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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 (Carriage of Cargoes and Oil Fuels) Regulations, No. 07 of 2021.
- (2) The purpose of these regulations shall be to give effect to Chapter VI 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-regulation (2) of this regulation, these regulations shall apply to the ships which are entitled to fly the Sri Lanka flag wherever they may be engaged and to any other foreign ships while they are in Sri Lanka waters when loaded or intended to be loaded with any cargo.
- (2) Subject to the provisions in the Merchant Shipping (Carriage of Dangerous Goods) Regulations, No. 08 of 2021 published in the *Gazette* No. 2261/56 of 06.01.2022 in respect of the carriage of dangerous goods and marine pollutants, these regulations shall apply to the carriage of all cargoes. Where any requirement in those regulations regulates an aspect of carriage provided for in these regulations, those regulations shall apply to that extent.
3. (1) Where the Convention or documentation referred to in the Convention requires that a particular piece of equipment, or type thereof shall be provided or carried in a ship, or that any particular provision shall be made, the Director-General of Merchant Shipping (in these regulations referred to as the “Director-General”) shall permit any other piece of equipment to be provided or carried, or any other provision to be made in that ship, if he is satisfied by trials thereof or otherwise that such other piece of equipment or provision is at least as effective as that required by the Convention, or information referred to in the Convention.
- (2) For the purposes of these regulations, the results of verification and tests carried out by bodies or laboratories of other member States of the Organization offering suitable and satisfactory guarantees of technical and professional competence and independence shall be accepted.
- (3) For cargo ships of less than 500 gross tonnage, the Director-General, if he considers that the sheltered nature and conditions of voyage do not require the application of any specific requirements of part A or B of Chapter VI of the Convention the Director-General may exempt such ships from those requirements. Such ships shall take other effective measures to ensure the required safety. The Director-General may on giving reasonable notice, alter or cancel such an exemption.
- (4) An exemption granted to ships under sub-regulation (3) shall be in a form as may be determined by the Director-General.

PART II

Carriage of Cargoes and Oil Fuels

4. The carriage of solid bulk cargoes other than grain shall be in compliance with the relevant provisions of the IMSBC Code.
5. (1) (a) The shipper shall provide the master or his representative with appropriate information on the cargo sufficiently in advance of loading to enable the precautions which may be necessary for proper stowage and safe carriage of the cargo to be put into effect. Such information shall be confirmed in writing by appropriate shipping documents prior to loading the cargo on the ship.
- (b) The cargo information referred to in sub-regulation 1 (a) shall include:
 - (i) in the case of general cargo and cargo carried in cargo units, a general description of the cargo, the gross mass of the cargo or cargo units and any relevant special properties of the cargo;
 - (ii) in the case of solid bulk cargo, information as required by section 4 of the IMSBC Code; and

- (iii) in the case of bulk cargoes which are not classified in accordance with Regulation 2 of Chapter VII of the Convention, but have chemical properties that may create a potential hazard, information on its chemical properties in addition to that required by sub-regulation 1 (b) (ii) above.
- (2) Prior to loading cargo units on board ships, the shipper shall ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents.
- (3) In the case of cargo carried in a container, except for containers carried on a chassis or a trailer, when such containers are driven on or off a ro-ro ship engaged in short international voyages as defined in Regulation 3 of Chapter III of the Convention, the gross mass according to paragraph (1)b(i) of this regulation shall be verified by the shipper in accordance with the Merchant Shipping (Verification of Container Gross Mass) Regulations, 2016 published in the *Gazette* No. 1979/30 of August 11, 2016.
- (4) The shipper of a container shall ensure that the verified gross mass is stated in the shipping document. The shipping document shall be -
- (a) signed by a person duly authorized by the shipper; and
- (b) submitted to the master or his representative and to the terminal representative sufficiently in advance, as required by the master or his representative, to be used in the preparation of the ship stowage plan.
- (5) If the shipping document relating to a packed container does not provide the verified gross mass and the master or his representative and the terminal representative have not obtained the verified gross mass of the packed container, it shall not be loaded on to the ship.
6. (1) The owner and master of every ship to which these regulations apply, other than a ship engaged in the carriage of grain, shall ensure that appropriate documentation relevant to the cargo and its stowage and securing, which should specify in particular the precautions necessary for the safe carriage of that cargo by sea, is carried on board.
- (2) Such documentation may consist of one or more of the following Codes of Safe Practice –
- (a) the Code of Safe Practice for Cargo Stowage and Securing adopted by the Organization by Resolution A.714(17), as amended time to time;
- (b) the Code of Safe Practice for Ships Carrying Timber Deck Cargoes adopted by the Organization by Resolution A.715(17), as amended time to time; and
- (c) the Code of Safe Practice for Solid Bulk Cargoes (BC Code) adopted by the Organisation by Resolution A.434(XI), as amended time to time.
- (3) The owner and master of every ship carrying grain to which these regulations apply shall ensure that the International Grain Code is carried on board.
- (4) (a) All passenger ships and cargo ships carrying cargoes other than solid and liquid bulk cargoes and cargo ships of less than five hundred tons engaged on voyages which are not international voyages, shall carry on board a Cargo Securing Manual approved by the Director-General or a recognized organisation.
- (b) The cargo securing manual referred to in sub-regulation 6(4) (a) shall be drawn up to a standard at least equivalent to relevant guidelines developed by the Organization.

