

**PARLIAMENT OF THE DEMOCRATIC SOCIALIST REPUBLIC OF**   
**SRI LANKA**

**MERCHANT SHIPPING (AMENDMENT) ACT, No. 17 OF 2019**

**[Certified on 02nd of October, 2019]**

*Printed on the Order of Government*

Published as a Supplement to Part II of the **Gazette of the Democratic**

**Socialist Republic of Sri Lanka** of October 04, 2019

PRINTEDATTHEDEPARTMENTOFGOVERNMENTPRINTING, SRILANKA

TOBEPURCHASEDATTHEGOVERNMENTPUBLICATIONSBUREAU, COLOMBO5

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| *Merchant Shipping (Amendment)* | 1 |

*Act, No. 17 of 2019*

[Certified on 02nd of October, 2019]

L.D.—O 31/2015

AN ACTTOAMENDTHE MERCHANT SHIPPING   
ACT, NO. 52 OF 1971

BE it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows :-

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| **1.** | This Act may be cited as the Merchant Shipping | Short title. |

(Amendment) Act, No. 17 of 2019.

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| **2.** | Section 138 of the Merchant Shipping Act, No. 52 | Amendment of section 138 of the Act, No. 52 of 1971. |
| of 1971 (hereinafter referred to as the “principal enactment”) is hereby amended as follows:- | |
| (1) | by the repeal of the definition of the expression |

“certificate”, and the substitution therefor, of the   
following new definitions:–

““certificate” means, unless the context   
otherwise requires, the appropriate   
certificate as may be prescribed by   
regulations made under sections   
143(1)(*b*), 144(1)(*b*), 144(2)(*a*) and   
144(2)(*b*) as the case may be;

“Code” means, an instrument made mandatory   
 under the Convention;”;

(2) by the repeal of the definition of the expression  
 “Convention”, and the substitution therefor, of the   
 following new definition:-

““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;”;

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(3) by the repeal of the definition of the expression  
 “country to which the Convention applies”, and   
 the substitution therefor, of the following new   
 definition:-

“ “country to which the Convention applies”  
means, a country which is a contracting   
Government to the Convention;”;

(4) by the repeal of the definition of the expression  
 “international voyage”, and the substitution   
 therefor, of the following new definition:–

“ “international voyage” means, a voyage between-

(*a*) a port or place in Sri Lanka and a port or   
 place outside Sri Lanka; or

(*b*) a port or place in a country to which the   
Convention applies (other than Sri Lanka)   
and a port or place in any other country or   
territory which is outside Sri Lanka.”.

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| Amendment of section 139 of the principal  enactment. | **3.** | Section 139 of the principal enactment is hereby |
| amended as follows:- | |
| (1) | by the repeal of subsection (1) thereof and the |

substitution therefor, of the following:–

“(1) The Minister may make such regulations   
as he considers necessary or expedient to give   
effect to and for the better carrying out of the   
objectives and purposes of this Part and to provide   
generally for safety at sea and for carrying out the   
Convention, Codes, any Annexes thereto and any   
amendments or replacements of such Convention,   
Codes and Annexes and for ships which the

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Convention does not apply and without prejudice   
to the generality of such powers, may make   
regulations making provision for-

(*a*) inspection and survey of ships, surveys of   
 life-saving appliances and other   
 equipment of ships, surveys of radio   
 installation of ships, surveys of structure,   
 machinery, equipment and other   
 installations of ships;

(*b*) maintenance of condition after survey;

(*c*) issue or endorsement of certificates and   
 their availability, acceptance and   
 qualification;

(*d*) forms of certificates and records of   
 equipment;

(*e*) duration and validity of certificates issued   
 by Sri Lanka or issued by countries to   
 which the Convention applies;

(*f*) control of ships when in a port or place in   
 Sri Lanka;

(*g*) safety investigation of marine casualties   
 and marine incidents;

