

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

Part II of October 06.2023

SUPPLEMENT

(Issued on 12.10.2023)



NATIONAL HYDROGRAPHIC

A

BILL

To Make Provisions for Giving Effect to certain Specific Obligations of Sri Lanka Under the International Convention for the Safety of Life at sea 1974; for the Establishment of the National Hydrographic Office; for the Registration of Hydrographic Surveyors and Nautical Cartographers and for Matters Connected Therewith Or incidental Thereto

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AN ACT TO MAKE PROVISIONS FOR GIVING EFFECT TO CERTAIN SPECIFIC OBLIGATIONS OF SRI LANKA UNDER THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA 1974; FOR THE ESTABLISHMENT OF THE NATIONAL HYDROGRAPHIC OFFICE; FOR THE REGISTRATION OF HYDROGRAPHIC SURVEYORS AND NAUTICAL CARTOGRAPERS; AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS an International Convention for the Safety of Life at Sea, 1974 was adopted by the International Conference on Safety of Life at Sea on November 1, 1974 and entered into force on May 25, 1980 (in this Act referred to as the “Convention”):

Preamble

AND WHEREAS the Government of Sri Lanka acceded to the International Convention for the Safety of Life at Sea, 1974 on August 30, 1983:

AND WHEREAS although the Merchant Shipping Act, No. 52 of 1971 as amended by Act, No. 17 of 2019 has already given effect to the International Convention for the Safety of Life at Sea, 1974, it is necessary to make specific legal provisions to give effect to Sri Lanka’s obligations in relation to Regulations 4 and 9 of Chapter V of the aforesaid Convention:

NOW THEREFORE, be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

1. (1) This Act may be cited as the National Hydrographic Act, No. of 2023.

Short title
and date of
operation

(2) The provisions of this Act other than this Section shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

(3) The provisions of this section shall come into operation on the date on which the Bill becomes an Act of Parliament.

PART I

5 ESTABLISHMENT OF THE NATIONAL HYDROGRAPHIC OFFICE

2. (1) There shall be established an Office which shall be called and known as the National Hydrographic Office (hereinafter referred to as the “Office”).

Establishment
of the
National
Hydrographic
Office

10 (2) The Office shall, by the name assigned to it by subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

3. The objects of the Office shall be –

Objects of
the Office

- 15 (a) to be responsible for the provision of hydrographic services required by the Convention;
- 20 (b) to produce and maintain accurate nautical charts for the safe navigation of ships and to provide information about water depths, underwater features, coastlines, hazards and aids to navigation;
- (c) to collect data for updating and improving nautical charts and ensure maritime safety;
- 25 (d) to establish and maintain aids to navigation and to help mariners to determine their positions and navigate safely, especially in challenging conditions; and

- (e) to improve hydrographic survey techniques, data processing methods and technologies used in the field.

5 4. The powers, duties and functions of the Office shall be – Powers,
duties and
functions
of the
Office

- (a) to collect, preserve, regulate and compile marine geospatial data for the purpose of preparation, distribution, and updating of all types of navigational charts;
- 10 (b) to publish all types of navigational charts required for the safe navigation in the maritime zones of Sri Lanka;
- (c) to carry out hydrographic surveying of maritime zones of Sri Lanka;
- 15 (d) to keep all maritime data which may have an impact on confidentiality and safety of national and regional security;

20 Provided that, the Office shall obtain the concurrence of the Secretary to the Ministry of the Minister assigned the subject of Defence before publishing or disseminating any such data which may in its opinion have a bearing on the national security;

- 25 (e) to ensure the safety of international shipping –

- 30 (i) to carry out adequate surveying in accordance with international hydrographic standards and specifications adopted by Sri Lanka;

- (ii) to publish such specifications by way of notifications published in the *Gazette*;
- (iii) to prepare and issue nautical charts and nautical publications which include routes, lighthouses, obelisks, identification of all types of buoys and beacons and all information of tidal data in accordance with accepted international standards;
- (iv) to prepare and issue notices to mariners containing information on maritime accidents and to assist in the rescue of any person who has encountered with such accident; and
- (v) to issue instructions regarding the updated printed and electronic nautical charts and publications;
- (f) to maintain nautical charts and publications in accordance with international conventions and standards;
- (g) to provide accurate and reliable hydrographic and navigational information related to the maritime zones of Sri Lanka;
- (h) to conduct training on hydrographic surveying and nautical cartography in accordance with international conventions and standards;
- (i) to monitor, record and prepare reports on tides in the coastal zone and to publish the same in order to ensure safety and other

navigational requirements in the maritime zones of Sri Lanka;

- 5 (j) to collect, regulate, issue, preserve and maintain all hydrographic survey data, marine data and hydrospatial data as may be prescribed;
- 10 (k) to provide necessary assistance subject to the relevant written laws to any agency, institution or organization engaged in following activities: -
- 15 (i) coastal management and development;
- (ii) conducting feasibility studies and assessments, dredging operations, maintenance and development of port facilities;
- 20 (iii) coastal erosion monitoring and controlling;
- (iv) land reclamation from sea and the establishment of disposal sites at sea for industrial wastes and the monitoring of the same;
- (v) conducting research and develop aquatic resources;
- 25 (vi) implementing any project in cargo and passenger transport in coastal waters;
- (vii) implementing in frastructure construction, development and any other project in coastal waters;

