

18.11.2019

All Shipping Agents,

RENEWAL OF SHIPPING AGENT'S LICENSE FOR THE YEAR 2020

This is to inform that all shipping agent licenses should be renewed to continue to function as a shipping agent for the year 2020. All applications should be complied with the provisions stated in the regulations bearing the government gazette notification extraordinary No. 684/9 dated 17th October 1991 and No 763/8 dated 21st April 1993 promulgated under the provisions of the Licensing of Shipping Agents, Freight Forwarders, NVOCC Operators and Container Operators Act No 10 of 1972 as amended.

Please note that this Renewal Notice consists of following annexures.

- Annexure 1 - List of Requirements
- Annexure 2 - Specimen Application Form
- Annexure 3 - Specimen Bank Guarantee
- Annexure 4 - Details of Shareholders
- Annexure 5 - Details of Bank Accounts
- Annexure 6 - Specimen of Certificate of Conformity
- Annexure 7 - Letter of undertaking from the company Secretary and a director (For joint venture companies)
- Annexure 8 - Checklist for submission of Documents

Application for the renewal of shipping agents license along with required documents should be forwarded on or before 30.11.2019.

Thank You.
Yours Sincerely,

A.W.Seneviratne
Director General of Merchant Shipping

Copy: Ceylon Association of Shipping Agents

List of Requirements

01. Duly filled application as per the first schedule (Annexure 2)
02. Receipt of Licensing fee
 - Annual fee payable for a license up to 10 principals is LKR 35,000/-and,
 - LKR 500/- for the inclusion of each additional principal.
 - The stamp fee payable for a license is LKR 1,000/-.
03. For expired agreements and/or expired validity periods of appointment letters,
 - a) Letter(s) from principal(s) extending agency appointment(s) and /or validating agency agreement(s) for the year 2020.
 - b) If new principals are to be included, applicants are requested to submit following documents.

For Liner Services

1. A letter(s) from owner of shipping line(s) appointing applicant as agent in Sri Lanka.
2. A certified copy of agency agreement signed by local shipping agent and shipping line

For Non-Liner service

A letter indicating the agency terms

- c) For a change/transfer of Shipping Agency, the provisions under the section 10 of the regulation No 684/9 are applicable.
- d) All Maritime Security Agencies should submit fresh letters of appointments for the year 2020 indicating their service(s) provided to foreign Maritime Security Companies.

N:B: Shipping License is not required for providing sea marshals

04. Written statement stating that the applicant company shall make arrangements within 14 days to inform the Director General of Merchant Shipping, regarding any changes of Directors of company.
05. Copy of Form 15 certified by company secretary.
06. Bank Guarantee for LKR 500,000/- obtained from a bank approved by the Central Bank of Sri Lanka (Annexure 3)

07. In order to fulfill the requirements of Exchange Control regulations, the following documents should be submitted.

- a) Details of shareholders of the company (Annexure 4)
- b) Details of the all bank account(s) maintained by the company (Annexure 5)
- c) Certified copies of Audited statement of Accounts and Audit Report for the latest financial year
- d) Certificate of Conformity (Annexure 6)

08. Joint venture companies should submit a letter of undertaking signed by the company secretary and a director of the company (Annexure 7)

Please note that all documents submitted should be certified and dated by an authorized person page by page.

SPECIMEN APPLICATION FORM

(TO BE TYPED ON THE COMPANY LETTER HEAD)

RENEWAL OF SHIPPING AGENTS LICENSE

01. Name of the applicant:
02. Registered addressed:
03. Registration under company's ordinance /companies act No.07 of 2007(Date):
04. Address of principal place of business:
Telephone No., Telex No., Fax No. :
E-Mail:
05. State whether private or public company:
06. Particulars of foreign shareholding:
07. State nature of liability:
08. Paid up capital:
09. Particulars of Bank Guarantee:
10. What business other than that of a shipping agent is carried on by the applicant:
11. Names, addresses and nationality of directors:
12. a) No. of Principals :
- b) Particulars of owner or principal or charterer or master.

Name of Owner /principal /Charterer/Master	Address	Liner Route	Type of the Service(Crew Supply/ Maritime Security/ Cargo Handling/ Other)
<u>1.Existing principals/Owners</u>			
<u>2.New Principals/Owners</u>			

13. Particulars of previous license No. :..... Year:

14. Volume of cargo loaded and discharged in Sri Lanka by lines represented by the applicant in the last 3 year (Please give breakdown separately in respect of each year)

15. Whether the applicant engaged in operations of cruise liners or embarking / disembarking passengers from any Sri Lankan Port. (Yes / No)

We undertake to notify the Director General of Merchant Shipping, any changes to the board of directors and / or contact details of the company.