(*h*) the construction-structure, subdivision   
 and stability of ships, their equipment,   
 machinery and electrical installations, fire   
 protection, fire detection and fire   
 extinction in passenger and cargo ships,   
 the general fire precautions to be taken on   
 such ships and special fire safety measures   
 for passenger ships;

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(*i*) life-saving appliances and arrangements;

(*j*) radio communications;

(*k*) safety of navigation;

(*l*) carriage of cargoes and oil fuels;

(*m*) carriage of dangerous goods;

(*n*) nuclear ships;

(*o*) management of safe operation of ships;

(*p*) safety measures for high-speed craft;

(*q*) special measures to enhance maritime

safety;

(*r*) special measures to enhance maritime

security;

(*s*) additional safety measures for bulk carriers;

(*t*) safety measures for ships operating in Polar

waters;

(*v*) such other matters as are to be prescribed

under this part;

(*w*) any other matters generally giving effect

to the provisions of the Convention,

Codes, any Annex thereto and any

amendments of such Convention, Codes

and Annexes.”.

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(2) in subsection (2) thereof, by the substitution for the   
 words “fine not exceeding one thousand rupees.”,   
 of the words “a fine not exceeding five million   
 rupees.”.

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| **4.** | Section 143 of the principal enactment is hereby | Amendment of section 143 of the principal  enactment. |
| amended as follows:- | |
| (1) | by the repeal of subsection (1) thereof and the |

substitution therefor, of the following :–

“(1) (*a*) A passenger ship shall not go to sea on a   
voyage to or from any port or place in Sri Lanka, or   
a Sri Lanka passenger ship shall not perform an   
international voyage, unless there are in force   
Convention certificates prescribed by regulations.

(*b*) A passenger ship shall not perform a voyage   
from one port or place in Sri Lanka to another such   
port or place in Sri Lanka, unless there are in force   
certificates as may be prescribed by regulations.”;

(2) in subsection (2) thereof, by the substitution for   
 the words “a fine not exceeding two hundred   
 rupees”, of the words “a fine not exceeding one   
 million rupees”.

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| **5.** | Section 144 of the principal enactment is hereby | Amendment of section 144 of the principal  enactment. |
| amended as follows:- | |
| (1) | by the repeal of subsections (1) and (2) thereof and |

the substitution therefor, of the following:–

“(1)(*a*) A cargo ship to which the Convention   
applies shall not go to sea on a voyage to or from   
any port or place in Sri Lanka, or a Sri Lanka cargo   
ship which the Convention applies shall not perform   
an international voyage, unless there are in force   
Convention certificates as may be prescribed by   
regulations.

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(*b*) A cargo ship of five hundred tons gross or   
more shall not perform a voyage from one port or   
place in Sri Lanka to another such port or place in   
Sri Lanka, unless there are in force certificates as   
may be prescribed by regulations.

(2)(*a*) A cargo ship to which the Convention   
does not apply shall not go to sea on a voyage to or   
from any port or place in Sri Lanka, or a Sri Lanka   
cargo ship which the Convention does not apply   
shall not perform an international voyage, unless   
there are in force valid certificates as may be   
prescribed by regulations and in the case of foreign   
ships, such equivalent certificates as are acceptable   
to the Director -General of Merchant Shipping.

(*b*) A cargo ship of less than five hundred tons   
gross shall not perform a voyage from one port or   
place in Sri Lanka to another such port or place in   
Sri Lanka, unless there are in force certificates as   
may be prescribed by regulations.”;

(2) in subsection (3) thereof, by the substitution for   
 the words “a fine not exceeding one thousand   
 rupees.”, of the words “a fine not exceeding five   
 million rupees.”.