- (viii) promoting tourism and recreational activities in coastal zones; or
- (ix) engaging in marine pollution prevention and disaster management;
- 5 (l) to assist and provide advice in respect of maritime boundary demarcation in the waters of Sri Lanka;
- (m) to provide necessary consultancy and other assistance for the development activities including laying of pipelines, undersea cable systems and establishment of mineral extraction wells and to preserve data and information regarding such activities;
- 10
- 15 (n) to coordinate with other educational institutions engaged in the hydrographic and marine geospatial information in the waters of Sri Lanka to maintain prescribed educational standards;
- 20 (o) to coordinate with other institutions within or outside Sri Lanka to maintain high professional standards in hydrography;
- (p) to conduct higher educational training related to hydrographic surveying and nautical cartography and to obtain necessary technical and professional training with the assistance of foreign institutions having expertise in the relevant fields;
- 25
- 30 (q) to assist relevant authorities to enhance safety in navigation in the waters of

Sri Lanka and to provide necessary assistance to those authorities to manage economic activities in the waters of Sri Lanka;

- 5 (r) to receive grants, gifts or donations in cash or kind:

10 Provided however, the Office shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Office;

- 15 (s) to open, maintain and operate any account with any bank as it may think appropriate;

- (t) to manage, control, administer and operate the Fund of the Office;

- 20 (u) to invest such amount of money belonging to the Office as is not immediately required for the purposes of this Act;

- (v) to purchase, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property;

- 25 (w) to enter into and perform either directly or indirectly through any authorized officer or agent of the Office, all such contracts or agreements as may be necessary, for the exercise, performance and discharge of its powers, duties and functions;
- 30

- (x) to make rules in respect of the administration of the affairs of the Office;

- (y) to levy fees or charges for any service rendered by the Office;
- (z) to appoint, employ, remunerate, exercise disciplinary control or dismiss such officers, employees and agents as may be necessary for the carrying out of the objects of the Office;
- (aa) to provide training to officers and employees of the Office within or outside Sri Lanka;
- (bb) to appoint committees for the effective discharge of its functions; and
- (cc) to do all such other acts and things which may be incidental or conducive to the attainment of the objects of this Act.

PART II

ADMINISTRATION AND MANAGEMENT OF THE AFFAIRS OF THE OFFICE

5. (1) The administration and management of the affairs of the Office shall be vested in the National Hydrographic Council (in this Act referred to as the "Council").

Administration and management of the Office vested in the Council

(2) The Council shall, for the purpose of administering and managing the affairs of the Office in a manner expedient for the achievement of the objects of this Act, exercise, perform and discharge the powers, duties and functions conferred on, assigned to, or imposed on the Office by this Act.

6. (1) The Council shall consist of –

Constitution of the Council

(a) the following *ex-officio* members, namely -

- (i) Secretary to the Ministry of the Minister assigned the subject of Defence or his representative not below the rank of an Additional Secretary;
- 5 (ii) Secretary to the Ministry of the Minister assigned the subject of Finance or his representative not below the rank of an Additional Secretary;
- 10 (iii) Secretary to the Ministry of the Minister assigned the subject of Foreign Affairs or his representative not below the rank of an Additional Secretary;
- 15 (iv) Commander of the Sri Lanka Navy appointed in terms of the Navy Act (Chapter 358);
- 20 (v) Chairman of the Governing Board of the National Aquatic Resources Research and Development Agency appointed under the National Aquatic Resources Research and Development Agency Act, No. 54 of 1981;
- (vi) the Surveyor-General;
- 25 (vii) Director-General of Merchant Shipping appointed under the Merchant Shipping Act, No.52 of 1971;
- (viii) Harbour Master appointed under the Sri Lanka Ports Authority Act, No. 51 of 1979;
- 30 (ix) Director-General of the Department of Coast Guard appointed under the

appointment shall be made in terms of the Navy Act ,
(Chapter 358) in respect of the performance of non-naval
duties under the provisions of that Act.

7. (1) The Minister shall appoint one of the appointed
5 members to be the Chairperson of the Council. Chairperson
of the
Council

(2) The Chairperson may resign from his office by a letter
addressed to the Minister and such resignation shall be
effective from the date on which it is accepted by the Minister.

(3) The Minister may, for reasons assigned therefor remove
10 the Chairperson from the office of Chairperson.

(4) Subject to the provisions of sub-sections (2) and (3),
the term of office of the Chairperson shall be the period of his
membership of the Council.

(5) Where the Chairperson is temporarily unable to exercise,
15 perform and discharge the powers, duties and functions of
his office due to ill health, other infirmity, absence from Sri
Lanka or any other cause, the Minister may appoint any other
appointed member to act as the Chairperson in addition to his
normal duties as an appointed member during the absence of
20 the Chairperson.

8. A person shall be disqualified from being appointed or
continuing as a member of the Council, if he – Disqualifications
from being a
member of
the Council

- 25
- (a) is or becomes a member of Parliament or of
any Provincial Council or of any local
authority;
 - (b) is not or ceases to be a citizen of Sri Lanka;
 - (c) is under any law in force in Sri Lanka or
any other country found or declared to be
of unsound mind;

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National Hydrographic

- (f) is serving or has served a sentence of imprisonment of more than six months imposed by any court in Sri Lanka or any other country;
- 5 (e) is subject to an ongoing investigation in respect of an offence under any other written law;
- (f) is serving or has served a sentence of imprisonment of more than six months imposed by any court in Sri Lanka or any other country;
- 10 (g) holds or enjoys any right or benefit under any contract made by or on behalf of the Office; or
- 15 (h) has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Council.

