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The Gazette of the Democratic Socialist Republic of Sri Lanka
EXTRAORDINARY

අංක 2261/50 - 2022 ජනවාරි මස 06 වැනි බ්‍රහස්පතින්දා - 2022.01.06
No. 2261/50 - THURSDAY, JANUARY 06, 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 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 (Construction-Structure, Subdivision and Stability, Machinery and Electrical Installations) Regulations, No. 02 of 2021.
- (2) The purpose of these regulations shall be to give effect to Chapter II - 1 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), (3), (4) and (5) of this regulation, these regulations shall apply to ships which are entitled to fly the Sri Lanka flag and engaged in international voyages, and to any other foreign ships while they are in Sri Lanka waters.
- (2) Except as expressly provided otherwise in the International 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) cargo ships of less than 500 gross tonnage;
 - (c) ships not propelled by mechanical means;
 - (d) wooden ships of primitive build;
 - (e) pleasure yachts not engaged in trade; and
 - (f) fishing vessels.
- (3) Except as expressly provided otherwise in the Convention, these regulations shall apply to ships the keels of which are laid or which are at a similar stage of construction on or after 1st of January 2009.
- (4) Except as expressly provided otherwise in the Convention, ships constructed before 1st of January 2009 shall comply with regulation 1 (2) of Chapter II – 1 of the Convention.
- (5) Except as expressly provided in Chapter V of the Convention, the provisions of these regulations shall not apply to Sri Lanka ships solely navigating the Great Lakes of North America and the River St Lawrence as far east as a straight line drawn from Cape des Rosiers to West Point, Anticosti Island and, on the north side of Anticosti Island, the 63rd meridian.
3. All ships which undergo repairs, alterations, modifications and outfitting related thereto shall continue to comply with at least the requirements previously applicable to these ships. Such ships, if constructed before the date on which any relevant amendments enter into force, shall, as a rule, comply with requirements for ships constructed on or after that date, to at least the same extent as they did 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 ships constructed on or after the date on which any relevant amendments enter into force, in so far as the Director-General of Merchant Shipping (in these regulations referred to as the “Director General”) deems reasonable and practicable.
4. (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 from any of the requirements of these regulations :

Provided that it complies with safety requirements which are adequate in the opinion of the Director-General for the voyage which is to be undertaken by the ship.
- (2) The Director-General may exempt any ship which embodies features of a novel kind from any of the provisions of Chapters II -1, II -2, III and IV of the Convention relating to the application of which might seriously impede research into the development of such features and their incorporation in ships engaged on international voyages:

Provided however, such ships shall comply with safety requirements which, in the opinion of that Director-General, are adequate for the service for which it is intended and are such as to ensure the overall safety of the ship and which are acceptable to the Governments of the States to be visited by the ship.

- (3) The Director-General may, if he considers that the sheltered nature and conditions of the voyage are such as to render the application of any specific requirements of the Chapter II-1 of the Convention unreasonable or unnecessary, exempt from those requirements individual Sri Lankan ships or classes of Sri Lanka ships which, in the course of their voyage, do not proceed more than 20 miles from the nearest land.
 - (4) The Director-General who exempts a ship under this regulation shall communicate to the International Maritime Organisation (in these regulations referred to as the “Organization”) particulars of same and the reasons therefor.
 - (5) Exemptions referred to in these regulations shall be issued in accordance with the Merchant Shipping (Surveys and Certificates) Regulations, No. 01 of 2021 published in the *Gazette* No. 2261/49 of 06.01.2022.
 - (6) The Director-General may waive relevant requirements of Chapter II – 1 of the Convention in relation to a ship of its description, provided that such ship shall comply with alternate requirements as specified in the Chapter II – 1 of the Convention or where the Director-General is satisfied that such provision is unreasonable or impracticable.
 - (7) An approval or type approval required by Chapter II - 1 of the Convention, or an equivalent arrangement or waiver permitted by Chapter II - 1 of the Convention is only valid if –
 - (a) it is in writing;
 - (b) it specifies the date on which it takes effect; and
 - (c) any conditions stated in it are complied with.
 - (8) The Director-General may, on giving reasonable notice, alter or cancel any exemption, approval or waiver granted under this regulation.
5. In the case of passenger ships which are employed in special trades for the carriage of large numbers of special trade passengers, such as the pilgrim trade, the Director-General, if satisfied that it is impracticable to enforce compliance with the requirements of Chapter II - 1 of the Convention, may exempt such ships from those requirements, provided that they comply fully with the provisions of :-
- (i) the rules annexed to the Special Trade Passenger Ships Agreement, 1971; and
 - (ii) the rule annexed to the Protocol on Space Requirements for Special Trade Passenger Ships, 1973.

PART II

Structure of Ships

6. A ship shall be designed, constructed, equipped and maintained in accordance with the requirements of Chapter II – 1 of the Convention in relation to a ship of its description and in addition, the structural, mechanical and electrical requirements of a recognized organization which is recognized by the Director-General.