We hereby confirm that we are fully conversant with the provisions of the Licensing of Shipping Agents, Freight Forwarders, NVOCC Operators and Container Operators Act No 10 of 1972 as amended, the regulations promulgated under the said Act and the law relating to the activities covered by this license.

We hereby declare that we will not provide any service to any company, partnership, individual or corporation purporting to act as Shipping Agent or Container Operator without the authority of a license issued under the Licensing of Shipping Agents Act, No.10 of 1972.

We declare that, to the best of our knowledge and belief, all the statements contained in this application are true and correct.

Names and signatures of the directors:

Date:

SPECIMEN OF BANK GUARANTEE

Whereas Companyherein after called “The Principal” has agreed to enter in to contract with the Director General, Merchant Shipping Secretariat , Ministry of Ports and Shipping, No.43-89, York Street, Colombo 01, herein after called “The Beneficiary” for “**due performance**” to the value of **Rs. 500,000/-** (Rupees FIVE HUNDRED THOUSAND)

We theBank, a banking company duly incorporated in the Republic of Sri Lanka under the companies Act No. 07 of 2007 and having its registered office atand the Branch Herein after called “The Bank” hereby guarantee and undertake to pay on first written demand the Beneficiary a sum not exceeding Rs. 500,000/- (Rupees FIVE HUNDRED THOUAND ONLY) in the event the Principal fails or neglects to perform the business of Shipping Agent as required by the beneficiary.

A demand addressed to us under the hand of the Beneficiary (so far as we the Guarantor are concerned) be conclusive evidence that we are liable to pay the sum demanded but not exceeding the amount aforesaid and accordingly, we the Guarantor shall not be entitled to dispute in any manner any demand made on us under the hand of the Beneficiary. Every payment made by us in response to such demand, which shall be paid in Colombo, shall be deemed to be in discharge pro tanto to our liability.

This guarantee shall be valid from to

Details of the shareholders of the company carrying out business as a Shipping Agency

Submitted by:

Name of the Shipping Agency :

Registered Address:

Company Registration No. :

**(A) Details of the Shareholding Structure[#] as at 30th September 2019
(Please use separate sheet if the space provided here is not sufficient.)**

	<u>Name of the Shareholder</u>	<u>NIC/ Comp.Reg.No.</u>	<u>R*/ NR</u>	<u>R**/ NR</u>	<u>No of Shares held</u>	<u>% held</u>
1						
2						

[#]R refers to "Resident in Sri Lanka" and NR refers to "Resident outside Sri Lanka" within the meaning of the Gazette (extraordinary) No. 15,007 dated 21.04.1972 under the Exchange Control Act. No. 24 of 1953

(B) Shareholding Summary

	<u>No of Shares held**</u>	<u>% held**</u>
No of shares held by persons residents in Sri Lanka
No of shares held by persons residents outside Sri Lanka
Total	100.00%

*Individual resident in Sri Lanka or any business entity registered/incorporated in Sri Lanka
 **If the shareholder listed above is a company registered in Sri Lanka, please indicate the residential status of the ultimate shareholder.

(C) Please provide details if you have obtained any approval from Board of Investment Sri Lanka in respect of foreign shareholding of your company. (please attach copy of such approvals, if any)

I/We, as registered Secretaries / Auditors / Chartered Accountants of			
hereby confirm that the details given above is true and correct.			
.....
Name	Signature	Date	Rubber Stamp

Annexure 5

Details of the all bank account/s maintained by company as a shipping agent, on behalf of principal/(s)

Name of the Shipping Agency:

Registered Address:

Details of the all bank account/s maintained by our company as a shipping agent, on behalf of our principal/(s) are given below.

(Please use additional sheet/s if necessary)

##	Name of the Bank Account (as appeared in the Bank statements)	Type of Account	Bank	Branch	Account No.	Type of Currency (i.e. LKR, USD)	On behalf of: (Name of the principal & country)
1							
2							
3							
4							
5							

Please provide below the details of the bank account/s, your company credits "Agency Commission" which are transferred from the bank accounts maintained on behalf of the Principal/s

We here by confirm you that we have declared details of all bank account/s maintained by our company as a shipping agency, on behalf of the principal/s and also confirmed the accuracy of the details given above.