20 **9.** Every appointed member of the Council shall, unless he vacates office earlier by resignation, death or removal, hold office for a period of three years from the date of his appointment and unless removed from office, shall be eligible for reappointment for not more than one further term, whether consecutive or otherwise.

Term of office.

25 **10. (1)** Any appointed member of the Council may at any time, resign from his office by a letter to that effect, addressed to the Minister, and such resignation shall be effective from the date on which it is accepted by the Minister in writing.

Resignation and removal

30 (2) Where any appointed member by reason of illness, infirmity or absence from Sri Lanka is temporarily unable to discharge the functions of his office, the Minister may, having

regard to the provisions of paragraph (b) of section 6, appoint a person to act in his place during his absence.

(3) The Minister may for reasons assigned therefor, remove an appointed member from office. An appointed member who
5 has been removed from office shall not be eligible for reappointment as a member of the Council or to serve the Council in any other capacity.

(4) Where an appointed member dies, resigns or is removed from office, the Minister may having regard to the
10 provisions of paragraph (b) of section 6, appoint a person in his place and the person so appointed shall hold office for the unexpired period of the term of office of the member whom he succeeds.

11. (1) The meetings of the Council shall be held at least
15 once in every month and the quorum for a meeting of the Council shall be seven members. Quorum and meetings of the Council

(2) The Chairperson shall preside at every meeting of the Council. In the absence of the Chairperson from any meeting of the Council, a member elected by the members present
20 shall preside at such meeting.

(3) A meeting of the Council may be held either-

- (a) by the number of members who constitute a quorum being assembled at the place, date and time appointed for the meeting; or
- 25 (b) by means of audio-visual linkage by which all members participating and constituting a quorum can simultaneously see and hear each participating member for the duration of the meeting.
- 30 (4) All questions for a decision at any meeting of the Council shall be decided by the vote of the majority of members present at such meeting. In the case of

an equality of votes, the Chairperson shall, in addition to his vote have a casting vote.

(5) Subject to the preceding provisions of this section, the Council may regulate the procedure in relation to the
5 meetings of the Council and the transaction of business at such meetings.

12. The Council may act notwithstanding any vacancy among its members and any act or proceeding of the Council shall not be or deemed to be invalid by reason only of the
10 existence of any vacancy among its members or any defect in the appointment of a member thereof.

Acts or proceedings of the Council deemed not to be invalid by reason of any vacancy

13. The members of the Council shall be paid remuneration in such manner and at such rates as may be determined by the Minister, with the concurrence of the Minister assigned
15 the subject of Finance.

Remuneration of the members of the Council

14. (1) The seal of the Office shall be in the custody of such person as the Council may decide from time to time.

Seal, logo and flag of the Office

(2) The seal of the Office may be altered in such manner as may be determined by the Council.

20 (3) The seal of the Office shall not be affixed to any instrument or document except with the sanction of the Council and in the presence of the Chairperson and one other member of the Council who shall sign the instrument or document in token of their presence:

25 Provided however, where the Chairperson is unable to be present at the time when the seal of the Office is affixed to any instrument or document, any other member of the Council authorised in writing by the Chairperson in that behalf shall be competent to sign such instrument or document in
30 accordance with the preceding provision of this subsection.

(4) The Office shall maintain a register of the instruments and documents to which the seal of the Office has been affixed.

(5) There shall be a logo exclusive for the use of the Office.

(6) There shall be a flag to maintain the identity of the Office.

(7) A person who knowingly or wilfully misuses the seal,
5 logo or the flag of the Office under this Act, commits an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding two million rupees or to imprisonment for a term not exceeding two year or to both such fine and imprisonment.

10

PART III

NATIONAL HYDROGRAPHER AND THE STAFF OF THE OFFICE

15 15. (1) There shall be a National Hydrographer of the Office appointed by the Council in consultation with the Minister.

Appointment
of the
National
Hydrographer
of the
Office

(2) The person appointed as the National Hydrographer shall –

- (a) be a citizen of Sri Lanka;
- (b) be physically and mentally fit;
- 20 (c) be a Hydrographic Surveyor or a Nautical Cartographer with at least fifteen years experience in –
 - (i) nautical charting and related activities;
 - 25 (ii) practical use of electronic and printed nautical charts and nautical publications; and

- (iii) hydrographic project management;
- (d) be not more than fifty- five years of age as at the date of appointment; and
- (e) be competent, of high moral integrity and of good
5 repute.

(3) The National Hydrographer, unless he vacates office earlier by death, by operation of law, resignation or removal shall hold office for a term of three years and unless removed from the office shall be eligible for reappointment subject to a
10 maximum period of any three terms of office whether consecutive or otherwise.

(4) The National Hydrographer shall, subject to the general or special directions of the Council, –

- (a) be charged with the conduct of day to day
15 administration of the affairs of the Office including the administration and control of the staff;
- (b) be responsible for the execution of all decisions of the Council; and
- (c) carry out all such functions as may be assigned
20 to him by the Council.

