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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) These regulations may be cited as the Merchant Shipping (Carriage of Dangerous Goods) Regulations, No. 08 of 2021.
- (2) The purpose of these regulations shall be to give effect to Chapter VII 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-regulation (2) of this regulation, these regulations shall apply to ships carrying :
 - (a) dangerous goods in packaged form;
 - (b) dangerous goods in solid form in bulk;
 - (c) dangerous liquid chemicals in bulk; and
 - (d) liquefied gases in bulk
- (2) 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.
3. (1) The Director-General may grant exemptions from all or any of the provisions of these regulations as may be specified in the exemption certificate for classes of cases or individual cases on such terms as he may so specify and may, subject to giving reasonable notice, alter or cancel any such exemption.
- (2) (a) Where an exemption is issued to a ship to which the provisions of the Merchant Shipping (Surveys and Certificates) Regulations, No. 01 of 2021 published in the *Gazette* No. 2261/49 of 06.01.2022 apply, it shall be issued in accordance with that regulation.
- (b) An exemption granted under this regulation to a ship to which Merchant Shipping (Surveys and Certifications) Regulations, No. 01 of 2021 published in the *Gazette* No. 2261/49 of 06.01.2022 does not apply, shall be in the format as may be determined by the Director-General.

PART II

Carriage of Dangerous Goods

4. (1) It shall be the duty of every operator, every employer of persons aboard a ship and every master of a ship to ensure that, so far as is reasonably practicable, when dangerous goods are being handled, stowed or carried on the ship nothing in the manner in which those goods are handled, stowed or carried as the case may be such as might create a significant risk to the health and safety of any person. Such handling of dangerous goods shall be in accordance with appropriate provisions of the guidelines developed by the Organisation.
- (2) Without prejudice to the generality of the operator's, employer's or master's duty under sub-regulation (1) the matters to which the duty of the operator and of the employer extends shall include in particular -
 - (a) the provision and maintenance of ship's structure, fittings and equipment for the handling, stowage and carriage of dangerous goods.
 - (b) the provision of such information, instruction, training and supervision to all employees in connection with the handling, stowage and carriage of dangerous goods in the ship.
5. The carriage of dangerous goods in packaged form shall be in compliance with the relevant provisions of the IMDG Code.
6. (1) No packaged goods shall be offered for carriage or taken on board any ship unless a dangerous goods declaration or a marine pollutants declaration, or a combined dangerous goods and marine pollutants declaration, as appropriate has been provided to the master or operator.

- (2) The declaration referred to in sub-regulation (1) of this regulation shall accurately identify the date the document was prepared and the name, status and company or organisation of the signatory.
- (3) No packaged goods shall be offered for carriage or taken on board any ship unless the master or operator has been provided with a document including without prejudice to sub-regulation (2) of regulation 7.
- (4) Such document includes the following details—
 - (a) the proper shipping name;
 - (b) the class and division where applicable;
 - (c) the United Nations (UN) numbers where allocated by the IMDG Code;
 - (d) where relevant the packaging or packing group;
 - (e) the number and kind of packages;
 - (f) the total quantity of dangerous goods or net explosive mass of the contents;
 - (g) the words MARINE POLLUTANT where appropriate; and
 - (h) any other information required by the IMDG Code.
- (5) The declaration referred to in sub-regulation (1) of this regulation shall be combined with the document referred to in sub-regulation (3) of this regulation.
- (6) The shipper shall deliver the declaration and documents required under this regulation, to the operator or master where such shipper deliver the goods directly to the ship or its agent.
- (7) In consigning the goods for carriage by sea, the shipper shall make proper provision to ensure the onward delivery of the declaration and document required by this regulation to the ship or its agent.
- (8) In the case that the goods are not delivered by the shipper to the ship or its agent, but are provided to another person for onward delivery of the goods or for the consolidation of the goods with other goods or cargoes for eventual delivery, responsibility for providing the document and declaration shall rest upon the forwarder and each person responsible for onward transfer and delivery as it does for the shipper in sub-regulations (6) and (7) of this regulation. Responsibility for providing the declaration and document shall not extend to those persons who are solely engaged in the loading of the goods onto the ship or moving the goods around the port or terminal.
- (9) The requirements of sub-regulation (8) of this regulation shall be without prejudice to the duties of the shipper contained in regulations 7 and 8.
- (10) Where a shipper, a forwarder, or other person referred to in sub-regulation (8) of this regulation —
 - (a) fails to provide the operator or master of the ship with the declaration and document as required by this regulation, or;
 - (b) provides a declaration and document which he knows to be false or recklessly makes a declaration which is false in a material particular,he commits an offence.
- (11) Where an operator or master who accepts for carriage, or takes or receives on board any packaged goods without for which a declaration and document commits an offence.

