



ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය

අති විශේෂ

The Gazette of the Democratic Socialist Republic of Sri Lanka EXTRAORDINARY

අංක 2303/16 - 2022 ඔක්තෝබර් මස 26 වැනි බදාදා - 2022.10.26
No. 2303/16 - WEDNESDAY, OCTOBER 26, 2022

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

L.D.-B 3/2013 (iii)

MERCHANT SHIPPING ACT, No. 52 OF 1971

REGULATIONS made by the Minister of Ports, Shipping and Aviation under sections 126 and 321 of the Merchant Shipping Act, No. 52 of 1971.

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

Colombo,
19th October, 2022.

Regulations

The Merchant Shipping (Standards of Training, Certification and Watch Keeping for Seafarers) Regulations, 2016 published in the *Gazette Extraordinary* No. 1987/19 of October 4, 2016 are hereby amended as follows: -

(1) by the repeal of regulation 6 thereof and the substitution therefor, of the following: -

“6. (a) The Director-General shall issue Certificates of Proficiency in accordance with the provisions of Chapters II, III, V and Certificate of Proficiency in basic training (Table A-VI/1, STCW Code) of the Convention to Masters, Officers and Ratings;



- (b) The Director-General may delegate the power to issue certificates of proficiencies prescribed in the Convention other than the certificates specified in sub-regulation (1) to any approved training institute.”.

- (2) in regulation 8 thereof, by the repeal of the sub-regulation (2) thereof and the substitution therefor, of the following: -

“(2)Where the Qualifying service or training has been on non-trading ships such as dredgers, research vessels, salvage vessels, tugs and other vessels engaged in similar activities, such service may be counted in accordance with sub-regulations(2) and (3) of regulation 19 of this regulation.”.

- (3) in regulation 9(1)(b) thereof by the substitution for the words and figures “not less than 3000 GT,”, of the words and figures“not less than 3000 GT, and in which on-board training is documented in an approved record book”;
- (4) in regulation 9 thereof, by the repeal of sub-regulation (12) thereof and the substitution therefor, of the following:-

“(12) Every rating forming part of a navigational watch on seagoing ships of 500 GT or more shall be duly certificated and every candidate for the issue of a Certificate as Rating forming part of a navigational watch on ships of 500 GT or more shall —

- (a) not be less than eighteen years of age on the date of commencement of the examination for the issue of the certificate;

- (b) have completed —

- (i) an approved seagoing service including not less than six months of on-board training in which the training shall be documented in an approved training record book; or
- (ii) an approved pre-sea training programme including an approved period of seagoing service which shall not be less than two months; or
- (iii) special training on-board ship including an approved period of seagoing service which shall not be less than two months;

Provided that the seagoing service, training and experience required by subparagraphs (i), (ii) and (iii) shall be associated with navigational watch keeping functions and involve the performance of duties carried out under the direct supervision of the Master, The Officer in Charge of the Navigational Watch or a qualified Rating;

- (c) produce documentary evidence of having successfully completed the approved training in Personal Survival Techniques (Table A-VI/1-1 in STCW Code), Fire Prevention and Fire Fighting (Table A-VI/1-2 in STCW Code), Elementary First Aid(Table A-VI/1-3 in STCW Code),Personal Safety and Social Responsibilities (Table A-VI/1-4 in STCW Code) and designated security duties (Table A-VI/6-2 in STCW Code); and

- (d) meet the standard of competence specified in section A-II/4 of the STCW Code.”.

- (5) in regulation 9(13)(c) thereof,by the repeal of sub-paragraph (ii) thereof and the substitution therefor, of the following: -

“(ii) not less than twelve months and have completed an approved training record book;”;

- (6) in regulation 9(13) thereof, by the repeal of paragraph (e) thereof and substitution therefor, of the following: -

“(e) have completed an approved education, training, examination and assessment meeting the standard of competence specified in section A-II/5 of the STCW Code.”.

