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EXTRAORDINARY

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**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 139 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 (Management for the Safe Operation of Ships) Regulations, No. 9 of 2021.
- (2) The purpose of these regulations shall be to give effect to Chapter IX 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, and International Safety Management Code (hereinafter referred to as the “ISM Code”).



## PART 1

### Applicability of these regulations

2. (1) Subject to the provisions of the sub-regulation (2) of this regulation, these regulations shall apply to the categories of ships referred to in paragraphs (a), (b) and (c) which are entitled to fly Sri Lanka flag and engaged in international voyages, and to any other foreign ships which are in Sri Lanka waters: -
  - (a) to the passenger ships including passenger high speed crafts, of any size;
  - (b) to the oil tankers, chemical tankers, gas carriers, bulk carriers, and cargo high – speed crafts of 500 gross tonnage or more; and
  - (c) to other cargo ships and mobile offshore drilling units of 500 gross tonnage or more.
- (2) Except expressly provided otherwise in the Convention for the Safety of Life at Sea 1974, Protocol of 1988 (in these regulations referred to as the “Convention”), 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;
  - (e) fishing vessels; and
  - (f) government operated ships used for non-commercial purposes.
3. (1) A ship which is not normally engaged on international voyages but which, in exceptional circumstances, is required to undertake a single international voyage may be exempted by the Director-General of Merchant Shipping (in these regulations referred to as the “Director-General”) from any of the requirements of these regulations:
 

Provided that, such ship shall comply with safety management requirements which are adequate in the opinion of the Director-General for the voyage which is to be undertaken by the ship.

  - (2) An exemption granted under this regulation shall be issued in accordance with the Merchant Shipping (Surveys and Certificates) Regulations, 2021 published in the *Gazette* No. 2261/49 of 06.01.2022.
  - (3) The Director-General may, on giving reasonable notice, alter or cancel any exemption granted under this regulation.

## PART II

### Safety Management Requirements

4. (1) The company and the ship shall comply with the requirements of the ISM Code. For the purpose of this regulation, the requirements of the ISM Code shall be treated as mandatory.
- (2) A ship to which these regulations apply shall be operated by a company holding a valid Document of Compliance or a valid Interim Document of Compliance issued to it under regulations 5 and 6 respectively.
5. (1) The Director-General or an organisation recognized by the Director-General (hereinafter referred to as the “recognized organization”) shall issue a Document of Compliance to every company which complies with the provisions of the ISM Code.
- (2) A copy of the Document of Compliance shall be kept on board the ship and shall be produced by the master of the ship on request. The copy of the document shall not be required to be authenticated or certified.

- (3) The Director-General or a recognised organisation shall issue a Safety Management Certificate to every Sri Lanka ship to which these regulations apply. Before issuing the Safety Management Certificate, the Director-General or a recognized organisation shall verify that the company and its shipboard management operate in accordance with the safety-management system as prescribed in the ISM Code.
- (4) Subject to regulation 10, a Document of Compliance and a Safety Management Certificate shall be valid for a period not exceeding five years from the date of issue.
6. (1) An Interim Document of Compliance may be issued by the Director-General or a recognized organization to facilitate initial implementation of the ISM code upon being satisfied that - a company is newly established or new ship types are to be added to an existing Document of Compliance following verification, provided the company shall demonstrate plans to implement a safety management system meeting the full requirements of the ISM code within the period of validity of the Interim Document of Compliance.
- (2) Subject to regulation 10, an Interim Document of Compliance shall be valid for twelve months.
- (3) A copy of the Interim Document of Compliance shall be kept on board the ship and shall be produced by the master of the ship on request. The copy of the document shall not be required to be authenticated or certified.
- (4) An Interim Safety Management Certificate may be issued by the Director-General or a recognised organisation;
  - (a) to new ships on delivery or major conversions ;
  - (b) to ships the responsibility for the management of which has been newly undertaken by the company; or
  - (c) to ships accepted for first registry under the Act.
- (5) An Interim Safety Management Certificate referred in sub-regulation (4) of this regulation shall be issued following verification that:-
  - (a) the Document of Compliance, or the Interim Document of Compliance, is relevant to the ship concerned;
  - (b) the safety management system provided by the Company for the ship concerned includes key elements of the ISM Code and has been assessed during the audit for issuance of the Document of Compliance or demonstrated for issuance of the Interim Document of Compliance;
  - (c) the company has planned the internal audit of the ship within three months;
  - (d) the master and officers are familiar with the safety management system and the planned arrangements for its implementation;
  - (e) instructions, which have been identified as being essential, are provided prior to sailing; and
  - (f) relevant information on the safety management system has been given in the English language.
- (6) Subject to regulation 10, an Interim Safety Management Certificate shall be valid for six months. In special cases, the Director-General or, with the permission of the Director-General, a recognized organisation, may extend the validity of such Certificate for a further six months upon submission of justifiable reasons.
- (7) The Document of Compliance and the Safety Management Certificate referred in regulation 5, and Interim Document of Compliance and Interim Safety Management Certificate referred to in regulation 6 shall be drawn up in the form corresponding to the models given in the ISM Code and they shall be on board in the working language and in English language.