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| Amendment of section 152 of the principal  enactment.  Amendment of section 155 of the principal  enactment. | **6.** | Section 152 of the principal enactment is hereby |
| amended, in subsection (2) thereof, by the substitution for the words “a fine not exceeding five hundred rupees.”, of the words “a fine not exceeding three million rupees.”. | |
| **7.** | Section 155 of the principal enactment is hereby |
| amended, by the substitution for the words “a fine not exceeding three thousand rupees,”, of the words “a fine not exceeding ten million rupees,”. | |

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| **8.** | Section 156 of the principal enactment is hereby | Amendment of section 156 of the principal  enactment. |
| amended, by the substitution for the words “a fine not exceeding three thousand rupees,”, of the words “a fine not | |

exceeding ten million rupees,”.

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| **9.** | Section 157 of the principal enactment is hereby | Amendment of section 157 of the principal |
| amended as follows:- | |

enactment.

(1) by the repeal of subsections (1) and (2) thereof and   
 the substitution therefor, of the following:-

“(1) Every ship shall be supplied with such   
information as prescribed by regulations as is   
necessary for the accurate guidance as to the   
stability of the ship under varying conditions of   
service.

(2) The information required by subsection (1)   
shall be in such form as may be prescribed.”;

(2) in subsection (4) thereof, by the substitution for   
 the words “a fine not exceeding one thousand   
 rupees.”, of the words “a fine not exceeding five   
 million rupees.”.

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| **10.** | Section 158 of the principal enactment is hereby | Amendment of section 158 of the principal  enactment. |
| amended, in subsection (2) thereof, by the substitution for the words “a fine not exceeding two hundred rupees.”, of the | |

words “a fine not exceeding one million rupees.”.

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| **11.** | Section 159 of the principal enactment is hereby | Amendment of section 159 of the principal  enactment. |
| amended by the repeal of the definitions of the expressions“Convention certificate”, “Convention of 1966” and | |

“Convention country”, and the substitution therefor, of the following new definitions:—

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““Convention” means, the International Convention   
on Load Lines, 1966 as modified by the Protocol   
of 1988 and any subsequent amendment made to   
such Protocol;

“Convention certificate” means, a certificate issued   
 in accordance with the Convention;

“Convention country” means, a country which is a   
 contracting Government to the Convention;”.

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| Amendment of section 160 of the principal  enactment. | **12.** | Section 160 of the principal enactment is hereby |
| amended by the repeal of paragraph (*b*) thereof and the substitution therefor, of the following:- | |

“(*b*) new ships of less than 24 metres in length;”.

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| Replacement of sections 161 and 162 of the | **13.** | Sections 161 and 162 of the principal enactment |
| are hereby repealed and the following substituted therefor:- | |

principal

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| enactment. | “Definition | 161. In this part, “international voyage” | |
| of |
| means a voyage between- | |
| “international |
| voyage”. | (*a*) | a port or place in Sri Lanka and a |

port or place outside Sri Lanka; or

(*b*) a port or place in a country to which   
 the Convention applies (other than   
 Sri Lanka) and a port or place in any   
 other country or territory which is   
 outside Sri Lanka:

Provided, however, that in determining the   
ports between which a voyage is made no   
account shall be taken of any deviation by a   
ship from her intended voyage which is due   
solely to such stress of weather or such other   
circumstance that neither the master nor owner

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nor the charterers (if any) of the ship could   
have prevented or forestalled.

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| Definition of“new ship”. | 162. In this part, “new ship” means, a ship the keel of which is laid, or which is at a similar |

stage of construction, on or after–

(*a*) in the case of a ship registered in or   
 flying the flag of a country which is   
 a Convention country (other than Sri   
 Lanka), the date from which the   
 present Convention has entered into   
 force; and

(*b*) in the case of any other ship, the 25th   
 day of January, 1972.”.

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| **14.** | Section 164 of the principal enactment is hereby | | Amendment of section 164 of the principal  enactment. |
| amended as follows:- | | |
| (1) | in subsection (1) thereof- | |
| (*a*) | | by the substitution for the words and figures |

“Convention of 1966,”, of the word  
“Convention,”.