(7) in regulation 11(1) thereof, by the repeal of paragraph (d) thereof and the substitution therefor, of the following: -

“(d) have completed approved education, training, examination including relevant simulator training and assessment meeting the standard of competence specified in section A-III/1 of the STCW Code.”;

(8) in regulation 11(5) thereof, by the repeal of paragraph (c) thereof and the substitution therefor, of the following: -

“(c) have completed approved education, training, examination including relevant simulator training and assessment meeting the standard of competence specified in section A-III/2 of the STCW Code for Certificate of Competency as Second Engineer Officer:

Provided that —

(i) a Certificate of Competency may be issued as applicable to motor ships or steam ships depending on whether the candidate has completed the approved seagoing service specified in paragraph (b) above on motor ships or steam ships respectively; and

(ii) a Combined Certificate of Competency as applicable to motor and steam ships may be issued, if the candidate has completed the required seagoing service specified in paragraph (b) above on each of the motor and steam ships.”.

(9) in regulation 11(6) thereof, by the repeal of paragraph (c) thereof and the substitution therefor, of the following: -

“(c) have completed approved education, training, examination including relevant simulator training and assessment meeting the standard of competence specified in section A-III/2 of the STCW Code for Certificate of Competency as Chief Engineer as appropriate:

Provided that, a Certificate of Competency as Chief Engineering Officer may be issued applicable to :

(i) motor ships when not less than nine months seagoing service specified in paragraph (b) above has been spent on the main propulsion machine of a motor ship and the remaining period may have been spent on the main propulsion machinery of a steam ship or motor ship or on suitable auxiliary machinery of any ship;

(ii) steam ships when not less than nine months seagoing service specified in paragraph (b) above has been spent on boilers and main propulsion machinery of a steam ship and the remaining period may have been spent on the main propulsion machinery of a steam ship or motor ship or on suitable auxiliary machinery of any ship; or

(iii) combined motor and steam ships, when not less than nine months seagoing service has been spent on boilers and main propulsion machinery of a steam ship and not less than nine months of seagoing service have been spent on the main propulsion machinery of a motor ship.”.

(10) in regulation 11(7) thereof, by the repeal of paragraph (c) thereof and the substitution therefor, of the following: -

“(c) have completed approved education, training, examination including relevant simulator training and assessment meeting the standard of competence specified in section A-III/1 of the STCW Code as applicable to ships engaged on near coastal voyages:

Provided that, an Engineer Officer who has not satisfied the standard of competence specified in Section AIII/1 of the STCW Code for the operation and maintenance of steam boilers may be issued with a Certificate of Competency which shall not be valid for service on ships in which steam boilers form part of the ship's machinery until the Engineer Officer meets the required standard of competence.”.

(11) in regulation 11(8) thereof, by the repeal of paragraph (c) thereof and the substitution therefor, of the following: -

“(c) have completed approved education, training, examination including relevant simulator training and assessment meeting the standard of competence specified in section A-III/3 of the STCW Code for Chief Engineer Officers and Second Engineer Officers on ships of propulsion power of between 750kW and 3000kW engaged on near coastal voyages.”.

(12) in regulation 11(9) thereof, by the repeal of paragraph (c) thereof and the substitution therefor, of the following: -

“(c) have completed approved education, training, examination including relevant simulator training and assessment meeting the standard of competence specified in section A-III/3 of the STCW Code for Certificate of Competency - Chief Engineer Officers, limited to ships of propulsion power of between 750 kW and 3000kW engaged on near coastal voyages.”.

(13) in regulation 11 thereof, by the repeal of sub-regulation (11) thereof and the substitution therefor, of the following: -

“(11) Every rating forming part of an engine room watch or designated to perform duties in a periodically unmanned engine room on a seagoing ship powered by main propulsion machinery of 750 kW propulsion power or more shall be duly certificated and every candidate for the issue of Certificate as Rating forming part of an Engineering watch on ships of propulsion power 750kW or more, shall:

(a) not be less than eighteen years of age on the date of the commencement of the examination for the issue of the certificate;

(b) have completed -

(i) approved seagoing service including not less than six months of on-board training and experience, associated to the engine-room watch-keeping functions in which training shall be documented in an approved training record book; or

(ii) pre-sea training programme as stated below, including an approved period of seagoing service which shall not be less than two months and which shall be associated with engine-room watch-keeping function -

