the Convention, on such terms as may be specified.
 - (5) The Director-General may grant exemptions from the requirements of regulation 22 in Chapter V of the Convention for ships of unconventional design, on such terms as may be specified.
 - (6) The Director-General may, on such terms as may be specified, grant exemptions from the requirements of paragraphs 1 and 2 of Regulation 26 in Chapter V of the Convention for ships which regularly engage on voyages of less than twenty-four hours duration and on which the checks and tests required by those paragraphs are carried out at least once in every week.
 - (7) When an exemption is granted to a ship to which Merchant Shipping (Surveys and Certificates) Regulations, No. 01 of 2021 published in the *Gazette* No. 2261/49 of 06.01.2022 apply, it shall be issued in accordance with such regulations.
 - (8) (a) When an exemption is granted under this regulation to ships to which the Merchant Shipping (Surveys and Certificates) Regulations, No. 01 of 2021 published in the *Gazette* No. 2261/49 of 06.01.2022 do not apply, permission given under sub-regulation (2)(b) of this regulation, or an alteration or cancellation under paragraph (b) shall—
 - (i) be in writing;
 - (ii) specify the date on which it takes effect; and
 - (iii) in the case of an exemption, specify the terms on which it is given.
 - (b) The Director-General may, on giving reasonable notice, alter or cancel any exemption granted or any permission given under this regulation.
 - (c) An exemption granted to ships to which Merchant Shipping (Surveys and Certificates) Regulations, No. 01 of 2021 published in the *Gazette* No. 2261/49 of 06.01.2022 do not apply, shall be in a form as may be determined by the Director-General.
4. An exemption shall not be granted under these regulations unless the Director-General is satisfied that—
- (a) compliance with such provision is either impracticable or unreasonable for the class of ship or individual ship concerned; or
 - (b) the exemption is subject to such conditions and limitations that provide a level of safety which is at least equivalent to requirements of the Convention.
5. (1) Where a regulation in Chapter V of the Convention refers to anything requiring the approval of the Administration, to be done to the satisfaction of the Administration or to be acceptable to the Administration, the Director-General, or a person authorised by the Director-General, may grant an approval for such matter relating to a Sri Lanka ship in accordance with the provisions of Chapter V of the Convention.

- (2) The Director-General, or a person authorised by the Director-General, may on giving reasonable notice cancel or alter the terms of any approval given under this regulation by the Director-General or the authorised person respectively.
- (3) An approval given under sub-regulation (1) or an alteration or cancellation under sub-regulation (2) shall—
 - (a) be in writing;
 - (b) specify the date on which it takes effect; and
 - (c) in the case of an approval, specify the conditions (if any) on which it is given.

PART II

Requirements of Safety of Navigation

6. (1) Subject to the provisions of sub-regulation (3) of this regulation, a ship to which these regulations apply shall comply with such of the requirements referred to in paragraph (2) as apply in relation to a ship of its description.
- (2) The requirements are those referred to in the following regulations or paragraphs of regulations in Chapter V of the Convention—
 - (a) paragraph 3 of regulation 7;
 - (b) paragraph 7 of regulation 10;
 - (c) paragraph 7 of regulation 11;
 - (d) paragraphs 3 and 4 of regulation 14;
 - (e) paragraphs 2 and 3 of regulation 17;
 - (f) paragraphs 1 to 3 and 7 to 9 of regulation 18;
 - (g) regulation 19;
 - (h) paragraphs 2 and 4 to 7 of regulation 19-1;
 - (i) paragraphs 1 and 2 of regulation 20;
 - (j) regulations 21 to 30;
 - (k) paragraphs 1 and 4 of regulation 31;
 - (l) paragraphs 1, 2, 4 and 5 of regulation 32;
 - (m) paragraphs 1, 2, 3, 4 and 6 of regulation 33;
 - (n) regulation 34;
 - (o) regulation 34-1; and
 - (p) regulation 35.
- (3) A ship to which these regulations apply shall alternatively or additionally as the case may be comply with such of the requirements, if any as are specified in the Implementation Standards issued under section 321A of the Merchant Shipping Act.
- (4) For the avoidance of doubt, if a requirement referred to in sub-regulation (2) of this regulation is set out in a provision to which there is a footnote, and it is clear from the wording and the context that the content of the footnote, or of a resolution, circulars or document referred to in the footnote, is intended to form part of the requirement, then such content must be treated as part of the requirement; and for these purposes a “footnote” is a note identified as such in the text of Chapter V of the Convention.
7. The owner and the master of a ship shall make adequate arrangements to ensure that the performance of the equipment required by Chapter V of the Convention is maintained.

8. 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.

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