

The Merchant Shipping (Regulation of Entry of Ships into Ports, Anchorages and Offshore facilities) Rules, 2012

UNION OF INDIA

India

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Rule

THE-MERCHANT-SHIPING-REGULATION-OF-ENTRY-OF-SHIPS-INTO of 2012

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The Merchant Shipping (Regulation of Entry of Ships into Ports, Anchorages and Offshore facilities) Rules, 2012Published vide Notification New Delhi, the 20th April, 2012Ministry of ShippingG.S.R. 311(E). - In exercise of the powers conferred by section 457 of the Merchant Shipping Act, 1958, the Central Government hereby makes the following rules, namely :-

1. Short title and commencement

. - (1) These rules shall be called the Merchant Shipping (Regulation of Entry of Ships into Ports, Anchorages and Offshore facilities) Rules, 2012.(2)They shall come into force on the date of their publication in the Official Gazette:Provided that these rules shall apply, to the vessels which are chartered before the commencement of these rules, after the expiry of a period of sixty days from the date of their commencement:Provided further that these rules shall not apply to warships such as naval ships, auxiliary naval ships and vessels owned or operated by a State and used for the time being for non-commercial purposes or for public service purposes.

2. Definitions

. - (1) In these rules, unless the context otherwise requires:-(a)"Act" means the Merchant Shipping Act, 1958 (44 of 1958);(b)"Maritime Claims" means the Claims as defined under article 2 and article 3 of the Convention on Limitation of Liability for Maritime Claims, 1976;(c)"Port Authority" means

the Port Conservator or the Port Officer as defined in the Indian Ports Act, 1908;(d)"Port facility" means any area of land or water, or land and water within a port including without limitation any buildings, installations, terminals, floating terminals and transportation facilities, shipyards, ship repair yards or equipment in or on the relevant area used either wholly or partly in connection with the loading or unloading of goods to or from ships, the moving of passengers to or from ships, or for maintenance, repair and or anchorage of ships or for the provision of services to ships;(e)"Protection and indemnity insurance" means insurance with or without deductibles, and comprising of the indemnity insurances provided by the members of the International Group of Protection and Indemnity Clubs or such other Insurance Company as authorised from time to time by the Government of India;(f)"Operator" means the owner of the ship or any other organisation or any person authorized in this behalf for the operation of the ship;(g)"Shipping agent" means any person or commercial enterprise arranging and causing the transportation of cargo or passengers, providing information, preparing for and carrying out the sale or purchase or lease contracts for and on behalf of the ship owners, masters, operators or charterers of the vessels by the agreements they enter into, carrying out all the services and fulfilling the liabilities for such persons and parties duly acting for profit;(2)words and expressions used but not defined in these rules, and defined in the Act, shall have the same meanings respectively, assigned to them in the Act.

3.

Any vessel of three hundred tons gross or more, other than Indian ship, entering into or sailing out of ports, terminals, anchorages or seeking port facilities or Indian offshore facilities in Indian territorial water shall be in possession of the insurance coverage against maritime claims and established policies and procedures for their supervision.

4.

If such vessel, is(i)an oil product or chemical tanker more than twenty years old; or(ii)a general cargo ship or bulk carrier or offshore support vessel or passenger vessel or any other type of cargo vessel more than twenty five years old; or(iii)a liquefied natural gas or liquefied petroleum gas tanker more than thirty years old;It shall be classed with a classification society which is a member of the International Association of Classification Societies or with a recognised organisation duly authorised by Indian maritime administration.

5.

The operator of the vessels other than Indian vessels shall have a valid protection and indemnity insurance policy against maritime claims to enter into the Indian coastal waters.

6.

The insurance referred to in rule 3 and rule 4 above, shall cover maritime claims subject to the Convention on Limitation of Liability for Maritime Claims, 1976. The amount of the insurance for a

ship per incident shall not be less than the maximum amount for the limitation of liability as laid down in the Protocol of 1996 amending the Convention on Limitation of Liability for Maritime Claims of 1976.

7.

The operator of the vessel which intends to enter into the Indian territorial waters or Indian port facilities or Indian offshore facilities for any purpose shall submit either himself or through his shipping agent, forty eight hours before entering a port or offshore facilities or before entering into the Indian territorial waters, whichever is earlier, the copies of the insurance policy and the Certificate of Class of the vessel to the concerned Port Authority.

8.

Where the copies of the documents mentioned in the rule 7 are to be filed through the shipping agent, the operator shall submit a signed declaration duly authenticating that:-(i)appointment of the shipping agent is valid from the time vessel enters Indian coastal waters and shall remain valid till the vessel leaves Indian coastal waters; and(ii)the certificates submitted are true and correct to the best of his knowledge and belief.

9.

The operator shall ensure that the insurance policy and the Certificate of Class remains valid during the vessels stay in the port areas or offshore terminal under the jurisdiction of India or areas in the coastal waters of India.

10.

Where the existing protection and indemnity policies providing insurance coverage for vessels against maritime claims have been cancelled, suspended or become null and void for any reason whatsoever, the operator shall forthwith obtain a new protection and indemnity insurance policy for the vessel and submit a copy of such new or renewed insurance policy to the nearest Port Authority.

11.

The insurance certificate and protection and indemnity insurance policy for maritime claims, in original or a certified copy and Certificate of Class in original, shall be kept on board and available for inspection.

12.

The Port Authority shall verify the validity of the insurance policy and the Certificate of Class of the vessel and these documents shall be kept on board.

13.

The Indian Coastguard and Indian Navy may also check and verify the protection and indemnity insurance and the name of Classification Society of the vessel, if considered necessary. If the vessel is not in possession of a valid protection and indemnity insurance and certificate of class, the matter shall be reported to the Directorate General of Shipping immediately, for appropriate action under the Act.