(A) an approved training for ratings forming part of an engine-room watch; or

(B) completion of academic requirements for degree or diploma or certificate in marine engineering which shall cover the minimum knowledge, understanding and proficiency required for ratings forming part of engine-room watch specified in Table A-III/4 of the STCW Code; or

(iii) pre-sea training programme as stated below, including an approved period of seagoing service which shall not be less than four months in which at least two months of engine-room watch-keeping functions and shall be attested in the Company Sea Service Certificate and supported by documented approved training record book;

Completion of academic requirements for a degree or diploma or certificate in mechanical, electrical, automation or a relevant engineering stream:

Provided that the seagoing service, training and experience required by subparagraphs (i), (ii) and (iii) shall be associated with engine room watchkeeping functions and involve the performance of duties carried out under the direct supervision of a qualified engineer or a qualified rating;

(c) produce documentary evidence of having successfully completed the approved training in Personal Survival Techniques (Table A-VI/1-1 in STCW Code), Fire Prevention and Fire Fighting (Table A-VI/1-2 in STCW Code), Elementary First Aid (Table A-VI/1-3 in STCW Code) and Personal Safety and Social Responsibilities (Table A-VI/1-4 in STCW Code) and Designated Security Duties (Table A-VI/6-2 in STCW Code), for issue of the Certificate as Rating forming part of an engine room watch; and

(d) meet the standard of competence specified in Section A-III/4 of the STCW Code.”.

(14) in regulation 11(12) thereof, by the repeal of paragraph (e) thereof and the substitution therefor, of the following: -

“(e) have completed approved education, training, examination and assessment meeting the standard of competence specified in section A-III/5 of the STCW Code.”.

(15) in regulation 12(1) thereof by the repeal of paragraph (d) thereof and the substitution therefor, of the following: -

“(d) produce documentary evidence of having successfully completed the approved training in Basic Training as per STCW Code, Section A-VI/1 Paragraph 2, Proficiency in Survival Craft and Rescue Boats other than fast Rescue Boats (Table A-VI/2-1 in the STCW Code), Advanced Fire Fighting (Table A-VI/3 in the STCW Code), Medical First Aid (Table A-VI/4-1 in the STCW Code) and Ship Security Officer (Table A-VI/5 in STCW Code).”.

(16) in regulation 12 thereof, by the repeal of sub-regulation (2) thereof and the substitution therefor, of the following: -

“(2) Every Electro-Technical Rating serving on a seagoing ship powered by main propulsion machinery of 750kW propulsion power or more shall be duly certificated. Every candidate for such certification shall:

(a) not be less than eighteen years of age on the date of commencement of the examination;

(b) have completed approved sea going service including not less than twelve months of training and experience in a relevant capacity in which the training is documented in an approved training record book; or

(c) (i) have completed an approved training including approved period of seagoing service, which shall not be less than six months in a relevant capacity in which on-board training is documented in an approved training record book; or

(ii) have obtained the qualifications that meet the technical competencies in table A-III/7 and an approved period of seagoing service, which shall not be less than three months in a relevant capacity which shall be attested in the company sea service certificate; and

(d) produce documentary evidence of having successfully completed the approved training in Personal Survival Techniques (Table A-VI/1-1 in STCW Code), Fire Prevention and Fire Fighting (Table A-VI/1-2 in STCW Code), Elementary First Aid (Table A-VI/1-3 in STCW Code) and Personal Safety and Social Responsibilities (Table A-VI/1-4 in STCW Code) and Designated Security Duties (Table A-VI/6-2 in STCW Code); and

(e) meet the standard of competence specified in section A-III/7 of the STCW Code.”.

(17) in regulation 14 thereof, by the repeal of sub-regulation (5).

- (18) by the repeal of the heading of Part VIII thereof and substitution therefor, of the following: -

“Mandatory Minimum Requirements for the Training and Qualifications of Masters, Officers, Ratings and Other Personnel on Certain Types of Ships”.

- (19) by the repeal of regulation 15 thereof and substitution therefor, of the following new regulations: -

“15. (1) Prior to being assigned on board duties on passenger ships engaged on international voyages, the Masters, Officers, Ratings and other personnel shall have completed the training required by paragraphs (2), (3), (4), (5) and (6) in accordance with their capacity, duties and responsibilities.