(*b*) by the repeal of paragraphs (*h*), (*i*), and (*j*)   
 thereof and the substitution therefor of the   
 following:-

“(*h*) control of ships when in a port of Sri   
 Lanka;

(*i*) safety investigation of marine   
 casualties and marine incidents;

(*j*) forms of certificates;

(*k*) verification of compliance;

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(*l*) zones, areas and seasonal periods;

(*m*) repairs, alterations and modification;

(*n*) maintenance of condition after   
 survey;

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| (*o*) | the | validity | of | certificates |

issued under the Convention by   
Governments, other than the   
Government of Sri Lanka;

(*p*) such other matters as are to be   
 prescribed under this Part; and

(*q*) any other matters generally for   
 giving effect to the provisions of the   
 Convention and any amendments of   
 such Convention.”.

(2) in subsection (2) thereof, by the substitution for   
 the words “a fine not exceeding one thousand   
 rupees.”, of the words “a fine not exceeding five   
 million rupees.”.

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| Amendment of section 166 of the principal  enactment.  Amendment of section 167 of the principal  enactment. | **15.** | Section 166 of the principal enactment is hereby |
| amended, in subsection (2) thereof, by the substitution for the words “a fine not exceeding two hundred rupees.”, of the words “a fine not exceeding one million rupees.”. | |
| **16.** | Section 167 of the principal enactment is hereby |
| amended, in subsection (2) thereof, by the substitution for the words “a fine not exceeding five hundred rupees, and to an additional fine (not exceeding ten rupees for each | |

centimeter by which the load line is submerged) as the court may think fit to impose.”, of the words “a fine not exceeding three million rupees, and to an additional fine (not exceeding one hundred thousand rupees for each centimeter by which the load line is submerged) as the court may think fit to

impose.”.

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| **17.** | Section 168 of the principal enactment is hereby | Amendment of section 168 of the principal  enactment.  Amendment of section 169 of the principal  enactment. |
| amended, by the substitution for the words “a fine not exceeding two hundred rupees.”, of the words “a fine not exceeding one hundred thousand rupees.”. | |
| **18.** | Section 169 of the principal enactment is hereby |
| amended, in paragraph (*a*) of subsection (2) thereof, by the substitution for the words and figures “International Load Line Certificate (1966);”, of the words “International Load | |

Line Certificate;”.

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| **19.** | Section 171 of the principal enactment is hereby | Amendment of section 171 of the principal  enactment.  Amendment of section 172 of the principal  enactment.  Amendment of section 173 of the principal  enactment.  Amendment of section 174 of the principal  enactment.  Amendment of section 175 of the principal  enactment. |
| amended, in subsection (3) thereof, by the substitution for the words “a fine not exceeding two hundred rupees.”, of the words “a fine not exceeding one hundred thousand rupees.”. | |
| **20.** | Section 172 of the principal enactment is hereby |
| amended, in subsection (2) thereof, by the substitution for the words “a fine not exceeding fifty rupees.”, of the words“a fine not exceeding fifty thousand rupees.”. | |
| **21.** | Section 173 of the principal enactment is hereby |
| amended, by the substitution for the words and figures“International Load Line Certificate (1966);”, of the words“International Load Line Certificate;”. | |
| **22.** | Section 174 of the principal enactment is hereby |
| amended, in subsection (3) thereof, by the substitution for the words “a fine not exceeding two hundred rupees.”, of the words “a fine not exceeding one hundred thousand rupees.”. | |
| **23.** | Section 175 of the principal enactment is hereby |
| amended, in subsection (2) thereof, by the substitution for the words “fine not exceeding five hundred rupees, and to an additional fine (not exceeding ten rupees for each | |

complete centimeter whereby the load line is submerged) as the court may think fit to impose.”, of the words “fine not

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exceeding three million rupees, and to an additional fine (not exceeding one hundred thousand rupees for each complete centimeter whereby the load line is submerged) as the court may think fit to impose.”.