.....
Director/CEO

.....
Date

.....
Rubber Stamp

Specimen of Certificate of Conformity

DGMS

.....
.....

Dear Sir/Madam,

Certification from the Auditors/Chartered Accountants for the purpose of renewal of the license to carry out business as a shipping agent

We, (*firm*), as the Auditors/Chartered Accountants of (*name of the company*) wish to certify that Is in full compliance / non-compliance / partially compliance with the relevant regulatory requirements*. Further, during our examinations the following deficiencies/non compliances were identified and have already brought the attention of the Board of Directors.

- 1.
- 2.
- 3.

Thank you.

(Auditor/Chartered Accountant)

*including minimum agency fees, receipts of all dues from the as due, shares held by persons resident outside Sri Lanka (direct and indirect),

SA

Complied with Minimum Tariff

Duly receipt the remittance form Principals and keep sufficient funds to meet local expenses

Only repatriable funds have been remitted within approved limit for foreign shareholders

Director General of Merchant Shipping
Merchant Shipping Secretariat,

Letter of Undertaking

We confirm thathas been incorporated onunder the Companies Act of Sri Lanka and having its registration No. and presently carrying out the shipping Agency functions.

Presently, ... (%) of the Stated Capital of the said company is held byandof being the Citizens of Sri Lanka.

In the said company, the foreign shareholding is only ... (%) of the Stated Capital and which is held by theandno any class of share(s) in the said company is held by any other foreign investor(s) to date .

Further, we confirm that the Majority of Directors of the said shareholding company(s), of the said company are citizens of Sri Lanka and all of them have the voting Rights.

.....
Company Secretary

.....
Director

Checklist for submission of documents for Renewal of Shipping Agent License-2020

Name of the Company:

Contact Details:

Name of the officer: Contact Number:

	Document	Mark a (√) for documents being submitted (by Applicant)	For MSS Office use only
1	Dully filled Application		
2	Receipt of License Fee		
3	No of Appointment Letter (s) ...		
	3.1 No of Existing Agents ...		
	3.2 No of New Agents ...		
4	Written Statements for change of Director		
5	Form 15		
6	Bank Guarantee (Original)		
7	Details of Shareholders		
8	Details of Bank ACs		
9	Audited Accounts		
10	Certificate of Conformity		
11	Undertaking Letter (For Joint venture company)		

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Checklist for submission of documents for Renewal of Shipping Agent License-2020

Name of the Company:

I hereby acknowledge the receipt of the below documents submitted to renew SA License for the year 2020.

	Document	Mark a (√) for documents being submitted	Remarks
1	Dully filled Application		
2	Receipt of License Fee		
3	No of Appointment Letter (s) ...		
	3.1 No of Existing Agents ...		
	3.2 No of New Agents ...		
4	Written Statements for change of Director		
5	Form 15		
6	Bank Guarantee (Original)		
7	Details of Shareholders		
8	Details of Bank ACs		
9	Audited Accounts		
10	Certificate of Conformity		
11	Undertaking Letter (For Joint venture company)		

.....
Signature

	Merchant Shipping Secretariat <i>Ministry of Ports & Shipping</i>	MSS
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MERCHANT SHIPPING SECRETARIAT**Ministry of Ports & Shipping****EVALUATION 2019- The Process of Renewal of Shipping Agent Licenses- Feedback Form**

Please take a few moments to provide us with some important feedback about our process of Renewal of Licenses. This information will be used to improve the existing process.

<i>Aspects</i>		<i>Grade</i>	<i>Remarks</i>
01	<i>Current services offered (Working Procedure)</i>		
02	<i>Payment System</i>		
03	<i>Clarity and Provision of relevant Information</i>		
04	<i>Ability to meet your requirement (satisfied)</i>		
05	<i>Timeliness and reliability of services provided (Time consume)</i>		
06	<i>Regularity and means of communication with our division</i>		
07	<i>Environment & Staff</i>		

Grades A- Excellent B - Good C - Average D - Below Average
Comments or suggestions to improve our service

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Thank You for your feedback.

DOI:2017-09-13	Rev. No	00	Forms & Checklist		Prepared By : MR
Page 0112 of 01	DOR:		DOC. NO.	LI/FO/SA/001	Reviewed and Approved By: DGMS
Issue No. 01			SEC. NO.	Annex- 13	LICENSING UNIT