7. (1) The shipper shall not offer packaged goods for carriage unless -
 - (a) all the conditions specified in the IMDG Code have been complied with in relation to their declaration, classification, marking, packaging, labelling, placarding and prior notification to organization designated by the port state authority or consignee, as appropriate; and
 - (b) in the case of goods in a portable tank or tank container or vehicle the goods have been properly and safely prepared for carriage by sea by comply with applicable tank requirements in accordance with the IMDG Code.
- (2) In preparing any goods for shipment, it shall be the duty of the shipper to identify and classify dangerous goods or marine pollutants in order to ensure that the proper precautions and preparations can be made for transport as required by these regulations.
- (3) No declaration required by regulation 6 above shall be signed by the shipper unless sub-regulations (1) and (2) of this regulation have been complied with.
- (4) A shipper who contravenes the provisions of sub-regulations (1) to (3) of this regulation commits an offence.
- (5) An operator or master shall not accept for carriage, or take or receive on board any packaged goods where he has reasonable cause to suspect that the goods are not in compliance with sub-regulation (1). An operator or master who contravenes the provisions of this paragraph commits an offence.
8. (1) Where packaged goods are to be packed or shipped in or on a cargo transport unit, the person responsible for packing such goods therein shall -
 - (a) ensure that the stowage, segregation and securing of the goods is adequate and in accordance with the IMDG Code; and
 - (b) provide the operator or master or shipper or forwarder, with a signed packing certificate in accordance with the requirements of the IMDG Code, indicating the cargo transport unit, identification number or numbers and identifying the place and date of the operation, the name of the person responsible for the packing and his status, and company.
- (2) This regulation does not apply in relation to goods packaged within a portable tank, road tank vehicle, rail tank wagon or tank container.
- (3) (a) A person responsible for packing such goods contravenes the provisions of sub-regulation (1) of this regulation commits an offence.
- (b) The shipper or forwarder who fails to provide the operator or master of the ship with the signed packing certificate commits an offence.
- (4) An operator or the master shall not accept on any ship any cargo transport unit with such goods in it without a signed packing certificate. An operator or the master who contravenes the provisions of this paragraph, commits an offence.
9. A dangerous goods declaration, marine pollutant declaration, any accompanying documentation required by regulations 6 and 8 shall be submitted directly to the master or operator in the form of a paper document or by electronic data processing or electronic data interchange methods.
10. (1) The master of any ship carrying packaged goods shall cause a special list, manifest or stowage plan to be carried in the ship -