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| Amendment of section 205 of the principal  enactment. | **24.** | Section 205 of the principal enactment is hereby |
| amended as follows:-  (1) in subsection (1) thereof, by the substitution for the | |

words “any port in Sri Lanka”, of the words “any   
port or place in Sri Lanka”;

(2) in subsection (2) thereof, by the substitution for the   
words “any port in Sri Lanka”, of the words “any   
port or place in Sri Lanka”; and

(3) in subsection (4) thereof, by the substitution for the   
words “a fine not exceeding three thousand ”, of   
the words “a fine not exceeding five million”.

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| Amendment of section 207 of the principal  enactment. | **25.** | Section 207 of the principal enactment is hereby |
| amended, by the repeal of subsection (1) thereof and the substitution therefor, of the following:- | |

“(1) 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 Conventions as may be   
provided in this Act, 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 and either finally detained or released   
under section 208.”.

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| Insertion of Part VIIA to the  principal  enactment. | **26.** | The following new Part is hereby inserted |
| immediately after PART VII of the principal enactment, and shall have effect as PART VIIA of that enactment :- | |

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“PART VII A

PREVENTIONOF POLLUTIONFROM SHIPS

Chapter 1

**PRELIMINARY**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Interpretation. | 215A. In this Part–  “certificate” means a certificate issued | | | |
| in | accordance | with | the |
| Convention; | | | |

“Convention” means International   
Convention for the Prevention of   
Pollution from Ships, 1973 as   
modified by the Protocol of 1978   
and the Protocol of 1997 and any   
subsequent amendment made to   
such Protocols;

“country to which the Convention   
applies” means a country which is   
a contracting Government to the   
Convention;

“International voyage” means a voyage   
 between–

(*a*) a port or place in Sri Lanka   
 and a port or place outside   
 Sri Lanka; or

(*b*) a port or place in a country   
 to which the Convention   
 applies (other than   
 Sri Lanka) and a port or   
 place in any other country   
 or territory which is outside   
 Sri Lanka; and

“ship” means a vessel of any type   
 whatsoever operating in the marine   
 environment and includes   
 hydrofoil boats, air-cushion   
 vehicles, submersibles, floating   
 craft and fixed or floating   
 platforms.

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Regulations. 215B. The Minister may make regulations in respect of–

(*a*) any matter relating to the issuance of   
 certificates and, recognition of   
 certificates issued under the authority   
 of a country to which the Convention   
 applies;

(*b*) the form of certificates to be issued   
 under this Part; and

(*c*) such othermatters as are to be   
 prescribed under this Part.

Chapter 2

**CERTIFICATE**

|  |  |
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| Prohibition  on ships  sailing  without  certificate  issued under  this Part. | 215C. (1) A ship shall not go to sea on a voyage to or from any port or place in Sri Lanka or any Sri Lanka ship shall not perform an international voyage, unless there is in force in respect of the ship a certificate issued under this Part. |

(2) If any ship goes or attempts to go to sea   
in contravention of subsection (1), the owner   
or the master of the ship shall be guilty of an   
offence and on conviction thereof, shall be   
liable to imprisonment for a term not exceeding   
one year or to a fine not exceeding one hundred   
thousand rupees or to both such imprisonment   
and fine.

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| Variation of  certificate on  amendment  of  Convention. | 215D. In the event of any amendment or replacement of any provisions of the Convention affecting the nature of the certificate referred to in subsection (1) of section |

215C, the Minister may by Order direct that   
such subsection shall have effect as if there   
were substituted therefor references to such   
other certificate, appropriate to the Convention   
as so amended, as the Minister may by such   
Order prescribe.

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| Production of certificate. | 215E. The master of every ship shall produce to the relevant officer, at the time a clearance |

for the ship is demanded for voyage, the   
certificate referred to in subsection (1) of section   
215C, to be in force when the ship goes to sea   
and, a clearance shall not be granted and the   
ship may be detained, until the said certificate   
is so produced.