(5) The National Hydrographer shall be the Secretary to the Council and be entitled to present and speak at any meeting of the Council, but shall not be entitled to vote at
25 such meeting.

(6) The National Hydrographer may, with the approval of the Council, wherever he considers it necessary to do so, delegate in writing to any officer or employee of the Office, any of his functions referred to in subsection (4) and the
30 officer or employee to whom any such function is delegated shall discharge them subject to the directions of the National Hydrographer.

(7) The Council may remove the National Hydrographer from office –

- (a) if he becomes permanently incapable of performing his duties;
- 5 (b) if he had done any act which the Council has decided to be of a fraudulent or illegal character or is prejudicial to the interests of the Office; or
- (c) has failed to comply with any direction issued by the Council.

10 (8) The National Hydrographer shall be paid such remuneration as may be determined by the Council with the concurrence of the Minister assigned the subject of Finance.

16. (1) Subject to the provisions of this Act, the Office may employ or appoint such officers and employees as may
15 be necessary for the efficient exercise, performance and discharge of its powers, duties and functions.

Staff of the Office.

(2) The Council shall have the power subject to the provisions of the Act to –

- 20 (a) exercise disciplinary control over and dismiss the officers and employees of the Office appointed under subsection (1);
- (b) determine the terms and conditions of service of officers and employees of the Office appointed under subsection (1); and
- 25 (c) fix the rates at which such officers and employees shall be remunerated with the concurrence of the Minister assigned the subject of Finance.

(3) All officers and employees of the Office shall, within one month of employment, declare in writing to the Office of their personal direct or indirect interest to the affairs and transactions of the Office including those of their close relations or, concerns in which such officer or employee has a substantial interest.

(4) The Office may establish and regulate pension and provident funds and schemes for the benefit of the National Hydrographer and its officers and employees and their dependants and nominees with the concurrence of the Minister assigned the subject of Finance and may make contributions to any such fund or scheme.

(5) The Office shall promote and sponsor the training of its officers and employees and for this purpose, the Office shall be authorised to defray the costs of study, in Sri Lanka or abroad of the officers and employees of the Office who are of proven merit as determined by the Office.

(6) The Office shall establish a code of conduct which shall be applicable to the officers and employees of the Office.

(7) The Office shall not appoint any person to the staff of the Office under subsection (1), where such person –

- (a) has been previously found guilty of serious misconduct by a court or tribunal or has been subject to a disciplinary action by a regulatory body;
- (b) has been previously dismissed from office; or
- (c) has committed a breach of the provisions of this Act, regulations or rules made thereunder.

(8) At the request of the Office, any officer in the public service may, with the consent of the officer and the Public

Service Commission be temporarily appointed to the staff of the Office for such period as may be determined by the Office or with like consent, be permanently appointed to such staff.

(9) Where any officer in the public service is temporarily
5 appointed to the staff of the Office, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

(10) Where any officer in the public service is permanently
10 appointed to the staff of the Office, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

(11) Where the Office employs any person who has agreed
15 to serve the Government for a specified period, any period of service to the Office by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

(12) At the request of the Office, any officer of the Sri
20 Lanka Army, Sri Lanka Navy or Sri Lanka Air Force may, with the written sanction of the Commander of the Army, Commander of the Navy or the Commander of the Air Force, as the case may be, be temporarily appointed to the Office for such period as may be determined by the Office subject to
25 the provisions of the Army Act (Chapter 357), Navy Act (Chapter 358), and the Air Force Act (Chapter 359), as the case may be.

(13) The Office may with the consent of such officer or
employee propose secondment of its officers or employees
30 to other state institutions or regulatory authorities in Sri Lanka or abroad for a period determined by the Office on an assignment agreed upon between such institution or the

authority and the Office. The period of secondment shall be deemed to be considered as service to the Office.

PART IV

REGISTRATION AS HYDROGRAPHIC

5 SURVEYORS OR NAUTICAL CARTOGRAPHERS

17. (1) A person shall not practice as a Hydrographic Surveyor or as a Nautical Cartographer unless such person is registered under the provisions of section 18 of this Act:

Hydrographic
Surveyors or
Nautical
Cartographers
to register
under this
Act

Provided that, any Hydrographic Surveyor or a Nautical
10 Cartographer who is engaged in the practice of hydrographic
surveying or nautical cartography other than on the Sri Lanka
internal waters on the date of commencement of this Act shall,
within two years from the date of commencement of this Act,
register himself under the provisions of section 18.

15 (2) Any person who fails to comply with the provisions of
subsection (1) commits an offence under this Act and shall
on conviction after summary trial before a Magistrate be liable
to a fine not exceeding one hundred thousand rupees or to
imprisonment for a term not exceeding six months or to both
20 such fine and imprisonment.

18. (1) A person who wishes to practice as a Hydrographic Surveyor or a Nautical Cartographer shall make an application to the Office for registration.

Application
for
registration
as a
Hydrographic
Surveyor or a
Nautical
Cartographer

(2) The applicant under subsection (1) shall possess such
25 qualifications and experience as may be prescribed.

(3) An application under subsection (1) shall be substantially in a form as may be prescribed by regulation and accompanied by a prescribed fee.

(4) The Office may require an applicant to furnish further
5 information in connection with an application as it may specify.

(5) An applicant shall bear the cost incurred in connection with the verification of information submitted in support of an application.

