



ශ්‍රී ලංකා ප්‍රජාතාන්ත්‍රික සමාජවාදී ජනරජයේ ගැසට් පත්‍රය
අති විශේෂ
The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2262/31 - 2022 ජනවාරි මස 13 වැනි බ්‍රහස්පතින්දා - 2022.01.13
No. 2262/31 - THURSDAY, JANUARY 13, 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 and Shipping under Section 321 of the Merchant Shipping Act, No. 52 of 1971 read with Section 44 of the said Act.

ROHITHA ABEYGUNAWARDENA,
Minister of Ports and Shipping.

Colombo,
29th December, 2021.

Regulations

1. (1) These regulations may be cited as the Merchant Shipping (Tonnage Measurement of Ships) Regulations, No. 10 of 2021.
(2) The purpose of these regulations shall be to give effect to the International Convention on Tonnage Measurement of Ships, 1969, ratified by Sri Lanka on March 03, 1992 (in these regulations referred to as the “Convention”) as amended from time to time and any subsequent amendment made to such Convention.



PART I

Applicability of these Regulations

2. (1) Subject to the provisions of the sub-regulation (2) and (3) of this regulation, these regulations shall apply to the ships which are entitled to fly the Sri Lanka flag and engaged in international voyages, and to any other foreign ships which are in Sri Lanka waters.
- (2) Except as expressly provided otherwise in the Convention these regulations shall not apply to:
 - (a) ships of war; and
 - (b) ships of less than 24 meters (79 feet) in length.
- (3) Except as expressly provided in the Convention, the provisions of these regulations shall not apply to Sri Lankan ships solely navigating the Great Lakes of North America and the River St. Lawrence as far east as a rhumb line drawn from Cap des Rosiers to West Point, Anticosti Island, and, on the north side of Anticosti Island, 63rd meridian and the Caspian Sea; or the Plate, Parana and Uruguay Rivers as far east as a rhumb line drawn between Punta Rasa (Cabo San Antonio), Argentina, and Punta del Este, Uruguay.
3. (1) A ship which is not subject to the provisions of the Convention at the time of its departure on any voyage shall not become subject to such provisions on account of any deviation from its intended voyage due to stress of weather or any other cause of force majeure.
- (2) In applying the provisions of the Convention, the Director-General shall give due consideration to any deviation or delay caused to any ship owing to stress of weather or any other cause of force majeure.

PART II

Certification and Inspection

4. (1) The determination of gross and net tonnages shall be carried out by the Director-General of Merchant Shipping (hereinafter referred to as the "Director-General") in accordance with Part III of these regulations.
- (2) The Director-General shall issue an International Tonnage Certificate to every ship, the gross & net tonnages of which have been determined in accordance with Part III of these regulations.
- (3) (a) The Director-General may for the purpose of sub-regulations (1) and (2) recognize any organization (In these regulations referred to as the "Recognized Organization") in accordance with the provisions of the Code for Recognized Organization.
- (b) The Director-General shall assume full responsibility for the certificate.
- (4) The certificate shall be drawn up in the format set out in the Annex II of the Convention and shall be in English language.
5. (1) The Director-General may, at the request of a Contracting Government determine the gross and net tonnages of a ship and issue or authorize the issuance of an International Tonnage Certificate to the ship in accordance with the Convention. Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Contracting Government of the state whose flag the ship is or will be entitled to fly and it shall have the same force and receive the same recognition as a certificate issued by the Director-General under sub-regulation (2) of regulation 4.

- (2) A copy of the certificate and a copy of the calculations of the tonnages referred in sub-regulation (1) shall be transmitted by the Director-General as early as possible to the requesting Government.
- (3) The Director-General may request the Contracting Government to determine the gross and net tonnages of a ship and issue or authorize an International Tonnage Certificate to the ship in accordance with the Convention. Any certificate so issued shall contain a statement to the effect that it has been issued at the request of the Government of Sri Lanka and it shall have the same force and receive the same recognition as a certificate issued by the Director-General under sub-regulation (2) of regulation 4.
6. (1) Subject to any exceptions provided in these regulations, an International Tonnage Certificate shall cease to be valid and shall be cancelled by the Director-General, if alterations have taken place in the arrangement, construction, capacity, use of spaces, total number of passengers the ship is permitted to carry as indicated in the ship's passenger certificate, assigned load line or permitted draught of the ship, such as would necessitate an increase in gross tonnage or net tonnage.
- (2) A certificate issued to a ship by the Director-General shall cease to be valid upon transfer of such a ship to the flag of another State, except as provided in sub-regulation (3) of this regulation.
- (3) Upon transfer of a ship from the Sri Lanka Register to the flag of another State of a Contracting Government, the International Tonnage Certificate shall remain in force for a period not exceeding three months, or until the Contracting Government issues another International Tonnage Certificate to replace it, whichever occurs first. The Director-General shall transmit a copy of the certificate and relevant tonnage calculations to the Contracting Government to which the ship has been transferred.
7. The Certificate issued under the authority of a Contracting Government shall be accepted by the Director-General for all purposes covered by the Convention. They shall be regarded by the Director-General as having the same force as certificates issued by them.
8. (1) A foreign ship when in any port or place in Sri Lanka shall be subjected to inspection by officers duly authorized by the Director-General.
- (2) Inspections referred to in sub-regulation (1) shall be limited to the purpose of verifying:
 - (a) that the ship is provided with a valid International Tonnage Certificate; and
 - (b) that the main characteristics of the ship correspond to the data given in the certificate.
- (3) The inspection referred to in sub-regulation (1) shall not cause any delay to the ship.
- (4) When the inspection reveal that the main characteristics of the ship differ from those on the International Tonnage Certificate so as to lead to an increase in the gross tonnage (GT) or the net tonnage, the Government of the State whose flag the ship is flying shall be informed without delay.
9. The privileges of the Convention may not be claimed in favor of any ship, unless it holds a valid certificate referred in regulation 4 of these regulations.
10. The Director-General shall undertake to communicate to and deposit with the Organization -
 - (a) a sufficient number of specimens of their certificates issued under the provisions of the Convention for circulation to the Contracting Governments;