- (a) setting out details, obtained from the shipping documents submitted by the shipper, of the packaged goods on board including the correct technical name of the goods, their classification in accordance with the IMDG Code and their mass or volume; and
 - (b) showing details of the location in the ship where the goods are stowed.
 - (2) The information required by sub-regulation (1) of this regulation may contain in a combined list, manifest or stowage plan relating to both packaged dangerous goods and packaged marine pollutants, or in two such lists, manifests or stowage plans, one relating to dangerous goods and the other to marine pollutants. Where a combined document is used, it shall show clearly which goods are dangerous goods and which are marine pollutants.
 - (3) The master shall also carry in the ship any additional special documents where required by the IMDG Code for the carriage of packaged dangerous goods.
 - (4) Any such list, manifest or stowage plan and any additional special documents required for the acceptance of goods for carriage in the ship pursuant to sub-regulation (3) of this regulation shall be kept available for reference or inspection on board the ship until the goods have been discharged from the ship.
 - (5) The master of a ship carrying packaged goods who fails to cause a list, manifest or stowage plan or additional special documents to be carried in the ship or kept available as required by paragraph (4), commits an offence.
11. (1) The packaged goods shall not be taken on any ship for carriage in that ship unless they are marked, labelled and placarded, and display a fumigation warning sign, as appropriate and specified in the IMDG Code.
- (2) Any shipper who contravenes the provisions of sub-regulation (1) of this regulation relating to the marking, labelling or placarding of packaged goods commits an offence.
 - (3) An operator or master who accepts dangerous goods or marine pollutants on board a ship in any package which has not been marked, labelled or placarded or does not display a fumigation warning sign, as required by paragraph (1), commits an offence.
12. (1) The packaged goods shall not be accepted on board if their stowage on board is prohibited by the IMDG Code.
- (2) The packaged goods shall not be accepted on board unless any necessary additional safety equipment is provided in accordance with the IMDG Code.
 - (3) The packaged goods shall be adequately stowed, segregated and secured on board ship in accordance with the IMDG Code.
 - (4) An operator or master who accepts on board ship packaged goods in contravention of sub-regulation (1) or (2) of this regulation commits an offence.
 - (5) An operator or master who fails to comply with the provisions of sub-regulation (3) of this regulation commits an offence.
13. (1) Where the vessel carries a cargo securing manual pursuant to regulation 14, cargo transport units, including containers, shall be loaded, stowed and secured throughout any voyage in accordance with the cargo securing manual.
- (2) An operator or master who fails to comply with sub-regulation (1) of this regulation commits an offence.

14. (1) The cargo, cargo units and cargo transport units, shall be loaded, stowed and secured throughout the voyage in accordance with the Cargo Securing Manual approved by the Director-General.
- (2) The Director-General for the purpose of sub-regulation (1) of this regulation recognize any Organisation in accordance with the provisions of the Code for Recognised Organisations adopted by the Organisation.
- (3) The cargo securing manual referred in sub-regulation (1) of this regulation shall be drawn up to a standard at least equivalent to relevant guidelines developed by the Organization and shall be in English language.
- (4) An operator or master who fails to comply with sub-regulation (1) of this regulation commits an offence.
15. (1) The operator and master shall ensure all employees are familiar with the essential actions to be taken in an emergency involving such packaged goods as are carried on the ship.
- (2) An operator or master who fails to comply with sub-regulation (1) commits an offence.

PART III

Carriage of Dangerous Goods or Marine Pollutants in bulk

16. The dangerous goods or marine pollutants shall not be handled or carried in bulk in any ship if the operator has any cause to believe that such goods may not be so handled or carried safely in that ship.
17. (1) The carriage of dangerous goods in solid form in bulk shall be in compliance with the relevant provisions of the IMSBC Code
- (2) The dangerous goods in solid form in bulk shall be loaded and stowed safely and appropriately in accordance with the nature of the goods. Incompatible goods shall be segregated from one another.
- (3) The dangerous goods in solid form in bulk which are liable to spontaneous heating or combustion shall not be carried unless adequate precautions have been taken to minimize the likelihood of the outbreak of fire.
- (4) The dangerous goods in solid form in bulk which give off dangerous vapors shall be stowed in a well-ventilated cargo space.
18. (1) A chemical tanker -
 - (a) constructed on or after 1 July 1986 shall comply with the requirements of the International Bulk Chemical Code; and
 - (b) constructed before 1 July 1986 shall comply with the requirements of the Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk (BCH Code); and

shall, in addition to the requirements of regulations 8, 9, and 10 the Chapter I of the Convention, as applicable, be surveyed and certified as provided for in that Code.

