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## අති විශේෂ

## The Gazette of the Democratic Socialist Republic of Sri Lanka

### EXTRAORDINARY

අංක 684/9 — 1991 ඔක්තෝබර් 17 වැනි බ්‍රහස්පතින්දා — 1991.10.17

No. 684/9—THURSDAY, OCTOBER 17, 1991

(Published by Authority)

### PART I: SECTION (I)—GENERAL

#### Government Notifications

L.D.B. 19/72.

#### THE LICENSING OF SHIPPING AGENTS ACT, No. 10 OF 1972

Regulations made by the Minister of ports and shipping under sections 3(5) and 10 of the Licensing of shipping Agents Act, No. 10 of 1972, as amended by Act, No. 9 of 1981 and Act, No. 16 of 1982

ALICK ALUVIHARE,  
Minister of Ports and  
Shipping.

Colombo, 16.10.1991.

#### Regulations

1. These regulations may be cited as the shipping Agents (Licensing) Regulations, 1991.

2. Every company which desires to obtain a licence to carry on business as a Shipping Agent under these regulations may make an application in that behalf to the appropriate authority, substantially in the form set out in the First Schedule hereto.

3. Every applicant for a licence under these regulations, shall furnish to the appropriate authority, all such information as such authority may require for the purpose of dealing with the application.

4. Every application for a licence shall be accompanied by—

- (a) a letter from the owner of a Shipping Line appointing the applicant as the agent in Sri Lanka ;
- (b) a copy of the agency agreement signed by the Shipping Agent and the Shipping Line where the Principal operates a regular liner service ;
- (c) a letter indicating the agency terms where the Principal does not operate a regular liner service ;
- (d) a written undertaking by the applicant that the applicant shall inform the appropriate authority—
  - (a) of any change in the number and composition of Shipping Lines represented by the applicant ; or
  - (b) of any changes in the Board of Directors, of the Company.

5. No company shall be eligible for a licence to carry on business as a Shipping Agent unless—

(a) it has been or is formed and registered under the Companies Act, No. 17 of 1982, and

(b) (i) it is a public or a private company which has a paid up capital of such amount and a bank guarantee of such amount as may be specified by the Minister ; or

(ii) it is a public or a private company with limited liability of which such percentage of shares as may be specified by the Minister from time to time, is owned by citizens of Sri Lanka ;

Provided that, where not more than such percentage of the shares of such company as may be specified by the Minister, is owned by persons who have renounced citizenship of Sri Lanka, such shares shall, notwithstanding such renunciation of citizenship, be deemed for the purposes of this sub-paragraph, to be owned by citizens of Sri Lanka, or

(iii) a company which is a quoted holding company incorporated in Sri Lanka with such percentage of Sri Lankan and foreign share holdings as may be specified by the Minister, shall be deemed to be eligible as a citizen to be the shareholder of a shipping agency company, provided the foreign shareholding of the shipping agency shall not be more than such amount as may be specified by the Minister ;

(iv) it is a public or a private company with limited liability of not less than fifty-one per centum of whose shares are owned by Sri Lankans on or before 22nd May, 1991 ; Provided that, not less than thirty per centum of all shares in such company are owned either by the Ceylon Shipping Corporation established under the Ceylon Shipping Corporation Act, No. 11 of 1971, or any other Sri Lankan Company.

6. Every company which desires to obtain a licence under these regulations shall have and maintain a proper place of business in Sri Lanka.



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7. A Shipping Agent shall levy any charge from a Principal, for all services rendered, in terms of the tariff recommended by the Ceylon Association of Steamer Agents and approved by the Controller of Exchange.

8. (1) The annual fee payable for a licence shall be five thousand rupees in respect of a public or private company.

(2) Every application for a licence shall be accompanied by a fee of five thousand rupees which shall be refunded in every case where the application for a licence is refused.

(3) The fees specified below shall be payable by the licensee in respect of the item set out against each such fee -

(a) rupees one thousand for the inclusion of a Principal in a licence subsequent to the transfer of an agency ;

(b) rupees two hundred for the inclusion of a Principal in a licence ;

(c) rupees one hundred for the vessel-wise issue of a licence to handle a particular voyage of a vessel belonging to a Principal whose name is not included in the licence.

9. (1) Every licence issued to a Shipping Agent shall specify the name of the Shipping Line which the holder of the licence is authorised to represent.

(2) No holder of a licence shall be entitled to represent any Shipping Line other than the Shipping Line specified in the licence.