- (b) the text of the laws, orders, decrees, regulations and other instruments which shall have been promulgated by Sri Lanka on the various matters within the scope of the Convention; and
- (c) a list of Recognized Organizations which are authorized to act on behalf of the Director-General in matters relating to tonnages.

PART III

Determination of Gross and Net Tonnage of Ships

11. (1) The tonnage of a ship shall consist of gross tonnage (GT) and net tonnage.
 - (2) The gross tonnage (GT) of a ship shall be determined in accordance with the provisions of the Regulation 3 of the Convention —
 - (3) The net tonnage (NT) of a ship shall be determined in accordance with the provisions of the Regulation 4 of the Convention —
 - (4) The gross tonnage (GT) and the net tonnage of novel types of craft whose constructional features are such as to render the application of the provisions of these regulations unreasonable or impracticable shall be as determined by the Director-General. Where the tonnage is so determined, the Director-General shall communicate to the Organization details of the method used for that purpose.
12. (1) Change of net tonnage necessitating issue of certificate—when alterations in the values of V, Vc, d, N1 or N2 as defined in regulations 3 and 4 of the Convention, are altered and where such alteration results in an increase in the net tonnage as determined in accordance with the provisions of the Regulation 4 of the Convention, the new net tonnage of the ship corresponding to the new characteristics shall be determined and shall be applied without delay.
 - (2) A ship to which load lines referred to in sub-paragraphs (2)(a) and (2)(b) of the Regulation 4 of the Convention are concurrently assigned shall be given only one net tonnage as determined in accordance with the provisions of Regulation 4 of the Convention and that tonnage shall be the tonnage applicable to the appropriate assigned load line for the trade in which the ship is engaged.
 - (3) When the characteristics of a ship such as V, Vc, d, N1 or N2 as defined in Regulations 3 and 4 of the Convention are altered or when the appropriate assigned load line referred to in Sub-Regulation (2) of this regulation is altered due to the change of the trade in which the ship is engaged, and where such an alteration results in a decrease in its net tonnage as determined in accordance with the provisions of Regulation 4 of the Convention, a new International Tonnage Certificate (1969) incorporating the net tonnage so determined shall not be issued until twelve months have elapsed from the date on which the current Certificate was issued; provided that this requirement shall not apply:
 - (a) If the ship is transferred to the flag of another State, or
 - (b) If the ship undergoes alterations or modifications which are deemed by the Director-General to be of a major character, such as the removal of a superstructure which requires an alteration of the assigned load line, or
 - (c) To passenger ships which are employed in the carriage of large numbers of unberthed passengers in special trades.
13. (1) A calculation of all volumes included in the calculation of gross and net tonnages shall be measured, irrespective of the fitting of insulation or the like, to the inner side of the shell or structural boundary plating in ships constructed of metal, and to the outer surface of the shell or to the inner side of the structural boundary surfaces in ships constructed of any other material.

- (2) The volumes of appendages shall be included in the total volume.
- (3) The volumes of spaces open to the sea shall be excluded from the total volume.
14. (1) All measurements used in the calculation of volumes shall be taken to the nearest centimeter or one twentieth of a foot.
- (2) The volumes shall be calculated by generally accepted methods for the space concerned and with accuracy acceptable to the Director-General.
- (3) The calculation shall be sufficiently detailed to permit easy checking.

PART IV

General

15. Where segregated ballast tanks complying with Regulation 18 of Annex 1 of the International Convention for the Prevention of Pollution from Ships 1973, as modified by the Protocol of 1978 relating to that Convention, are provided in oil tankers, an entry may be made on the International Tonnage Certificate (1969) indicating the total tonnage of these tanks. The tonnage of such segregated ballast shall be calculated according to the following formula —

$$K_1 \times V_b$$

Where :

$$K_1 = 0.2 + 0.02 \log_{10} V$$

V = the total volume of all enclosed spaces of the ship in cubic meters as defined in regulation 3 of the Convention; and

V_b = the total volume of segregated ballast tanks in cubic meters measures in accordance with regulation 6 of the Convention.

16. Where any ship, being in any port or place in Sri Lanka, is found to be an unsafe ship, and is, by reason of the defective condition of ship's hull, equipment, or machinery, under manning, overloading or improper loading or any other condition that is not consistent with Convention, unfit to proceed to sea without serious damage to human life having regard to 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.
17. The Director-General may, with the concurrence of the Minister issue such implementing standards for the compliance with minimum technical standards of the provisions of the Convention as may be required for the implementation of the provisions of these regulations.

18. In these regulations -

"gross tonnage" means the measure of the overall size of a ship determined in accordance with the provisions of the present Convention;

"net tonnage" means the measure of the useful capacity of a ship determined in accordance with the provisions of the present Convention;

"organization" means the International Maritime Organization.

EOG 01-0250