- (2) A chemical tanker holding a certificate issued pursuant to the provisions of sub-regulation (1) shall be subject to the control established in Regulation 19 of Chapter I of the Convention. For this purpose such certificate shall be treated as a certificate issued under Regulation 12 or 13 of the Chapter I of the Convention.
- (3) Any chemical tanker, irrespective of the date of construction, which undergoes repairs, alterations, modifications and outfitting related thereto shall continue to comply with at least the requirements previously applicable to the ship. Such a ship, if constructed before 1 July 1986, shall, as a rule, comply with the requirements for a ship constructed on or after that date to at least the same extent as before undergoing such repairs, alterations, modifications or outfitting. Repairs, alterations and modifications of a major character, and outfitting related

thereto, shall meet the requirements for a ship constructed on or after 1 July 1986 in so far as the Director-General thinks reasonable and practicable.

- (4) A ship, irrespective of the date of construction, which is converted to a chemical tanker, shall be treated as a chemical tanker constructed on the date on which such conversion commenced.

19. (1) A gas carrier -

- (a) constructed on or after 1st of July 1986 shall comply with the requirements of the International Gas Carrier Code; and
- (b) constructed before 1 July 1986 and after 31 October 1976 shall comply with the requirements of the Code for the Construction Equipment of Ships Carrying Liquefied Gases in Bulk (GC Code) and shall,

in addition to the requirements of Regulations 8, 9 and 10 the Chapter 1 of the Convention, as applicable, be surveyed and certified as provided for in that Code. For the purpose of this regulation, the requirements of the Code shall be treated as mandatory.

- (2) A gas carrier holding a certificate issued pursuant to the provisions of paragraph 1 shall be subject to the control established in Regulation 19 of the Chapter I of the Convention. For this purpose such certificate shall be treated as a certificate issued under Regulation 12 or 13 of Chapter I of the Convention.
- (3) Any gas carrier, irrespective of the date of construction, which undergoes repairs, alterations, modifications and outfitting related thereto shall continue to comply with at least the requirements previously applicable to the ship. Such a ship if constructed before 1 July 1986 shall, as a rule, comply with the requirements for a ship constructed on or after that date to at least the same extent as before undergoing such repairs, alterations, modifications or outfitting. Repairs, alterations and modifications of a major character, and outfitting related thereto, shall meet the requirements for a ship constructed on or after 1 July 1986 in so far as the Director-General thinks reasonable and practicable.
- (4) A ship, irrespective of the date of construction, which is converted to a gas carrier, shall be treated as a gas carrier constructed on the date on which such conversion commenced.

20. (1) The shipper of any dangerous goods or marine pollutants to be carried in bulk shall provide the operator or the master with a notification in writing giving notice of the nature of the goods and, in the case of liquid goods with a flashpoint at or below 60 degrees Celsius (closed cup), specifying the flashpoint of those goods. Such notification shall specify the correct technical name of the goods, their UN number (if any) and, for dangerous goods carried in solid form in bulk, the classification as listed in the IMDG Code to which those goods belong.

(2) If a shipper of any dangerous goods or marine pollutants in bulk—

- (a) who fails to provide the operator or the master with a notification in writing; or
- (b) who provides a notification which he knows to be false or recklessly provides a notification which is false in a material particular, commits an offence.

(3) The master of a ship carrying dangerous goods or marine pollutants in bulk shall cause a specific list, manifest or stowage plan to be carried in the ship for the voyage on which it is currently engaged –

- (a) Setting out details, obtained from the shipping documents submitted by the shipper, of the dangerous goods or marine pollutants carried aboard the ship for the voyage on which it is currently engaged including the correct technical name of the goods, their mass or volume and, where the dangerous goods are shown in Appendix B of the Bulk Cargoes Code, the Classification in accordance with the IMDG Code; and

(b) showing details of the location in the ship where the goods are stowed.

