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PART I : SECTION (I) — GENERAL
Government Notifications

L.D.B-3/2013

MERCHANT SHIPPING ACT, No. 52 OF 1971

REGULATIONS made by the Minister of Ports and Shipping under section 321 read with section 139 of the Merchant Shipping Act, No. 52 of 1971.

ARJUNA RANATUNGA,
Minister of Ports and Shipping.

Colombo,
23rd June, 2016.

Regulations

1. These regulations may be cited as the Merchant Shipping (Verification of Container Gross Mass) Regulations, 2016.
2. These regulations shall give effect to the International Convention for the Safety of Life at Sea, 1974 adopted in November 1, 1974 and entered into force May 25, 1980, and acceded by Sri Lanka on August 30, 1983 and came into force November 30, 1983 in relation to Verified Gross Mass of a Container Carrying Cargo as a replacement of International Convention for the Safety of Life at Sea signed at London on June 17, 1960.
3. The provisions of these regulations shall apply to all containers to which Convention for Safe Containers, 1972 applies except-
 - (a) a packed container on a chassis or trailer to be driven on a ro-ro ship which is engaged on short international voyages;
 - (b) the cargo items tendered by a shipper to the Master for packing into a container already on board the ship; and



- (c) off shore containers to which the International Convention for Safe Containers, 1972, according to the Guidelines for the approval of offshore containers handled in open seas(MSC/Circ.860) and the Revised recommendations on harmonized interpretation and implementation of the International Convention for Safe Containers, 1972, as amended(CSC.1/Circ.138/Rev.1), does not apply.

PART I

Container Gross Mass Verifier

4. (1) No person shall operate or engage in the business of container gross mass verifier except under the authority of a license issued by the Director-General of Merchant Shipping (hereinafter referred to as the “Director General”)for that purpose.

(2) Any person who is desirous to carry on the business of container gross mass verifier under Method No.1 or Method No. 2 or both methods as specified in regulation 15 of these regulations shall make an application for a license in that behalf, to the Director General substantially in the Form set out in the Schedule-I hereto accompanying with the following documents-

- (a) the certificate of verification issued by the Measurement Units, Standards and Service Department of Sri Lanka;
- (b) the Certificate of calibration issued by the Measurement Units, Standards and Service Department of Sri Lanka or approved authority by Sri Lanka Accreditation Board;
- (c) a letter appointing qualified person to issue Verification Gross Mass Certificate; and
- (d) a copy of certificates audited as part of a Quality Management System ISO standards or equipment maintenance procedures and discrepancy procedures for method No. 2.

(3) Every application submitted under subsection (2) shall contain complete and accurate information of all required particulars and be accompanied by the fee specified in the Schedule II hereto.

(4) The Director General may, having considered the information and particulars contained in an application submitted under subsection (2), and where the applicant has fulfilled the requirements pertaining to suitability to be issued with a license under this regulation, issue such license to the applicant.

(5) An application found to contain false, misleading or incorrect information or particulars shall be rejected.

5. A license issued under regulation 4, shall-

- (a) be in such form as the Director-General may determine;
- (b) be subject to such terms and conditions as specified in the license;
- (c) become operative from such date as shall be specified in the license; and
- (d) Unless earlier revoked, be in force for the period as specified in the license.

6. (1) A license issued under regulation 4 may be renewed upon an application being submitted for that purpose in the Form set out in the Schedule I hereto to the Director General, accompanied by the renewal fee, not less than thirty days prior to the date of expiration of the license previously issued.

(2) The Director General may renew a license on receipt of an application under subsection (1), where—

- (a) the licensee has not violated or done anything in contravention of the terms and conditions of the license issued; or
- (b) the licensee has not contravened any provisions of Merchant Shipping Act or any regulations made thereunder.

7. A license issued under regulation 4 may be suspended by the Director-General, where—

- (a) the licensee has been charged for the commission of an offence under Merchant Shipping Act or any regulations made thereunder; or
- (b) the licensee has contravened any provisions of Merchant Shipping Act or any regulations made thereunder and the severity of such contravention does not warrant a cancellation of the license.

8. (1) A license issued under regulation 4 shall be cancelled by the Director-General, Where-

- (a) it is found that the license had been obtained by providing false, misleading or inaccurate information;
- (b) the licensee has been convicted of an offence under merchant Shipping Act or any regulations made thereunder;
- (c) the licensee has acted in contravention or in violation of any terms or conditions subject to which such license was issued.

(2) Where a license issued is suspended or cancelled as the case may be under regulation 7 or this regulation, it shall be the duty of the Director-General to forthwith inform the licensee of such suspension or cancellation, by a written communication sent under registered post to the address given by the licensee.