PART III

Subdivision and Stability

7. (1) A ship shall comply with subdivision and stability requirements as specified in Part B and Part B – 1 of Chapter II – 1 of the Convention in relation to a ship of its description.
- (2) Every passenger ship regardless of size and every cargo ship having a length (L) of 24 m and more, the elements of its stability shall be determined upon its completion. In addition to any other applicable requirements in the present regulations, ships constructed on or after 1 July 2010 having a length of 24 m and more as a minimum shall comply with the requirements of Part A of the 2008 IS Code. Ships constructed before 1 July 2010 shall comply with the requirements specified in IMO Res. A. 749 (18) as amended by IMO Res A. MSC. 75 (69).
- (3) The master shall be supplied with stability information in relation to the ship in compliance with the applicable requirements specified in regulation 5 -1 of Chapter II – 1 of the Convention. A copy of the stability information shall be furnished to the Director-General.
8. A ship shall be designed, constructed, equipped and maintained in accordance with subdivision, watertight and weathertight integrity requirements specified in Part B – 2 of the Chapter II – 1 of the Convention in relation to a ship of its description.
9. (1) In order that the required degree of subdivision shall be maintained, a load line corresponding to the approved subdivision draught shall be assigned and marked on the ship's sides of passenger ships. A passenger ship intended for alternating modes of operation may, if the owners desire, have one or more additional load lines assigned and marked to correspond with the subdivision draughts which the Director-General may approve for the alternative service configurations. Each service configuration so approved shall comply with part B – 1 of Chapter II – 1 of the Convention independently of the results obtained for other modes of operation.
- (2) The subdivision load lines assigned and marked shall be recorded in the Passenger Ship Safety Certificate, and shall be distinguished by the notation P1 for the principal passenger service configuration, and P2, P3, etc., for the alternative configurations. The principal passenger configuration shall be taken as the mode of operation in which the required subdivision index R will have the highest value.
- (3) The freeboard corresponding to each of these load lines shall be measured at the same position and from the same deck line as the freeboards determined in accordance with the International Convention on Load Lines in force.
- (4) The freeboard corresponding to each subdivision load line and the service configuration, for which it is approved, shall be clearly indicated on the Passenger Ship Safety Certificate.
- (5) In no case shall any subdivision load line mark be placed above the deepest load line in salt water as determined by the strength of the ship or the International Convention on Load Lines in force.
- (6) Whatever may be the position of the subdivision load line marks, a passenger ship shall in no case be loaded so as to submerge the load line mark appropriate to the season and locality as determined in accordance with the International Convention on Load Lines in force.
- (7) A passenger ship when it is in salt water shall in no case be so loaded that the subdivision load line mark appropriate to the particular voyage and service configuration is submerged.

PART IV

Stability Management

10. (1) A ship shall comply with stability management requirements as specified in Part B- 4 of Chapter II – 1 of the Convention in relation to a ship of its description.
- (2) There shall be permanently exhibited, or readily available on the navigation bridge, for the guidance of the officer in charge of the ship, plans showing clearly for each deck and hold the boundaries of the watertight compartments, the openings therein with the means of closure and position of any controls thereof, and the arrangements for the correction of any list due to flooding. In addition, booklets containing the aforementioned information shall be made available to the officers of the ship.
- (3) Watertight doors in passenger ships permitted to remain open during navigation shall be clearly indicated in the ship's stability information.
- (4) In case of ships to which damage stability requirements of Part B-1 of Chapter II-1 of the Convention apply, damage stability information shall be provided to the master in a simple and easily understandable way of assessing the ship's survivability in all damage cases involving a compartment or group compartments.

PART V

Machinery and Electrical Installations

11. A ship shall comply with the applicable requirements on -
- a. Ship machinery installations and equipment
 - b. Operating and maintenance instructions and engineering drawing for ship machinery and equipment,
- specified in part C of Chapter II – 1 of the Convention in relation to a ship of its description.
12. A ship shall comply with the applicable requirements on the ships' electrical installations specified in part D of Chapter II – 1 of the Convention in relation to a ship of its description.

PART VI

Additional Requirements for Periodically Unattended Machinery Spaces

13. (1) A cargo ship that has periodically unattended machinery spaces shall comply with applicable requirements on periodically unattended machinery spaces specified in regulations in Part E of Chapter II – 1 of the Convention.
- (2) A Passenger ship shall be specially considered by the Director-General as to whether or not their machinery spaces may be periodically unattended and if so whether additional requirements to those stipulated in these regulations are necessary to achieve equivalent safety to that of normally attended machinery spaces. Such requirements will be given by way of implementation standards.

PART VII

Alternative Design and Arrangements

14. (1) Machinery, electrical installation and low-flashpoint fuel storage and distribution systems design and arrangements may deviate from the requirements set out in parts C, D, E or G, of Chapter II – 1 of the Convention provided that the alternative design and arrangements meet the intent of the requirements concerned and provide an equivalent level of safety to Chapter II – 1 of the Convention.

