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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2298/32 - 2022 සැප්තැම්බර් මස 22 වැනි බ්‍රහස්පතින්දා - 2022.09.22
No. 2298/32 - THURSDAY, SEPTEMBER 22, 2022

(Published by Authority)

PART I : SECTION (I) — GENERAL
Government Notifications

L.D.B 3/2013 (ii)

MERCHANT SHIPPING ACT, No. 52 OF 1971

REGULATIONS made by the Minister of Ports, Shipping and Aviation under Section 321 of the Merchant Shipping Act, No. 52 of 1971 read with Section 139 of the said Act.

NIMAL SIRIPALA DE SILVA,
Minister of Ports, Shipping and Aviation.

Colombo,
19th September, 2022.

Regulations

- (1) These regulations may be cited as the Merchant Shipping (Special Measures to Enhance Maritime Safety) Regulations, No. 12 of 2022.
- (2) The purpose of these regulations shall be to give effect to certain Regulations under Chapter XI-I 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.



PART I

Applicability of these Regulations

- (2). (1) Subject to the provisions of the Sub-regulations (2) of this regulation, these regulations shall apply to the ships which are entitled to fly Sri Lanka flag wherever they may be and to any other foreign ships while they are in Sri Lanka waters.
- (2) These regulations shall not apply to :
- (a) ships of war and troopships;
 - (b) ships not propelled by mechanical means;
 - (c) wooden ships of primitive build;
 - (d) pleasure yachts not engaged in trade ; and
 - (e) fishing vessels.

PART II

Special Measures

- (3). The bulk carriers and oil tankers to which the Merchant Shipping (Surveys and Certificates) Regulations, 2021 published in the *Gazette* No. 2261/49 apply, shall be subjected to an enhanced programme of inspections in accordance with the International Code on the Enhanced Programme of Inspections during Surveys of Bulk Carriers and Oil Tankers, 2011 (2011 ESP Code), adopted and as may be amended by the Organisation.
- (4). (1) All passenger ships of hundred gross tonnage and upwards and all cargo ships of three hundred gross tonnage and upwards shall be provided with an identification number which conforms to the IMO ship identification number scheme adopted by the Organisation.
- (2) (a) The ship's identification number shall be inserted on the certificates and certified copies thereof issued under Regulation 12 of Chapter I or Regulation 13 of Chapter I of the International Convention for the Safety of Life at Sea 1974, Protocol of 1988 (in these regulations referred to as the "Convention"), Regulation 4 of Chapter IX of the Convention and Section A/19.2 or A/19.4 of the ISPS Code for ships to which the Merchant Shipping (Surveys and Certificates) Regulations, 2021 published in the *Gazette* No. 2261/49 apply.
- (b) The ship's identification number shall be inserted on the applicable statutory certificates and certified copies thereof issued under any other written law for ships to which the Merchant Shipping (Surveys and Certificates) Regulations, 2021 published in the *Gazette* No. 2261/49 do not apply.
- (3) The ship's identification number shall be permanently marked –
- (a) in a visible place either on the stern of the ship or on either side of the hull, amidships port and starboard, above the deepest assigned load line or either side of the superstructure, port and starboard or on the front of the superstructure or, in the case of passenger ships, on a horizontal surface visible from the air ; and

- (b) in an easily accessible place either on one of the end transverse bulkheads of the machinery spaces, as defined in regulation 3.30 of Chapter II-2 of the Convention, or on one of the hatchways or, in the case of tankers, in the pump-room or, in the case of ships with ro-ro spaces, as defined in regulation 3.41 of the Chapter II-2 of the Convention, on one of the end transverse bulkheads of the ro-ro spaces.
- (4) The permanent marking shall be plainly visible, clear of any other markings on the hull and shall be painted in a contrasting colour.
- (5) The permanent marking referred to in Sub-regulation 3(a) shall be not less than 200 mm in height. the permanent marking referred to in paragraph 3(b) shall not be less than 100mm in height. The width of the marks shall be proportionate to the height.
- (6) The permanent marking may be made by raised lettering or by cutting it in or by centre punching it or by any other equivalent method of marking the ship identification number which ensures that the marking is not easily expunged.
- (7) On ships constructed of material other than steel or metal, the Director-General of Merchant Shipping (in these regulations referred to as the "Director-General") shall approve the method of marking the ship identification number.
- (8) All plans, manuals and other documents required by the various IMO conventions to be carried on board ships constructed on or after 1st July 2005 should be marked with the ship's identification number in a clearly legible and unambiguous manner.
- (5). (1) Every company and registered owner of a ship to which the Merchant Shipping (Surveys and Certificates) Regulations, 2021 published in the *Gazette* No. 2261/49 apply, shall be provided with an identification number which conforms to the IMO Unique Company and Registered Owner Identification Number Scheme adopted by the Organisation.
- (2) The company identification number shall be inserted on the certificates and certified copies thereof issued under Regulation 4 of Chapter IX of the Convention and Section A/19.2 or A/19.4 of the ISPS Code.
- (6). (1) Every ship to which the Merchant Shipping (Surveys and Certificates) Regulations, 2021 published in the *Gazette* No. 2261/49 apply, shall have a Continuous Synopsis Record issued by the Director-General.
- (2) (a) The continuous Synopsis Record shall provide an on-board record of the history of the ship with respect to the information recorded therein.
- (b) For ships constructed before 1st July 2004, the Continuous Synopsis Record shall, at least, provide the history of the ship as from 1st July 2004.
- (3) The Continuous Synopsis Record referred to in sub-regulation (1) shall contain, at least, the following information -
- (a) the name of the State whose flag the ship is entitled to fly ;
- (b) the date on which the ship was registered with that State ;
- (c) the ship's identification number in accordance with regulation 5;