(2) The Masters, Officers, Ratings and other personnel serving on passenger ships shall meet the requirements of section A-VI/1, paragraph 1 of the STCW Code.

(3) The personnel providing direct service to passengers in passenger spaces on board passenger ships shall complete the safety training specified in section A-V/2, paragraph 2 of the STCW Code.

(4) The Masters, Officers and Ratings qualified in accordance with Chapters II, III and VII and other personnel designated on the muster list to assist passengers in emergency situations on board passenger ships, shall complete passenger ship crowd management training as specified in section A-V/2, paragraph 3 of the STCW Code.

(5) The Masters, Chief Engineer Officers, Chief Mates, Second Engineer Officers and any person designated on the muster list of having responsibility for the safety of passengers in emergency situations on board passenger ships shall complete approved training in crisis management and human behavior as specified in section A-V/2, paragraph 4 of the STCW Code.

(6) The Masters, Chief Engineer Officers, Chief Mates, Second Engineer Officers and every person assigned immediate responsibility for embarking and disembarking passengers, for loading, discharging or securing cargo, or for closing hull openings on board ro-ro passenger ships, shall complete approved training in passenger safety, cargo safety and hull integrity as specified in section A-V/2, paragraph 5 of the STCW Code.

15A.(1) Prior to being assigned on board duties on ships operating in polar waters, Masters, Chief Mates and Officers in Charge of a Navigational Watch shall hold a certificate in basic training for ships operating in a polar water and every candidate for certification shall have completed an approved basic training for ships operating in polar waters and meet the standard of competence specified in section A-V/4, paragraph 1, of the STCW Code.

(2) Masters and Chief Mates on ships operating in polar waters shall hold a certificate in advanced training for ships operating in polar waters and every candidate for certification shall;

(a) meet the requirement for certification in basic training specified in sub-regulation (1) of this regulation;

(b) have at least two months of approved seagoing service in the deck department, at management level or while performing watchkeeping duties at the operational level, within polar waters or other equivalent approved seagoing service; and

(c) have completed approved advanced training for ships operating in polar waters and meet the standard of competence specified in section A-V/4, paragraph 2 of the STCW Code.

15B.(1) Prior to being assigned on board duties on ships subject to the IGF Code, seafarers shall have completed the training required by sub-regulations (2), (3) and (4) in accordance with their capacity, duties and responsibilities.

(2) All seafarers serving on board ships subject to the IGF Code shall, prior to being assigned shipboard duties, receive appropriate ship and equipment specific familiarization as specified in regulation 31.

(3) Seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel onboard ships subject to the IGF Code shall hold a certificate in basic training for service on ships subject to the IGF Code and every candidate for certification shall have completed basic training in accordance with provisions of section A-V/3, paragraph 1 of the STCW Code.

(4) Seafarers responsible for designated safety duties associated with the care, use or in emergency response to the fuel on board ships subject to the IGF Code who have been qualified and certified according to regulation V/1-2, paragraphs 2 and 5, or regulation V/1-2, paragraphs 4 and 5 on liquefied gas tankers, are to be considered as having met the requirements specified in section A-V/3, paragraph 1 for basic training for service on ships subject to the IGF Code.

(5) (a) Masters, Engineer Officers and all personnel with immediate responsibility for the care and use of fuels and fuel systems on ships subject to the IGF Code shall hold a certificate in advanced training for service on ships subject to the IGF Code.

(b) Every candidate for a certificate in advanced training for service on ships subject to the IGF Code shall, while holding a certificate of proficiency prescribed in sub-paragraph 15B (3) have -

(i) completed approved advanced training for service on ships subject to the IGF Code and meet the standard of competence as specified in section A-V/3, paragraph 2 of the STCW Code; and

(ii) completed at least one month of approved seagoing service that includes a minimum of three bunkering operations on board ships subject to the IGF Code. Two of the three bunkering operations may be replaced by approved simulator training on bunkering operations as part of the training in sub paragraph (i) above.