- (2) When alternative design or arrangements deviate from the prescriptive requirements of Part C, D, E or G, an engineering analysis, evaluation and approval of the design and arrangements shall be carried out in accordance with regulation 55 of Chapter II – 1 of the Convention.
- (3) The Director-General shall communicate to the Organization, pertinent information concerning alternative design and arrangements approved by the Director-General for circulation to all Contracting Governments.

PART VIII

Ships using Low Flashpoint Fuels

15. (1) Except as provided for in sub-regulations (4) and (5), this part shall apply to ships using low- flashpoint fuels:

- (a) for which the building contract is placed on or after 01st of January 2017;
- (b) in the absence of a building contract, the keels of which are laid or which are at a similar stage of construction on or after 01st of July 2017; or
- (c) the delivery of which is on or after 01st of January 2021.

Such ships using low-flashpoint fuels shall comply with the requirements of this part in addition to any other applicable requirements of the Convention.

- (2) Except as provided for in sub-regulations (4) and (5), a ship, irrespective of the date of construction, including one constructed before 1st of January 2009, which converts to using low- flashpoint fuels on or after 1st of January 2017 shall be treated as a ship using low-flashpoint fuels on the date on which such conversion commenced.
 - (3) Except as provided for in sub-regulations (4) and (5), a ship using low-flashpoint fuels, irrespective of the date of construction, including one constructed before 1 January 2009, which, on or after 1 January 2017, undertakes to use low-flashpoint fuels different from those which it was originally approved to use before 1 January 2017 shall be treated as a ship using low-flashpoint fuels on the date on which such undertaking commenced.
 - (4) This Part shall not apply to gas carriers, as defined in Chapter VII of the Convention:
 - (a) using their cargoes as fuel and complying with the requirements of the IGC Code, as defined in Chapter VII of the Convention; or
 - (b) using other low-flashpoint gaseous fuels that the fuel storage and distribution systems design and arrangements for such gaseous fuels comply with the requirements of the IGC Code for gas as a cargo.
 - (5) This Part shall not apply to ships owned or operated by a Contracting Government and used, for the time being, only in Government non-commercial service. However, ships owned or operated by a Contracting Government and used, for the time being, only in Government non-commercial service are encouraged to act in a manner consistent, so far as reasonable and practicable, with this part.
16. Except as provided in regulation 15 (4) and regulation 15 (5), ships using low-flashpoint fuels shall comply with the requirements of the IGF Code.

PART IX

General Provisions

17. In the case where references are made in Chapter II - 1 of the Convention to the satisfaction of the administration and no direct interpretation to such references is provided by the Director-General through implementation standards, unified interpretations of the International Association of Classification Societies shall be considered as the interpretation of the Director-General.
18. The Director-General accepts equipment approvals granted by a Recognized Organization (RO) or by the United States Coast Guard, Maritime Coast Guard Agency in United Kingdom or Maritime Administration of Japan, provided, the approvals are fully in accordance with Convention requirements. The Director-General will also accept equipment that has been approved under the European Union Marine Equipment Directive certification procedure.
19. 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 the ship is intended, such ship may be provisionally detained for the purpose of being surveyed or rectifying the defective condition.
20. The footnotes in Chapter II - 1 of the Convention and the resolutions, circulars or documents referred by such footnotes shall be deemed to be a part of these regulations.
21. 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.
22. In these regulations -
 - “cargo ship” means any ship which is not a passenger ship;
 - “Convention” means 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;
 - “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;
 - “IGC Code” means the International Code for the Construction and Equipment of Ships Carrying Liquefied Gases in Bulk;
 - “IGF Code” means the International Code of Safety for Ships using gases or other low-flashpoint fuels;
 - “IMO” means International Maritime Organisation;
 - “length (L)” means the length as defined in the International Convention on Load Lines in force;
 - “low-flashpoint fuel” means gaseous or liquid fuel having a flashpoint lower than otherwise permitted under regulation 4.2.1.1 of Chapter II-2 of the Convention;
 - “machinery spaces” means spaces between the watertight boundaries of a space containing the main and auxiliary propulsion machinery, including boilers, generators and electric motors primarily intended for propulsion. In the case of unusual arrangements, the Director-General may define the limits of the machinery spaces;

“organisation” means International Maritime Organisation;

“passenger ship” means a ship which carries more than twelve passengers;

“recognised Organisation” means an organization that has been recognized in accordance with the provisions of the Code for Recognised Organisations adopted by the Organisation;

“watertight” means having scantlings and arrangements capable of preventing the passage of water in any direction under the head of water likely to occur in intact and damaged conditions. In the damaged condition, the head of water is to be considered in the worst situation at equilibrium, including intermediate stages of flooding;

“weathertight” means that water will not penetrate into the ship in any sea condition;

“2008 IS Code” means the International Code on Intact Stability, 2008;

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