- (d) the name of the ship;
 - (e) the port at which the ship is registered;
 - (f) the name of the registered owner and registered address of such owner ;
 - (g) the registered owner identification number ;
 - (h) the name of the registered bareboat charterer and registered address of such charterer, if applicable ;
 - (i) the name of the company, its registered address from where it carries out the safety management activities ;
 - (j) the company identification number ;
 - (k) the names of all classification societies with which the ship is classed;
 - (l) the name of the Administration or of the Contracting Government or of the recognized organization which has issued the Document of Compliance (or the Interim Document of Compliance), specified in the ISM Code as defined in Regulation I of Chapter IX of the Convention, to the Company operating the ship and the name of the body which has carried out the audit on the basis of which the Document was issued, if other than that issuing the Document ;
 - (m) the name of the Administration or of the Contracting Government or of the recognized organization that has issued the Safety Management Certificate (or the Interim Safety Management Certificate), specified in the ISM Code as defined in Regulation I of Chapter IX of the Convention, to the ship and the name of the body which has carried out the audit on the basis of which the Certificate was issued, if other than that issuing the Certificate ;
 - (n) the name of the Administration or of the Contracting Government or of the recognized security organization that has issued the International Ship Security Certificate (or the Interim International Ship Security Certificate), specified in Part A of the ISPS Code as defined in Regulation 1 of Chapter XI-2 of the Convention, to the ship and the name of the body which has carried out the verification on the basis of which the Certificate was issued, if other than that issuing the Certificate; and
 - (o) the date on which the ship ceased to be registered with that State.
- (4) Any changes relating to the entries referred to in sub-regulation 3(d) to 3(1) shall be recorded in the Continuous Synopsis Record so as to provide updated and current information together with the history of the changes.
 - (5) In case of any changes relating to the entries referred to in sub-regulation (4), the Director-General shall issue, as soon as is practically possible but not later than three months from the date of the change, to the ships entitled to fly the Sri Lanka flag either a revised and updated version of the Continuous Synopsis Record or appropriate amendments thereto.
 - (6) In case of any changes relating to the entries referred to in sub-regulation (4), the Director-General, pending the issue of a revised and updated version of the Continuous Synopsis Record shall authorize and require either the company or the master of the ship to amend the Continuous Synopsis Record to reflect the changes. In such cases, after the Continuous Synopsis Record has been amended the Company shall, without delay, inform the Director-General accordingly.
 - (7) The continuous Synopsis Record shall be in the English language.
 - (8) The Continuous Synopsis Record shall be in the format developed by the Organization and shall be maintained in accordance with guidelines developed by the Organization. Any previous entries in the Continuous Synopsis Record shall not be modified, deleted or, in any way, erased or defaced.

- (9) Whenever a ship is transferred to the flag of another State or the ship is sold to another owner (or is taken over by another bareboat charterer) or another company assumes the responsibility for the operation of the ship, the Continuous Synopsis Record shall be left on board.
 - (10) When a ship is to be transferred to the flag of another State, the company shall notify the Director-General of the name of the State under whose flag the ship is to be transferred so as to enable the Director-General to forward to that State a copy of the Continuous Synopsis Record covering the period during which the ship was under their jurisdiction.
 - (11) When a ship is transferred to the flag of another State the Government of which is a Contracting Government, the Director-General hitherto shall transmit to the Government of that State as soon as possible after the transfer takes place a copy of the relevant Continuous Synopsis Record covering the period during which the ship was under the jurisdiction of Sri Lanka together with any Continuous Synopsis Records previously issued to the ship by other States.
 - (12) When a ship is transferred to the flag of Sri Lanka, the Director-General shall append the previous Continuous Synopsis Records to the Continuous Synopsis Record and the Director-General will issue to the ship so as to provide the continuous history record intended by this regulation.
 - (13) The original Continuous Synopsis Record shall be kept on board the ship throughout its lifetime and shall be available for inspection at all time.
7. (1) Every ship to which the Merchant Shipping (Surveys and Certificates) Regulations, 2021 published in the *Gazette* No. 2261/49 shall apply, should carry an appropriate portable atmosphere testing instrument. As a minimum, of these shall be capable of measuring concentrations of oxygen, flammable gases or vapours, hydrogen sulphide and carbon monoxide prior to entry of this into enclosed spaces. Instruments carried under other requirements may satisfy this regulation. Suitable means shall be provided for the calibration of all such instruments.
- (2) Selecting of an appropriate portable atmosphere testing instrument or instruments referred in sub-regulation (1), shall be in accordance with appropriate provisions of the guidelines developed by the Organisation.

PART III

General Provisions

- (8). 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 Convention 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.
- (9). The Director-General may, with the concurrence of the Minister issue such implementing standards for the compliance with the minimum technical standards of the provisions of the Convention or Protocol 1988 as may be required for the implementation of the provisions of these regulations.
- (10). In these regulations –
“administration” means the Government of the State whose flag the craft is entitled to fly ;

“bulk carrier” means a ship which is constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk, and includes such types as ore carriers and combination carriers ;

“company” means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the International safety Management Code ;

“IMO” means the International Maritime Organisation ;

“ISM Code” means the International Safety Management Code for the Safe Operation of Ships and for Pollution Prevention adopted by the Organization by resolution A. 741(18), as may be amended by the Organization ;

“ISPS Code” means International Ship and Port Facility Security Code for the Security of Ships and of Port Facilities consisting of Part A (the provisions of which shall be treated as mandatory) and part B (the provisions of which shall be treated as recommendatory), as adopted, on 12th December 2002, by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974 as may be amended by the Organization ;

“organization” means International Maritime Organisation.

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