(6) Upon the receipt of an application under subsection
10 (1), the office shall, on consideration of the matters contained in the application decide either to register as a Hydrographic Surveyor or a Nautical Cartographer subject to the provision of this Act and to such terms and conditions specified therein or for the reasons to be recorded by it, refuse to register as a
15 Hydrographic Surveyor or a Nautical Cartographer.

(7) The Office shall in writing inform the applicant of its decision and in the case of a refusal to register, it shall state its reasons therefor within one month from the date of informing the said decision.

20 (8) A Hydrographic Surveyor or a Nautical Cartographer registered under this section shall be granted with a Certificate of Registration in the respective field in the form and manner as may be prescribed (hereinafter referred to as the “Certificate of Registration”).

25 (9) The Certificate of Registration shall include such terms and conditions subject to which such registration has been granted.

19. (1) A Certificate of Registration that has been granted under this Act shall, unless cancelled earlier be valid for a period of one year from the date of the issue of the Certificate of Registration.

Duration of a
registration

5 (2) The Office may cancel a Certificate of Registration issued under section 18, if it is satisfied that the holder of the Certificate of Registration has violated the provisions of the Act or regulations made thereunder or any of the terms and conditions of such Certificate of Registration.

10 **20.** A Certificate of Registration issued under section 18 shall be renewable on an application in a form as may be prescribed being made in that behalf to the Office not later than thirty days before the expiry of the Certificate of Registration and be accompanied by a fee as may be
15 prescribed:

Renewal of
Certificate of
Registration

Provided that, any Hydrographic Surveyor or a Nautical Cartographer who is a public officer shall not be required to renew the registration under this section for so long as such officer serves as a public officer.

20 **21.** (1) Where an application is made for the registration or renewal of a Certificate of Registration, the Office may refuse to register or renew the Certificate of Registration on any of the following grounds: -

Refusal to
register or
renew a
Certificate of
Registration

- 25 (a) non-compliance with the rules made in that behalf;
- (b) failure to comply with the provisions of this Act or, regulations or rules made thereunder;

(c) the information or documents furnished by the applicant to the Office is false or misleading or, material omissions exist; or

5 (d) has been convicted for an offence under the provisions of this Act.

(2) The Office shall not refuse to register or renew the Certificate of Registration without giving the applicant an opportunity of being heard.

10 **22.** (1) Every Hydrographic Surveyor or a Nautical Cartographer, as the case may be, who is registered under section 18, shall have the right to use if such person is – Use of abbreviated designations

(a) a Hydrographic Surveyor, the abbreviated designation “HyS”; and

15 (b) a Nautical Cartographer, the abbreviated designation “NauC”.

(2) A person shall not use any abbreviated designation referred to in subsection (1) unless such person is registered as a Hydrographic Surveyor or a Nautical Cartographer under the provisions of this Act.

20 **23.** (1) Where the Office is satisfied that any Hydrographic Surveyor or a Nautical Cartographer – Cancellation or suspension of a registration

(a) has contravened the provisions of this Act, or any regulation or rule made thereunder;

25 (b) has contravened any term or condition of the Certificate of Registration issued under section 18; or

30 (c) has been found guilty of a prescribed act or professional misconduct, after an inquiry held by the Complaint Resolution Committee established by the Office under section 26,

the Office shall take steps to suspend the registration of such Hydrographic Surveyor or a Nautical Cartographer issued under section 18 and cause a notice of such suspension be issued forthwith to such Hydrographic
5 Surveyor or a Nautical Cartographer.

(2) Any such notice shall specify the grounds on which the decision of the Office is based on, and shall indicate that such Hydrographic Surveyor or the Nautical Cartographer may within a period of one month commencing from the date
10 of receipt of the notice submit to the Office in writing any reason as to why the registration shall not be cancelled.

(3) Where such Hydrographic Surveyor or the Nautical Cartographer, as the case may be, fails to submit the reasons within the period of one month or where the Office is not
15 satisfied with the reasons given by the Hydrographic Surveyor or the Nautical Cartographer, the Office may cancel the registration of such Hydrographic Surveyor or the Nautical Cartographer as the case may be, and inform such person in writing about such cancellation.

20 (4) Where any Hydrographic Surveyor or a Nautical Cartographer is convicted for an offence under this Act, the Certificate of Registration issued to such person under section 18 shall –

(a) where no appeal is preferred against the conviction, be cancelled; or

25 (b) where an appeal is preferred in terms of relevant written law, be suspended until the decision of the appellate court to which the appeal is preferred is pronounced.

(5) Where the registration of a Hydrographic Surveyor or
30 a Nautical Cartographer is cancelled, the name of such person shall be removed from the registers kept under section 37 of this Act.

(6) Any person whose registration is cancelled under this section shall within fourteen days handover his respective
35 Certificate of Registration to the Office.

PART V
APPEALS

24. (1) Any person who is aggrieved by the decision of Appeals
the Office other than under subsection (4) of section 23 may
within thirty days of being notified of such decision, appeal
to the Appeals Board appointed by the Minister for this
5 purpose under section 25.

(2) The Appeals Board may, after taking into consideration
all the relevant factors and where it is appropriate and
reasonable –

- 10 (a) allow the appeal and vary the decision of the Office
or confirm such decision; or
- (b) disallow the appeal.