- (4) The master shall also carry in the ship any additional special documents where required by the IMSBC Code, the BCH or IBC Codes or the IGC or Gas Carrier Codes for the carriage of dangerous goods or marine pollutants.
- (5) Any such list, manifest or stowage plan and any additional special documents required for the acceptance of such goods for carriage in the ship shall be kept available for reference or inspection on board the ship until the goods have been discharged from the ship.

PART IV

Special Requirements For The Carriage Of Packaged Irradiated Nuclear Fuel, Plutonium And High-Level Radioactive Wastes On Board Ships

21. (1) A ship carrying INF cargo shall comply with the requirements of the INF Code in addition to any other applicable requirements of the Convention and shall be surveyed and certified as provided for in that Code.
- (2) A ship holding a certificate issued pursuant to the provisions of sub-regulation (1) shall be subject to the control established in Regulations 19 of the Chapter I of the Convention and 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 the Chapter I of the Convention.

PART V

Reporting Of Incidents Involving Dangerous Goods

22. (1) When an incident takes place involving the loss or likely loss overboard of dangerous goods in solid form in bulk or in packaged form into the sea, the master, or other person having charge of the ship, shall report the particulars of such an incident without delay and to the fullest extent possible to the nearest coastal State. The report shall be drawn up based on general principles and guidelines as described in IMO resolution A. 851(20).
- (2) If such incident referred in sub-regulation (1) takes place in Sri Lanka waters, report shall be made to the Director-General.
- (3) In the event of the ship referred to in sub-regulation (1) being abandoned, or in the event of a report from such a ship being incomplete or unobtainable, the company, as defined in Regulation 1.2 of the Chapter IX of the Convention, shall, to the fullest extent possible, assume the obligations placed upon the master by this regulation.

PART VI

General Provisions

23. Where any ship, being in any port or place in Sri Lanka is found to be an unsafe ship 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.
24. The footnotes in Chapter VII of the Convention and the resolutions, circulars or documents referred by such footnotes shall be deemed to be a part of these regulations.

25. 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.
26. A person who, omits or neglect to comply with or acts without reasonable cause or contrary to the provisions of these regulations commits an offence and shall on conviction be liable to a fine not exceeding five million rupees.
27. In these regulations -

“*IMDG Code*” means the International Maritime Dangerous Goods (IMDG) Code adopted by the Maritime Safety Committee of the Organization by resolution MSC.122 (75), as may be amended by the Organization;

“organisation” means International Maritime Organisation;

“*IMSBC Code*” means the International Maritime Solid Bulk Cargoes (IMSBC) Code adopted by the Maritime Safety Committee of the Organization by resolution MSC.268(85), as may be amended by the Organization;

“*International Bulk Chemical Code (IBC Code)*” means the International Code for the Construction and Equipment of Ships Carrying Dangerous Chemicals in Bulk adopted by the Maritime Safety Committee of the Organization by resolution MSC.4(48), as may be amended by the Organization;

“*INF cargo*” means packaged irradiated nuclear fuel, plutonium and high-level radioactive wastes carried as cargo in accordance with class 7 of the IMDG Code;

“*International Gas Carrier Code (IGC Code)*” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk as adopted by the Maritime Safety Committee of the Organization by resolution MSC.5 (48), as may be amended by the Organization;

“*INF Code*” means the International Code for the Safe Carriage of Packaged Irradiated Nuclear Fuel, Plutonium and High-Level Radioactive Wastes on Board Ships, adopted by the Maritime Safety Committee of the Organization by resolution MSC.88 (71), as may be amended by the Organization; and

“UN number” means the four-digit identification number assigned to the article or substance under the United Nations system for transport and storage of dangerous goods as stated in the Model Regulation on the Transport of Dangerous Goods;

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