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| Survey,  examination or  investigation. | 215 F. (1) The owner, the master or the agent of a ship requiring the issue of a certificate referred to in subsection (1) of section 215C shall apply for the ship to be surveyed, |

examined or investigated by the relevant   
authority to the effect that the condition of the   
ship and its equipment are in good order.

(2) The relevant authority conducting the   
survey, examination or investigation shall, if   
he is satisfied that the condition of the ship and   
its equipment are in good order, complete a   
declaration of survey, examination or   
investigation in a form prescribed by regulation.

(3) The declaration of survey, examination   
or investigation shall be sent forthwith by the   
relevant authority to the Director-General of   
Merchant Shipping.

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| Issue of  certificate. | 215G. Upon receipt of the declaration of survey, examination or investigation of a ship |

referred to in section 215F, the Director-General   
of Merchant Shipping shall, if satisfied that the   
relevant provisions of this Part and the   
regulations made thereunder have been   
complied with, issue such certificate to such ship.

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| Period of  validity of  certificate. | 215H. A certificate shall not remain in force– | |
| (*a*) | for longer than such period as |
| may be specified in the | |

certificate, or as may be   
prescribed; or

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(*b*) after notice has been given to   
 the owner, master or agent that   
 the Director-General of   
 Merchant Shipping has   
 cancelled the certificate under   
 section 215I and shall not   
 remain in force during the   
 period of any suspension   
 made under such section.

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| Cancellation  or  suspension  of certificate. | 215I.(1) The Director-General of Merchant Shipping may cancel or suspend a certificate relating to any ship where he has reason to believe that– | | | | |
| (*a*) | any | declaration | of | survey, |

examination or investigation on   
which the certificate was founded   
has been made fraudulently or   
erroneously;

(*b*) the certificate has been issued on false   
 or erroneous information; or

(*c*) since the making of the declaration of   
 survey, examination or investigation,   
 the condition of the ship or its   
 equipment has sustained any damage,   
 or is otherwise insufficient.

(2) In every such case, the Director-General   
of Merchant Shipping may require the owner   
to have the ship again surveyed, examined or   
investigated and to obtain a further declaration   
of survey, examination or investigation before   
the reissue of the certificate or the grant of a   
fresh certificate in lieu thereof.

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| Information  relating to  cancellation  or  suspension. | 215J.The Director-General of Merchant Shipping shall inform the owner, master or agent of the ship that the certificate has been cancelled or suspended. |

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| Recognition of certificate issued  outside  Sri Lanka. | 215K. (1) A certificate issued under the authority of a country to which the Convention applies to the effect that the condition of the ship and its equipment are in good order, shall |

be accepted by the Director-General of   
Merchant Shipping and, regarded for all   
purposes covered by the Convention as having   
the same validity as a certificate issued by such   
country.

(2) Every ship shall be required to hold the   
certificate referred to in subsection (1), while   
in the ports or offshore terminals under the   
jurisdiction of Sri Lanka.

(3) Where the ship does not carry a valid   
certificate, the Director-General of Merchant   
Shipping shall take such steps to ensure that   
the ship shall not sail until it may proceed to   
sea without presenting an unreasonable threat   
of harm to the marine environment:

Provided, the Director-General of   
Merchant Shipping may grant such a ship   
permission to leave the port or offshore terminal   
for the purpose of proceeding to the nearest   
appropriate repair yard available.”.

|  |  |  |  |
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| **27.** | The following new sections are hereby inserted | | Insertion of new sections 321A,  321B and 321C  in the principal enactment. |
| immediately after section 321 of the principal enactment, and shall have effect as sections 321A, 321B and 321C of that enactment:– | | |
| “Implementing | | 321A. (1) The Director-General of Merchant |
| standards. | Shipping may, with the concurrence of the | |

Minister issue such implementing standards   
for the compliance with the minimum technical   
standards of the provisions of any Convention   
or Protocol as provided in this Act, as may be

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required for the implementation of the   
provisions of this Act or regulations made   
thereunder.