25. (1) The Minister shall appoint an Appeals Board which Appeals Board
shall consist of –

- 15 (a) a registered Hydrographic Surveyor or a Nautical
Cartographer with at least five years experience;
- (b) an Attorney - at - Law who is qualified in the
field of maritime law with at least ten years
experience in the relevant field; and
- 20 (c) a Class 1 officer of the Sri Lanka Administrative
Service.

(2) The Minister when appointing the members of the
Appeals Board may consult the Office.

(3) The members of the Appeals Board shall hold office
for a term of three years from the date of appointment and
25 shall be eligible for reappointment.

(4) The Minister may make regulations prescribing the manner in which the meetings and business of the Appeals Board shall be carried out.

5 (5) The Appeals Board shall inform its decision to the Office.

(6) Upon receiving the decision of the Appeals Board, the Office shall forthwith inform the appellant of such decision and act in accordance with the decision of the Appeals Board.

10 (7) The members of the Appeals Board may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister assigned the subject of Finance.

15 **26.** (1) The Office shall establish a Complaints Resolution Committee (hereinafter referred to as the "Committee") comprising of such officers authorised by the Office to hear complaints by any person relating to the professional misconduct or breach of any provision of this Act, or regulations or rules made thereunder

Inquiry by
Complaints
Resolution
Committee

20 (2) The Committee may hold such inquiries as may be deemed necessary or expedient and for such purpose summon and call upon any person to appear before the Committee to give evidence or to produce any book or document in the possession or control of such person as are required for the purpose of such inquiries.

25 (3) The Office shall establish an appropriate procedure for handling such complaints and all matters incidental thereto by rules made under this Act.

30 (4) The Committee may on receipt of any written complaint made by a person, examine the evidence produced before such Committee to find whether any prescribed act of professional misconduct has been committed by the Hydrographic Surveyor or Nautical Cartographer, against whom the complaint is made.

(3) There shall be paid out of the Fund –

- 5 (a) all such sums of money as are required to defray any expenditure incurred by the Office in the exercise, performance and discharge of its powers, duties and functions under this Act; and
- (b) all such sums of money as are required to be paid out of the Fund by or under this Act.

10 **28.** (1) The financial year of the Office shall be the calendar year. Financial year
and audit of
accounts

(2) The Council shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Office.

15 (3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of accounts of the Office.

(4) The Council shall submit the audited statement of accounts together with the auditor's report to the Minister
20 within five months of the end of the financial year to which such report relates. The Minister shall place such statement and the report before Parliament within two months of the receipt thereof.

PART VII

25 GENERAL

29. (1) The Council may in writing and subject to such conditions as may be specified therein, delegate to the National Hydrographer the powers, duties and functions conferred on the Council under paragraphs (a) and (b) of
30 subsection (2) of section 16 and the National Hydrographer Delegation of
the powers of
the Council

shall exercise, perform and discharge such powers, duties and functions in the name and on behalf of the Council.

(2) The Council may, notwithstanding any delegation made under subsection (1), by itself exercise, perform or discharge
5 any power, duty or function so delegated and may at any time revoke any such delegation.

30. No civil or criminal proceedings shall be instituted against the National Hydrographer, any officer or employee of the Office or any member of the Council, for any act which
10 in good faith is done or purported to be done by him under this Act or on the directions of the Office or the Council as the case may be, if he proves that he acted in good faith and exercised all due diligence, reasonable care and skill.

Protection for
action taken
under this Act

31. (1) Every member of the Council, the National
15 Hydrographer, and every officer or employee of the Office shall, before entering into the duties of his office sign a declaration that he will not disclose any information received by him or coming to his knowledge in the exercise, performance and discharge of his powers, duties and functions
20 under this Act except for the purpose of giving effect to the provisions of this Act to the extent permitted under the provisions of Right to Information Act, No. 12 of 2016.

Duty to
maintain
secrecy

(2) Any person who contravenes the provisions of subsection (1), commits an offence under this Act, and shall
25 on conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

32. (1) The Office shall create, manage and maintain a
30 database of all hydrographic survey data, marine data and hydrosatial data collected by the Office.

Database

(2) The Office shall take all necessary steps including technical safeguards to ensure the security of all its databases and data.

33. (1) The duplicates of all the nautical charts and nautical
5 publications prepared by every registered Hydrographic
Surveyor or a Nautical Cartographer during the preceding
month to be submitted to the Office on or before the fifteenth
day of every month together with a list in duplicate in such
form and manner as may be prescribed. Duplicates

10 (2) The Office shall maintain such duplicates in the form
and manner as may be prescribed.

(3) Where any nautical chart or fair sheet is not prepared
by a Hydrographic Surveyor or a Nautical Cartographer in
any month, such person shall, unless he is absent from Sri
15 Lanka furnish a nil list for that month on or before the fifteenth
day of the following month.

(4) A Hydrographic Surveyor or a Nautical Cartographer
who fails to submit the duplicates commits a professional
misconduct under the provisions of this Act.