10. (1) Where a company which desires to obtain a transfer to itself of the local shipping agency of a Shipping Line in respect of which any other company is hitherto the local agent by virtue of a licence issued under these regulations, such company shall make an application in writing to the appropriate authority not less than three months prior to the intended date of transfer of the agency

Provided however, that the appropriate authority may, in exceptional circumstances and in the national interest, waive the requirement that such application be made not less than three months prior to the intended date of transfer of the agency.

(2) Every application for transfer of an agency shall be accompanied by -

(a) a letter from the owner of Shipping Line appointing the applicant as the agent in Sri Lanka ;

(b) a copy of the agency agreement signed by the Shipping Agent and the Shipping Line where the Principal operates a regular liner service ;

(c) a letter indicating the agency terms where the principal does not operate a regular liner service,

together with a transfer fee of rupees one thousand.

11. (1) The Ceylon Shipping Corporation shall be the local agent of a Shipping Line of any State in which a State organisation acts as a local agent for foreign Shipping Lines in accordance with the national legislation or custom of that State.

(2) Notwithstanding anything contained in paragraph (1) of this regulation, a licence may be issued by the appropriate authority to a company to act as local agent of such Shipping Line provided that not less than 30 per centum of all shares of that company are owned by the Ceylon Shipping Corporation or a successor of such Corporation

12. Every licence shall, unless earlier cancelled or suspended, expire on the thirty-first day of December of the year in respect of which such licence is issued.

13. (1) Every application for a licence or renewal of a licence under these regulations shall be substantially in the form set out in the First Schedule hereto ;

(2) Every licence issued under these regulations to any person to carry on business as a Shipping Agent shall be substantially in the form set out in the Second Schedule hereto.

(3) Every application for a licence or for the renewal of a licence for any year shall be made on or before the thirtieth day of November of the preceding year.

14. The Shipping Agents (Licensing) Regulations 1972, published in Gazette Extraordinary No. 27/3 of October 3, 1972 as amended from time to time, are hereby rescinded.

(Regulations 2 and 13(1))

#### FIRST SCHEDULE

Application Form For a Licence or for Renewal of a Licence to Carry on Business as a Shipping Agent

1. Name of Applicant : \_\_\_\_\_

2. Registered Address : \_\_\_\_\_

3. Registration under Companies Ordinance/Companies Act No. 17 of 1982 (date) : \_\_\_\_\_

4. Address of Principal Place of Business Telephone No : \_\_\_\_\_  
Telex No : \_\_\_\_\_

5. State whether Private or Public Company : \_\_\_\_\_

6. Particulars of Foreign Shareholding : \_\_\_\_\_

7. State Nature of Liability : \_\_\_\_\_

8. Paid-up Capital : \_\_\_\_\_

9. Particulars of Bank Guarantee : \_\_\_\_\_

10. What Business other than that of a Shipping Agent is carried on by the Applicant : \_\_\_\_\_

11. Give Names, Addresses and Nationality of Directors : \_\_\_\_\_

12. (a) Particulars of Owner or Principal or Charterer or Master operating regular Liner Services on whose behalf application is made (State whether Principal is Owner or Charterer or Master)

Name of Owner Principal or Charterer or Master	Address	Liner Routes
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(b) Particulars of Owner or Principal or Charterer or Master operating Non-Liner Services on whose behalf application is made (State whether Principal is Owner or Charterer or Master)

(Regulation 14(2))

SECOND SCHEDULE

LICENCE TO CARRY ON BUSINESS AS SHIPPING AGENT

Year :

No.

(Issued under the Licensing of Shipping Agents Act, No. 10 of 1972, as amended by Act, No.9 of 1981 and Act, No.16 of 1982.)

Messrs. \_\_\_\_\_

of \_\_\_\_\_

13. Particulars of previous Licence No. \_\_\_\_\_ Year : \_\_\_\_\_

14. Volume of cargo loaded and discharged in Sri Lanka by Lines represented by the applicant in the last three years. (Please give break-down separately in respect of each year.)

are hereby authorised to carry on business as Shipping Agent in Sri Lanka only on behalf of the Owners or Principals or Charterers or Masters whose particulars are indicated below. This licence shall be valid for the period \_\_\_\_\_ to \_\_\_\_\_.

15. We declare that to the best of our knowledge and belief, all the statements contained in this application are true and correct. We undertake to notify any changes in the Board of Directors.

Licence fee \_\_\_\_\_.

Director of Merchant Shipping.

Date of Issue \_\_\_\_\_.

Important

Names and Signatures of the Directors.

This licence is not transferable.

Date : \_\_\_\_\_.

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