7. In case of a foreign ship, the Document of Compliance and the Safety Management Certificate referred to in regulation 5, and Interim Document of Compliance and Interim Safety Management Certificate referred in regulation 6 shall be issued by the State whose flag the ship flying or the recognized organization acting on behalf of it.
8. All verifications required by the ISM Code in respect of the Document of Compliance and the Safety Management Certificate referred in regulation 5, shall be carried out in the period required by the ISM Code taking into account the guidelines developed by the organization. Such verifications shall include an audit of the safety management system.
9. (1) The Director-General may inspect any company, or ship, to which these regulations apply.  
(2) In such cases where –  
(a) a passenger or crew member complains, or  
(b) (i) there are findings from a Survey or general inspection; or  
(ii) accidents or serious machinery failures indicate possible deficiencies in the safety management system,  
follow-up additional verification of the ship or company may be conducted by the Director-General or a recognized organisation.
10. (1) In any of the circumstances listed in sub-regulation (2), the Director-General may by notice in writing suspend or cancel any relevant document issued under the ISM Code with the reasons assigned thereafter.  
(2) The circumstances referred to in sub-regulation (1) are—  
(a) the document was issued on the basis of incorrect information;  
(b) an audit required by Part B of the ISM Code in respect of the document has not taken place in the period required by the ISM Code;  
(c) the management structure of the company or the ship has changed since the most recent audit; or  
(d) where upon audit the ship or company is found to be no longer in compliance with the ISM Code.  
(3) Any associated Safety Management Certificates or Interim Safety Management Certificates shall become invalid if a notice given under sub-regulation (1) in respect of a document of compliance.  
(4) A notice under sub-regulation (1) is valid, only if—  
(a) the holder of the relevant document was given the opportunity to make representations before the notice was given; or  
(b) the Director-General considers that urgent safety or pollution prevention considerations require the notice to be given immediately.
11. (1) (a) The Director-General may, at the request of a government of a state to which the Convention applies, audit the safety management system of a ship registered in that country; and the company.  
(b) Where, having carried out an audit in response to such a request, the Director-General is satisfied that the requirements of the ISM Code are met, the Director-General may issue to the company a Document of Compliance or a Safety Management Certificate, or, where appropriate, endorse such a document in accordance with the requirements of the Convention after applicable verifications as specified in the ISM Code. Any

certificate so issued or endorsed shall contain a statement to the effect that it has been issued at the request of the government of the State whose flag the ship is flying and it shall have the same force and receive the same recognition as a certificate issued by the governments which made the request.

- (2) (a) The Director-General may request the government of a state to which the Convention applies, to audit the safety management system of a ship registered in Sri Lanka and the company.
- (b) Where, such state having carried out an audit in response to such a request and, is satisfied that the requirements of the ISM Code are met, shall issue to the company a Document of Compliance or a Safety Management Certificate, or, where appropriate, endorse such document in accordance with the requirements of the Convention after applicable verifications as specified in the ISM Code. Any certificate so issued or endorsed 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.
12. (1) Every Company shall designate one or more persons ashore having direct access to the highest level of the management to ensure the safe operation of each ship and to provide a link between the company and those on-board ships of the company.
- (2) The responsibility and authority of the designated person shall be in accordance with the ISM Code.
- (3) In pursuant to sub-regulation (1) of this regulation, person undertaking the role of the Designated Person under the provisions of the International Safety Management (ISM) Code shall possess necessary qualifications, training and experience as prescribed in the guidelines developed by the Organisation.
- (4) Every company that designates such persons pursuant to sub-regulation (1) shall notify the Director-General about their designation along with their qualification, training and experience soon after the designation.
13. The safety management system shall be maintained in accordance with the provisions of the ISM Code.
14. A ship required to hold a certificate issued pursuant to the provisions of regulation 5 (3) shall be subjected to control in accordance with the provisions of regulation 4 of the Chapter XI-I of the Convention. For this purpose, such certificate shall be treated as a certificate issued under regulations 12 or 13 of Chapter I of the Convention.

### PART III

#### General Provisions

15. 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.
16. The footnotes in Chapter IX of the Convention and the resolutions, circulars or documents referred by such footnotes shall be deemed to be a part of these regulations.
17. 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.
18. In these regulations –

“act” means Merchant Shipping Act No.52 of 1971

“audit” means a systematic and independent examination to determine whether the Safety Management System complies with the planned arrangements and such arrangements are implemented effectively and are sufficient to achieve the desired objectives;

“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;

“chemical tanker” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquid product listed in Chapter 17 of the International Bulk Chemical Code;

“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;

“gas carrier” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in Chapter 19 of the International Gas Carrier Code;

“high-speed craft” means a craft capable of a maximum speed, in metres per second (m/s), equal to or exceeding:

$$3.7 \nabla^{0.1667}$$

where:  $\nabla$  = volume of displacement corresponding to the design waterline (m<sup>3</sup>) excluding craft the hull of which is supported completely clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect;

“international Safety Management (ISM) Code” means the International 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;

“mobile offshore drilling unit” means a vessel capable of engaging in drilling operations for the exploration for or exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur or salt;

“oil tanker” means the oil tanker defined in regulation 1 of Annex I of the Protocol of 1978 to the International Convention for the Prevention of Pollution from Ships, 1973;

“organisation” means International Maritime Organisation;

“safety management system” means a structured and documented system enabling Company personnel to implement effectively the Company safety and environmental protection policy.