20 **34.** (1) A person who knowingly or willfully removes,
destroys, alters the position of or markings on any
hydrographic survey mark at the sea or coastal area, buoys
or beacons that have been placed or set up for the control of
hydrographic surveys or delineation of boundaries or
25 identification of danger or for the purpose of any survey
conducted under this Act, commits an offence under this
Act and shall on conviction after summary trial before a
Magistrate be liable to a fine not exceeding one million rupees
or to imprisonment for a term not exceeding one year or to
30 both such fine and imprisonment. Interference
with survey
marks

(2) Any person who is convicted under subsection (1) shall, in addition to the fine or term of imprisonment or both for which such person is liable also be liable to such costs as may be determined by the Office in respect of repairing, 5 replacing or restoring any such survey marks, buoys or beacons specified in subsection (1).

35. (1) For the purpose of exercise, performance and discharge of the powers, duties and functions, it shall be lawful for the Office or any person authorised by the Office 10 to conduct the following: -

Power to access
any place

- (a) to have access to any place, premises, vehicle, aircraft or a vessel;
- 15 (b) to place or enact any permanent light, benchmark, reference mark or any temporary flag, sign or other mark for the purpose of hydrographic surveying; and
- (c) to remove any flora or fauna obstructing any beacon, mark, trigonometrical point, flag, buoy or signal unless it is prohibited under any other written law.

20 (2) For the purpose of exercising the powers specified under subsection (1) –

- 25 (a) prior written notice shall be given to the owner, occupier or the person in possession of the place, premises, vehicle, air craft or vessel within a reasonable period of time;
- (b) the owner, occupier or the person in possession shall be reimbursed with any damage caused to such person's property while carrying out any power, duty or function under subsection (1) in the manner 30 specified by the Office; or

- (c) prior written approval of the relevant authority be obtained if the access to any place, premises, vehicle, aircraft or vessel is restricted due to national security or under the provision of any other written law.

- 36.** Any vessel used for the hydrographic surveying in the waters of Sri Lanka and any mechanical or non-mechanical equipment shall be approved by the Office as may be specified by the Office in accordance with the rules made in that behalf. Vessels of the hydrographic survey fleet
- 37.** The Office shall, in accordance with the provisions of this Act and regulations made thereunder maintain the registers of the Hydrographic Surveyors and Nautical Cartographers in the form and manner as may be prescribed. Registers to be kept by the Office
- 38.** (1) In terms of the provisions of this Act, where any immovable property of the State is required for the purposes of the Office, such purpose shall be deemed to be a purpose for which a special grant or lease of such property be made to the Office under section 6 of the Crown Lands Ordinance (Chapter 454) and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Office for such purpose. State property both movable and immovable be made available to the Office
- (2) Where any movable property of a Government department or any public corporation is required for the purposes of the Office, the Minister may by Order published in the *Gazette* transfer to and vest in the Office the possession and use of such movable property.
- (3) No Order affecting any movable property of any Government department or public corporation shall be made by the Minister under subsection (2) without the concurrence of the Minister assigned with that department or public corporation.
- 39.** Where any person contravenes any provision of this Act or any regulations or rules made thereunder and no penalty has been specified under this Act in respect of such contravention, such person shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding fifty thousand rupees or to imprisonment of either Penalties for contraventions for which no specific provisions have been made

description for a term not exceeding six months or to both such fine and imprisonment.

- 40.** An officer authorized in writing by the Office shall be deemed to be a public servant within the meaning of section 136 of the Code of Criminal Procedure Act, No. 15 of 1979, for the purpose of instituting proceedings in respect of offences under this Act. Provision regarding prosecution
- 41.** The Office shall be deemed to be a Scheduled Institution within the meaning of the Anti-Corruption Act, No. 9 of 2023 and the provisions of that Act shall be construed accordingly. Office deemed to be a Scheduled Institution within the meaning of the Anti - Corruption Act
- 42.** All members of the Council, the National Hydrographer and all officers and employees of the Office shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19). Members, National Hydrographer, officers and employees of the Office deemed to be public servants
- 43.** The Minister may from time to time issue to the Council, general or special directions as to the exercise, performance and discharge of the powers, duties and functions of the Office. Directions of the Minister
- 44.** The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the event of any inconsistency or conflict between the provisions of this Act and such other written law, the provisions of this Act shall prevail. Provisions of this Act to prevail over other written law
- 45.** (1) The Minister may make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made. Regulations
- (2) In particular and without prejudice to the generality of the provisions contained in subsection (1), the Minister may make regulations in regard to –

- (a) the mode and manner of preparation and maintenance of nautical charts in relation to the waters of Sri Lanka;
- 5 (b) adaptation of international procedures related to hydrographic services;
- (c) the manner in which hydrographic surveys to be conducted and the form and the manner in which the nautical charts, fair sheets, digital data and other records pertaining to a hydrographic survey to be prepared and the details to be inserted in such
10 nautical charts, fair sheets, field books and records;
- (d) the degree of accuracy to be attained in hydrographic surveys and the limit of error to be allowed;
- 15 (e) the steps to be taken to test the accuracy of hydrographic surveys and for the correction of any inaccuracies that may be discovered;
- (f) the courses of study and training required to be obtained by a hydrographic surveyor before renewing such person's registration;
- 20 (g) guidelines to be followed by registered hydrographic surveyors and Nautical Cartographers;
- (h) form and manner and procedure relating to qualifying exams and professional tests to be followed by

persons who intend to register under the provisions
this Act; and

- 5 (i) registration of institutions which provide
educational and professional qualifications
to any person who intends to obtain a
registration under the provisions of this
Act.