(2) It shall be the duty of all persons in   
respect of whom any implementation standards   
are issued under subsection (1) to comply with   
the same.

|  |  |
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| Imposition of  a penalty. | 321B. (1) Where the Director- General of Merchant Shipping has sufficient evidence to believe that any person has acted in |

contravention of the provisions of this Act or   
any regulation, rule, order or direction made   
thereunder, he may–

(*a*) on the recommendation of the panel   
 appointed under section 321D of this   
 Act; and

(*b*) in the case of a first offender, having   
 regard to the circumstances in which   
 the offence was committed,

if it is appropriate to impose a penalty, cause a   
notice to be served in a form prescribed by   
regulation on such person, requiring him to   
appear within a period of one month of the date   
of the receipt of such notice and show cause   
why a penalty should not be imposed on him.

(2) Where the person on whom the notice is   
served admits that he acted in contravention   
of the provisions of this Act or any regulation,   
rule, Order or direction made thereunder within   
a period of one month of the date of receipt of   
such notice, the Director-General of Merchant   
Shipping shall impose on that person a   
monetary penalty not exceeding one third of   
the maximum fine that could be imposed under   
this Act to which such person would be liable,   
if convicted by a court.

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(3) (*a*) Where the person on whom the notice   
is served, appears within a period of one month   
of the date of receipt of such notice and states   
that he has a cause to show against the   
imposition of the penalty, the Director-General   
of Merchant Shipping may proceed forthwith   
to hear and decide the matter.

(*b*) Where the Director-General of Merchant   
Shipping is not satisfied with reasons given,   
he may after assigning reasons therefor, impose   
the penalty specified in subsection (2) of this   
section.

(4) Where the Director-General of Merchant   
Shipping imposes a monetary penalty on any   
person under this section for any contravention   
of the provisions of this Act or any regulation   
made thereunder, he shall cause the decision   
to be served on such person, in a form   
prescribed by regulation.

(5) Any person aggrieved by the decision   
of the Director-General of Merchant Shipping,   
may appeal to the Secretary of the Ministry of   
the Minister to whom implementation of the   
provisions of this Act is assigned, (hereinafter   
referred to as the “Secretary”) within a period   
of thirty days from the date of receipt of such   
decision made under subsection (3).

(6) The Secretary shall make a decision on   
any such appeal taking into consideration the   
decision of the Director-General of Merchant   
Shipping and the circumstances in which the   
offence was committed, and may either–

(*a*) allow, alter or vary the decision of the   
 Director-General of Merchant   
 Shipping and direct the Director-  
 General of Merchant Shipping to act   
 accordingly; or

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(*b*) disallow the appeal for reasons stated   
 therein.

(7) The Director-General of Merchant   
Shipping shall comply with any direction   
issued to him by the Secretary within a period   
of fourteen days from such direction and shall   
communicate the direction of the Secretary to   
the person aggrieved by his decision.

(8) Every notice under this section shall be   
sent under registered post, and if sent under   
registered post or exhibited in the last known   
place of abode, it shall be deemed to have been   
served on that person.

(9) Notwithstanding anything contained in   
this Act, no suit or prosecution shall lie in any   
court regarding the same offence, where the   
alleged offender has admitted the commission   
of such offence and paid such penalty.

(10) Any person aggrieved by the decision   
of the Secretary may prefer an appeal to the   
Court of Appeal within thirty days from the   
date of communication of such decision, on   
question of law.

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| Recovery of  penalty. | 321C. (1) Upon the lapse of one month of the decision made under subsections (4) or (10) |

of section 321B, where the person on whom   
such decision is made makes default in the   
payment of penalty, the Director-General of   
Merchant Shipping shall issue a Certificate in   
a form determined by the Director-General of   
Merchant Shipping together with certified copy   
of the notice and decision served on such   
person to the Magistrate having jurisdiction   
in the division in which the violation occurred.