(c) Masters, Engineer Officers and any person with immediate responsibility for the care and use of fuels on ships subject to the IGF Code who have been qualified and certified according to the standards of competence specified in section A-V/1-2, paragraph 2 for service on liquefied gas tankers are to be considered as having met the requirements specified in section A-V/3, paragraph 2 for advanced training for ships subject to the IGF Code:

Provided they also have -

(i) met the requirements of paragraph 15B (3);

(ii) met the bunkering requirements of paragraph 15B (5)(b)(ii) above or have participated in conducting three cargo operations onboard the liquefied gas tanker; and

(iii) have completed sea going service of three months in the previous five years onboard:

(A) ships subject to the IGF Code;

(B) tankers carrying as cargo, fuels covered by the IGF Code; or

(C) ships using gases or low flashpoint fuel as fuel.”.

(20) in regulation 19(2) thereof, by the substitution for the words “counted in full, if the time actually spent at sea constitutes or exceeds two-thirds of the total period of service onboard ship. If the actual seagoing service falls below this proportion, one and a half times the actual seagoing service may be counted as “qualifying seagoing service”.”, of the words “counted in half of the required sea service, if the time actually spent at sea constitutes or exceeds two-thirds of the total period of service onboard ship. If the actual seagoing service falls below this proportion, one and a half times the actual seagoing service may be counted as “half of the required qualifying seagoing service”.”;

- (21) in regulation 22(2) thereof by the substitution for the words “a notice of eligibility shall be issued.” of the words “letter of eligibility shall be issued.”;
- (22) in regulation 22 thereof, by the insertion immediately after sub-regulation (6) thereof, of the following new sub-regulations –

“(7) The validity period of the letter of eligibility referred to in sub-regulation (2) shall not exceed five years from the date of issue.

(8) All examinations including the oral assessment leading to a certificate of competency or a certificate of proficiency specified in these regulations shall be completed within the validity period of the letter of eligibility.”.

- (23) by the repeal of regulation 26 thereof and the substitution therefor, of the following: -

“26. (1) A continued professional competence for all Certificates of Competencies as required under regulation 1/11(revalidation of certificates) of the STCW Convention shall be established by-

- (a) approved seagoing service, performing functions appropriate to the Certificate of Competency held in relevant rank for a period of at least-
 - (i) twelve months in total during the preceding five years, or
 - (ii) three months in total during the six months immediately prior to revalidating; or
- (b) having performed functions considered by the Director-General to be equivalent to the seagoing service required in paragraph (a) (i); or
- (c) passing an approved test; or
- (d) successfully completing an approved training course or courses; or
- (e) having completed approved seagoing service, performing functions appropriate to the certificate held, for a period of not less than three months in a supernumerary capacity.

(2) If the application for revalidation of a certificate is made within six months, the certificate may be revalidated until the fifth anniversary of the date of validity, if the application is made before the above specified time frame, the certificate shall be revalidated for five years from the immediate disengagement and for applicants who submitted after the above mentioned time shall be revalidated for five years from the date of the certificate.

- (3) (a) The training course specified in paragraph (d) of sub-regulation (1) shall include changes in the relevant national and international regulations concerning the safety of life at sea, security and the protection of the marine environment and take account of any updating of the standard of competence concerned and shall be approved by the Director-General.
- (b) The minimum requirement to undergo the training course referred to in paragraph (d) of sub-regulation (1) shall be a minimum of twelve months of sea going service appropriate to the certificate of competency held within the last ten years.
- (c) A seafarer who does not have the minimum requirement specified in sub paragraph (b) of sub-regulation (3), shall pass relevant written and oral examinations, appropriate to the certificate of competency held.

(4) A continued professional competence for tankers as required under regulation 1/11, paragraph 3 of the STCW Convention, shall be established by-

- (a) approved seagoing service, performing duties appropriate to the tanker certificate or endorsement held, for a period of at least three months in total during the preceding five years from the date of the revalidation application is made; or
- (b) successfully completing an approved relevant training course or courses.

(5) Continued professional competence for Masters and Officers onboard ships operating in polar waters, as required under regulation 1/11, shall be established by;

- (a) approved seagoing service, performing functions appropriate to the certificate held, for a period of at least two months in total during the preceding five years from the date of the revalidation application is made; or
- (b) having performed functions considered to be equivalent to the seagoing service required in paragraph (4)a; or
- (c) passing an approved test; or
- (d) successfully completing an appropriate and approved training course or courses referred to in sub-regulations (1) and (2) of regulation 15A.