(3) Every regulation made by the Minister within three
months after its publication in the *Gazette* be brought before
10 Parliament for approval.

(4) Any regulation which is not so approved shall be
deemed to be rescinded as from the date of such disapproval
but without prejudice to anything previously done
thereunder.

- 15 (5) Notification of the date on which any regulation is so
disapproved shall be published in the *Gazette*.

46. (1) Subject to the provisions of this Act, the Council Rules
may make rules in respect of all or any of the following matters: -

- 20 (a) all matters for which rules are authorised
or required to be made under this Act;
- (b) the meetings of the Council and the
procedure to be followed at such meetings;
- 25 (c) code of conduct to be followed by the
officers and employees of the Office and a
code of conduct to be followed by the
registered Hydrographic Surveyors and
Nautical Cartographers; and
- 30 (d) the appointment, promotion, remuneration
and disciplinary control of officers and
employees and the grant of leave and other
emoluments to officers and employees.

(2) Every rule made by the Office shall be approved by the Minister and be published in the *Gazette* and shall come into operation on the date of its publication or on such later date as may be specified therein.

5 **47.** In this Act, unless the context otherwise requires- Interpretation

“contiguous zone” means the zone which
may not extend beyond twenty
four nautical miles from the
baselines from which the breadth
10 of the territorial sea is measured;

“digital data” means information obtained or
created by the operation of
electronic equipment in the course
of hydrographic surveying,
15 nautical charting or related
incidental activities;

“exclusive economic zone” means the zone
which shall not extend beyond two
hundred nautical miles from the
baselines from which the breadth
20 of the territorial sea is measured;

“Fair sheets” means bathymetric data set in
digital or graphic formats;

“hydrography” means the branch of applied
sciences which deals with the
measurement and description of the
physical features of oceans, seas,
coastal areas, lakes and rivers, as
25 well as with the prediction of their
change over time, for the primary
30

5 purpose of safety of navigation
and in support of all other marine
activities, including economic
development, security and
defence, scientific research, and
environmental protection.;

10 “hydrographic services” includes the
management, maintenance,
interpretation, certification and
dissemination of bathymetric,
hydrographic, shoreline, geodetic,
geospatial, geomagnetic, and tide,
water level, and current
15 information, including the
production of nautical charts,
nautical information databases,
and other products derived from
hydrographic data; the
development of nautical
20 information systems and related
activities;

“hydrographic survey” means any conduct
of hydrography;

25 “hydrographic surveyor” means any person
who studies and practices the
science of hydrography complies
with the international standard of
competence as laid down by the
international organizations;

30 “hydrospatial data” means the data,
information or knowledge that is

associated with a particular location and time of the earth's water and contiguous zone;

5 “internal waters” mean waters located landward of the base lines from which the territorial sea is measured and includes such as rivers, lakes, ponds and reservoirs of Sri Lanka;

10 “marine data” means any data which is related to the sea and the creatures and plants that live therein;

15 “marine geospatial data” includes dense data on the depth of oceans, magnetic nature, gravity changes, sound wave propagation in sea water temperature and pressure variations, behaviour of ocean currents and tides in the coastal zone of Sri Lanka;

20

“maritime zone” means any maritime zone declared under the Maritime Zones Law, No. 22 of 1976 and includes –

25 (a) the contiguous zone;
(b) the exclusive economic zone;
(c) the continental shelf; and
(d) the pollution prevention zone,

30 declared by Proclamation in terms of the aforesaid Law, and any other zone which may be declared at a future date under the said Law.

“Minister” means the Minister assigned the subject of the Defence under Article 44 or 45 of the Constitution;

5 “nautical cartography” means the art and science of expressing electronic or printed nautical charts by means of computer hardware and software which aids humans to make decisions and perform their
10 functions;

“nautical cartographer” means the person employed in drawing and constructing electronic or printed nautical charts complies with the
15 international standard of competence as laid down by the international organizations;

“nautical charting” means the activity or process of making a digital or
20 printed chart of water bodies;

“nautical charts” means a measurement, electronic or printed presentation, in, graphical or numerical form, or a combination of such forms, of
25 the depth, nature of the bottom, elevation, magnetism or other information of water and land, including water and land (whether natural or both) otherwise or a projection by which information is
30 compiled to enable mariners to navigate their vessels safely;

“navigation” means the process of directing the movement of a craft from one point to another;

5 “notices to mariners” means corrections to
5 nautical charts and publications.
These only contain information
which is vitally important to
safety at sea;

10 “ocean” means the vast body of water on
the surface of the globe, which
surrounds the land the main or
great sea, one of the main areas
into which this body of water is
divided geographically;

15 “Pollution prevention zone” means the zone
which is formulated to prevent,
reduce, control and manage
pollution arising out of ship based
20 related activity in the territorial
waters of Sri Lanka or any other
maritime zone, its fore-shore and
the coastal zone of Sri Lanka;

25 “prescribed” means prescribed by
regulations made under this Act;

“public officer” shall have the same meaning
assigned to such expression
under the Constitution;

30 “sea” means the great body of salt water in
general, as opposed to land;

“territorial waters” includes the territorial sea
and the historic waters of Sri
Lanka;

5 “waters of Sri Lanka” includes internal
waters and territorial sea of Sri
Lanka.

48. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail.

Sinhala text
to prevail in
case of
inconsistency