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(2) The Magistrate shall, thereupon, summon   
such person who makes default in the payment   
of penalty under subsection (1) before him to   
show cause why further proceedings for the   
recovery of the sum due under this Act should   
not be taken against him, and in default of   
sufficient cause being shown, such sum shall   
be deemed to be a fine imposed by a sentence   
of the Magistrate on such person for an offence   
punishable with imprisonment and the   
provisions of section 291 (except paragraphs   
(*a*), (*d*) and (i) of subsection (1) thereof) of the   
Code of Criminal Procedure Act, No.15 of 1979   
relating to the default of payment of a fine   
imposed for such an offence shall thereupon   
apply and the Magistrate may make any   
direction which, by the provisions of that   
subsection, he could have made at the time of   
imposing such sentence.

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| Panel of  Experts. | 321D. (1) There shall be appointed by the Director-General of Merchant Shipping in |

consultation with the Secretary a panel of   
experts consisting of five persons who have   
the knowledge and experience in the fields of   
marine navigation, marine engineering,   
administration, law or accountancy.

(2) It shall be the function of such panel of   
experts to make recommendations to the   
Director-General of Merchant Shipping on   
circumstances under which he shall impose a   
monetary penalty on any person.

(3) The Minister shall pay such   
remuneration as he shall determine in   
consultation with the Minister to whom the   
subject of Finance is assigned to members of   
the panel.”.

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| Insertion of new section 323A in the principal  enactment. | **28.** | The following new section is hereby inserted | |
| immediately after section 323 of the principal enactment, and shall have effect as section 323A of that enactment:– | | |
| “Power of  exemption. | | 323A. The Director General of Merchant shipping may exempt such ship or class or |

description of ship from any specified   
requirement contained in or prescribed in   
regulations made under this Act , if he is   
satisfied that such exemption is within the   
scope of the relevant Convention.”.

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| Replacement of section 330 of the principal  enactment. | **29.** | Section 330 of the principal enactment is hereby | | | |
| repealed and the following substituted therefor:– | | | | |
| “Application | | | 330.Until other provision is made therefor | |
| of  international | | by regulations made under this Act– | | |
| conventions. | | | (*a*) | the provisions 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 shall have effect as   
regulations made under section 139,   
and shall take effect with such   
modification as may be necessary to   
adapt them to the circumstances of   
Sri Lanka; and any reference therein   
to the “Administration” shall be   
construed as a reference to the Director   
General of Merchant Shipping, or to   
such other person or officer as the   
Director-General of Merchant   
Shipping may for such purposes   
appoint;

(*b*) the provisions of the International   
 Convention on Load Lines, 1966 as   
 modified by the Protocol of 1988 and   
 any subsequent amendment made to

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such Protocol, shall have effect as   
regulations made under Part VI of this   
Act, and shall take effect with such   
modification as may be necessary to   
adapt them to the circumstances of   
Sri Lanka;

(*c*) the provisions of the International   
 Convention on Tonnage Measurement   
 of Ships, 1969 shall have effect as   
 regulations made under section 44,   
 and shall take effect with such   
 modification as may be necessary to   
 adapt them to the circumstances of Sri   
 Lanka; and

(*d*) the provisions of the International   
 Convention for the prevention of   
 pollution from ships, 1973, as   
 modified by the Protocol of 1978 and   
 the Protocol of 1997 and any   
 subsequent amendment made to such   
 Protocols shall have effect as   
 regulations made under section 215B,   
 and shall take effect with such   
 modification as may be necessary to   
 adapt them to the circumstances of   
 Sri Lanka.”.

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| **30.** | Notwithstanding the repeal of the definition of the | Savings. |

expression “Convention” in sections 138 and 159 of the principal enactment, every regulation made in relation to the repealed Conventions in force on the date of commencement of this Act, in so far as such regulation is not inconsistent with the provisions of this Act, shall be deemed to have been made under this Act.

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| **31.** | In the event of any inconsistency between the | Sinhala text to  prevail in case  of inconsistency. |
| Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. | |

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