7. When transporting a solid bulk cargo which is liable to emit a toxic or flammable gas, or cause oxygen depletion in the cargo space, an appropriate instrument for measuring the concentration of gas or oxygen in the air shall be provided together with detailed instructions for its use. Such an instrument shall be of a type approved by the Director-General, and the crew shall be trained in its use.
8. Appropriate precautions shall be taken in the use of pesticides in ships, in particular for the purposes of fumigation. Such precautions may consist of one or more of the following circulars developed by the organisation -
 - (a) recommendations on the safe use of pesticides in ships (MSC/Circ.612 as amended time to time);
 - (b) recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo holds (MSC.1/Circ.1264, as amended time to time); and
 - (c) recommendations on the safe use of pesticides in ships applicable to the fumigation of cargo transport units (MSC.1/Circ.1265, as amended time to time).
9. The owner and master shall ensure that -
 - (a) cargo, cargo units and cargo transport units carried on or under deck shall be so loaded, stowed and secured as to prevent as far as is practicable, throughout the voyage, damage or hazard to the ship and the persons on board, and loss of cargo overboard;
 - (b) The cargo, cargo units and cargo transport units shall be so packed and secured within the unit as to prevent, throughout the voyage, damage or hazard to the ship and the persons on board;
 - (c) Appropriate precautions shall be taken during loading and transport of heavy cargoes or cargoes with abnormal physical dimensions to ensure that no structural damage to the ship occurs and to maintain adequate stability throughout the voyage;
 - (d) Appropriate precautions shall be taken during loading and transport of cargo units and cargo transport units on board ro-ro ships, especially with regard to the securing arrangements on board such ships and on the cargo units and cargo transport units and with regard to the strength of the securing points and lashings;
 - (e) Freight containers shall not be loaded to more than the maximum gross weight indicated on the Safety Approval Plate under the International Convention for Safe Containers (CSC), as amended;
 - (f) The cargo on board all ships to which sub-regulation 6(4)(a) is applicable is stowed and secured throughout any voyage in accordance with the Cargo Securing Manual; and
 - (g) The cargo on board all ships to which regulation 6(4)(a) is applicable with roll-on or roll-off cargo spaces, shall be stowed and secured in accordance with the Cargo Securing Manual before the ship leaves a berth.
10. The ships carrying oil or oil fuel, as defined in Regulation 1 of Annex 1 of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978 relating thereto, shall be provided with material safety data sheets, based on the recommendations developed by the Organization, prior to the loading of such oil as cargo in bulk or bunkering of oil fuel.
11. (1) The physical blending of bulk liquid cargoes during sea voyages is prohibited. The physical blending refers to the process whereby the ship's cargo pumps and pipelines are used to internally circulate two or more different cargoes with the intent to achieve a cargo with a new product designation. This prohibition does not preclude the master from undertaking cargo transfers for the safety of the ship or protection of the marine environment.

- (2) The prohibition in sub-regulation (1) does not apply to the blending of products for use in the search and exploitation of seabed mineral resources on board ships used to facilitate such operations.
- (3) Any production process on board a ship during sea voyages is prohibited. The production processes refer to any deliberate operation whereby a chemical reaction between a ship's cargo and any other substance or cargo takes place.
- (4) The prohibition in sub-regulation (3) does not apply to the production processes of cargoes for use in the search and exploitation of seabed mineral resources on board ships used to facilitate such operations.

PART III

Special Provisions for Bulk Cargoes other than Grain

12. (1) Prior to loading a bulk cargo the master shall be in possession of stability information, provided pursuant to Regulation 5-1 of Chapter II-1 of the Convention containing comprehensive information on the ship's stability and on the distribution of cargo and ballast for the standard loading conditions.
- (2) The master shall not accept for loading concentrates or other cargoes which may liquify unless –
 - (a) either the moisture content of the cargo indicated in the certificate referred to in regulation 5(1)(b) is less than its transportable moisture limit; or
 - (b) if the moisture content is above that limit, appropriate safety arrangements are made to the satisfaction of the Director-General to ensure adequate stability in the case of cargo shifting, and the ship has adequate structural integrity.
- (3) Prior to loading a bulk cargo referred to in regulation 5(1)(b)(iii), appropriate special precautions for its safe carriage shall be taken.
- (4) The master shall not accept cargo for loading unless -
 - (a) he has in his possession the information required by sub-regulation (1),
 - (b) he is satisfied by calculations that the proposed loading arrangements would ensure sufficient stability in accordance with the stability information provided under sub-regulation (1); and
 - (c) he is satisfied that, in the case of a cargo to which sub-regulation (3) applies, the precautions required by that sub-regulation have been taken.
13. (1) (a) In this regulation, “*terminal representative*” means, a person appointed by the terminal or other facility, where the ship is loading or unloading, who has responsibility for operations conducted by that terminal or facility with regard to the particular ship.
- (b) For the purposes of sub-regulation (3) and (5), the appropriate authority of a port in Sri Lanka shall be the Sri Lanka Ports Authority. If a terminal in the port is not operated by the Sri Lanka Ports Authority, then the operator of the terminal shall be the appropriate authority.
- (2) To enable the master to prevent excessive stresses in the ship's structure, it shall be the duty of the owner to ensure that the ship shall be provided with a Cargo Loading Manual, which shall be written in a language with which the ship's officers responsible for cargo operations are familiar:

Provided however, if this language is not English, the ship shall be provided with a manual written also in the English language. The manual may consist of one or more booklets and shall, as a minimum, include -

- (a) stability data, to the extent required by Regulation 5-1 of Chapter II-1 of the Convention;
 - (b) ballasting and deballasting rates and capacities;
 - (c) maximum allowable load per unit surface area of the tank top plating;
 - (d) maximum allowable load per hold;
 - (e) general loading and unloading instructions with regard to the strength of the ship's structure including any limitations on the most adverse operating conditions during loading, unloading, ballasting operations and the voyage;
 - (f) any special restrictions such as limitations on the most adverse operating conditions imposed by the Director-General or a recognised organization, if applicable; and
 - (g) where strength calculations are required, maximum permissible forces and moments on the ship's hull during loading, unloading and the voyage.
- (3) Before a solid bulk cargo is loaded or unloaded, the master and the terminal representative shall agree on a plan which -
- (a) shall ensure that the permissible forces and moments on the ship are not exceeded during loading or unloading; and
 - (b) shall include the sequence, quantity and rate of loading or unloading,
- taking into consideration the intended speed of loading or unloading, intended number of pours and the deballasting or ballasting capability of the ship. The plan and any subsequent amendments thereto shall be lodged with the appropriate authority of the port State.
- (4) The master and terminal representative shall ensure that loading and unloading operations are conducted in accordance with the plan agreed under sub-regulation (3).
- (5) If during loading or unloading any of the limits of the ship referred to in sub-regulation (2) are exceeded or are likely to become so and if the loading or unloading continues, the master has the right to suspend operation and the obligation to notify accordingly the appropriate authority of the port State with which the plan has been lodged. The master and the terminal representative shall ensure that corrective action is taken. When unloading cargo, the master and terminal representative shall ensure that the unloading method does not damage the ship's structure.
- (6) The master shall ensure that ship's personnel continuously monitor cargo operations. Where possible, the ship's draught shall be checked regularly during loading or unloading to confirm the tonnage figures supplied. Each draught and tonnage observation shall be recorded in a cargo log-book. If significant deviations from the plan agreed under sub-regulation (3) are detected, cargo or ballast operations or both shall be adjusted to ensure that the deviations are corrected.

PART IV

Carriage Of Grain

14. (1) In addition to any other applicable requirements of these regulations, a cargo ship carrying grain shall comply with the requirements of the International Grain Code, and hold a document of authorization as required by that Code. In the case of a Sri Lanka ship the document of authorisation shall be issued by the Director-General or a recognized organisation. For the purpose of this regulation, the requirements of the International Grain Code shall be treated as mandatory.
- (2) (a) Where a Sri Lankan ship fails to hold the document of authorization referred to in sub-regulation (1), outside Sri Lanka waters, such ship shall not load grain until the master satisfies the appropriate authority in the Contracting Government of the loading port that the ship will comply with the requirements of a International Grain Code in its proposed loaded condition;
- (b) Where a ship other than a Sri Lanka ship fails to hold the document of authorization referred to in sub-regulation (1), such ship shall not load grain until the master satisfies the Director-General that the ship will comply with the requirements of the International Grain Code in its proposed loaded condition; and
- (c) In both cases referred in sub-regulations (2)(a) and (2)(b), the master of such vessels shall obtain a document to that effect signed by an authroised person of the Contracting Government or the Director-General as the case may be.

PART V

General Provisions

15. 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.
16. The footnotes in Chapter VI of the Convention and the resolutions, circulars or documents referred by such footnotes shall be deemed to be a part of these regulations.
17. 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.
18. 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;
- “IMSBC Code” means the International Maritime Solid Bulk Cargoes (IMSBC) Code adopted by the Maritime Safety Committee of the Organization by resolution MSC.268(85), as may be amended by the Organization;
- “*International Grain Code*” means the International Code for the Safe Carriage of Grain in Bulk adopted by the Maritime Safety Committee of the Organization by resolution MSC.23(59) as may be amended by the Organization;

“organisation” means International Maritime Organisation;

“Ro-ro ship” means a passenger ship with ro-ro spaces or special category spaces as defined in regulation 3 of Chapter II-2 of the Convention;

“Sri Lanka Port Authority” means the Institute constituted under the provisions of the Sri Lanka Ports Authority Act, No. 51 of 1979; and

“*short international voyage*” is an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety. Neither the distance between the last port of call in the country in which the voyage begins and the final port of destination nor the return voyage shall exceed 600 miles. The final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the country in which the voyage began.

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