(6) The seafarers holding Certificates of Proficiency in Basic training or advanced training under IGF Code shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence at least six months within the previous five years from the date of the revalidation application is made.

(7) The Masters, Officers, Ratings and other personnel on passenger ships, who were trained in accordance with passenger ships approved crowd management training, crisis management, human behavior or passenger safety, cargo safety and hull integrity shall, at intervals not exceeding five years, undertake appropriate refresher training or be required to provide evidence of having achieved the required standard of competence at least 6 months within the previous five years from the date of the revalidation application is made.

- (8) (a) Validity of Certificates of Proficiency issued under STCW Regulations II/4 (Table A-II/4 of the Code), II/5 (Table A-II/5 of the Code), III/4 (Table A-III/4 of the Code), III/5 (Table A-III/5 of the Code) and III/7 (Table A-III/7 of the Code) shall not exceed five years from the date of issue; and
- (b) Every candidate for revalidation of certificates of proficiency referred to in sub-regulation (8)(a) shall –
 - (i) produce documentary evidence of approved sea going service, performing duties appropriate to the certificate held for a period of at least three months in total during the preceding five years;
 - (ii) have completed an appropriate approved refresher and updating training programme; or
 - (iii) have passed an approved test.
- (c) The new certificate shall be issued for a period of five years from the date of application.”.

- (24) in regulation 28 thereof, by the repeal of sub-regulation (3) thereof and the substitution therefor, of the following: -
- “(3) (a) The Seafarers qualified in accordance with sub-regulations (4) to (12) (excluding sub-regulations (6) and (7) below) shall be required, every five years, to undergo approved refresher and upgrading training course.”.
 - (b) The minimum requirement to undergo the refresher and updating training course referred to in sub paragraph (a) shall be at least three months in total during the preceding five years from the date of the revalidation application is made.
 - (c) A seafarer who does not have the minimum requirement specified in paragraph (b) of sub-regulation (3), shall undergo the full-time relevant training course.”.
- (25) in regulation 36 thereof, by the re-numbering of sub-regulation (2), as sub-regulation 2(a) thereof;
- (26) in regulation 36 thereof, by the addition immediately after the renumbered sub-regulation 2(a) of the following new paragraph –
- “(b) Facilities of approved medical practitioners shall be audited annually by a team of auditors appointed by the Director-General, for verification of compliance with the STCW Convention, applicable regulations and standards.”.
- (27) in regulation 36(4)(a) thereof, by the substitution for the words “be not less than 18 years of age;”, of the words “be not less than sixteen years of age;”
- (28) in regulation 36(5) thereof, by the substitution for the words “the seafarer is over the age of 55;”, of the words “the seafarer is below the age of eighteen or over the age of fifty-five;”
- (29) in regulation 38, by the insertion immediately after sub-regulation (5) thereof, of the following new sub-regulation –
- “(6) For the purposes of this regulation, the areas that shall be subject to audit are indicated in section A-1/16 of the STCW Code.”.
- (30) by the repeal of regulation 39 and the substitution therefor, of the following: -
- “39. (1) The Director-General shall specify the detailed procedures for establishing provisions, recommendations and guidelines, contained in relevant International Maritime Organisation resolutions and amendments in the Code of Practice for Examination.
- (2) The Director-General may, with the concurrence of the Minister issue such implementing standards for compliance with the minimum standards of the provisions of the Convention as may be required for the implementation of the provisions of these regulations.”.
- (31) in regulation 41 thereof:-
- (a) by the insertion immediately after the definition of the expression “GT”, of the following new definitions –
- “High voltage” means an alternating current (AC) or direct current (DC) voltage in excess of 1000 volts;”
- “IGF Code” means the International Code of Safety for Ships using Gases or other Low-Flashpoint Fuels;”

- (b) by the insertion immediately after the definition of the expression “passenger ship”, of the following new definitions –

“Polar Code” means the International Code for Ships Operating in Polar Waters, as defined in SOLAS regulation XIV/1.1;

“Polar waters” mean Arctic waters or the Antarctic area, as defined in SOLAS regulations XIV/1.2 to XIV/1.4.”.

EOG 10-0241