9. Where an application for the issue or renewal of a license under regulation 4 or regulation 6, as the case may be, has been refused, the reasons for such refusal shall be recorded by the Director General to whom such application for the issue or the renewal was made. It shall be the duty of the Director General to inform the person making such application, by a written communication sent under registered post to the address appearing in the application, of the reasons for such refusal.

10. Any person who has been issued license to use Method No. 1 or Method No. 2 shall be registered on a database. The database shall be accessible to approved shippers and to both carriers (shipping lines) and port or terminal operators.

PART II

Container Carriers

11. (1) No person shall operate or engage in the business of container trucker including prime movers, lorries or trailers except under the authority of a licence issued by the Director-General for that purpose.

(2) Any person who is desirous to carry on the business of container trucker including prime movers, lorries or trailers shall make an application for a license in that behalf, to the Director General substantially in the Form set out in the Schedule-III hereto accompanying with the following documents-

- (a) Copy of the vehicle registration certificate.
- (b) Copy of the insurance
- (c) Full style of ownership
- (d) Weight verification certificate by an approved weigh bridge.

(3) Every application submitted under subsection (1) shall contain complete and accurate information of all required particulars and be accompanied by the fee specified in the Schedule II hereto.

(4) The Director General may, having considered the information and particulars contained in an application submitted under subsection (1), and where the applicant has fulfilled the requirements pertaining to suitability to be issued with a licence under this regulation, issue such licence to the applicant.

(5) An application found to contain false, misleading or incorrect information or particulars shall be rejected.

12. The provisions of regulations 5, 6, 7, 8 and 9 shall *mutatis mutandis* apply in relation to the license under this Part.

PART III

General

13. Every shipper shall be responsible-

- (a) for the verification of the gross mass of a container carrying cargo; and
- (b) for ensuring that the verified gross mass is communicated in the shipping documents sufficiently in advance.

14. In the failure to provide the verified gross mass of the packed container on the part of shipper's document, no container shall be loaded on to the ship unless the Master or his representative and the terminal representative have obtained in advance the verified gross mass of the container.

15. For the purpose of obtaining the verified gross mass of a packed container, there shall be two methods such as-

- (a) weighing the packed container using calibrated and verified weighing equipment known as Method No.1; and
- (b) weighing all packages and cargo items, including the mass of pallets, dunnage and other securing material to be packed in the container and adding the tare mass of the container to the sum of the single masses, using a certified method approved by the Director General known as Method No. 2.

16. (1) Individual, original sealed packages that have the accurate mass of the packages and cargo items clearly and permanently marked on their surfaces shall not be weighed again when they are packed into the container.

(2) Where certain types of cargo items such as scrap metal, unbagged grain and other cargo in bulk are not easily lend themselves to individual weighing of the items to be packed in the container, the Method No.2 may be inappropriate and impractical, and Method No.1 should be used instead.

(3) The method used for weighing the container's contents under Method No.2 shall be subject to certification and approval as determined by the Director General.

17. Every service provider under these regulations shall comply with such guideline as, may be issued, from time to time by Director General in the interest of the general public.

18. In these regulations, unless the context otherwise requires-

“calibrated and certified equipment” means a scale, weighbridge, lifting equipment or any other device, capable of determining the actual gross mass of a packed container or of packages and cargo items, pallets, dunnage and other packing and securing material, that meets the accuracy standards and requirements of the Measurement Units, Standards & Service Department of Sri Lanka;

“cargo items” has the same general meaning as the term “cargo” in the International Convention for Safe Containers, 1972, as amended and means any goods, wares, merchandise, liquids, gases, solids and articles of every kind whatsoever carried in containers pursuant to a contract of carriage. However, ship's equipment and ship's supplies¹, including ship's spare parts and stores, carried in containers are not regarded as cargo;

“container” has the same meaning as the term “container” in the International Convention for Safe Containers, 1972, as amended and means an article of transport equipment-

- (a) of a permanent character and accordingly strong enough to be suitable for repeated use;
- (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
- (c) designed to be secured or readily handled, having corner fittings for these purposes; and
- (d) of a size such that the area enclosed by the four outer bottom corners is either:
 - (i) at least 14 m² (150 sq. ft.); or
 - (ii) at least 7 m² (75 sq. ft.) if it is fitted with top corner fittings.

“gross mass” means the combined mass of a container's tare mass and the masses of all packages and cargo items, including pallets, dunnage and other packing material and securing materials packed into the container;

“package” means one or more cargo items that are tied together, packed, wrapped, boxed or parcelled for transportation. Examples of packages include, but are not limited to, parcels, boxes, packets and cartons;

“packed container” means a container, as previously defined, loaded (“stuffed” or “filled”) with liquids, gases, solids, packages and cargo items, including pallets, dunnage, and other packing material and securing materials;

“ship” means any vessel to which SOLAS chapter VI applies. Excluded from this definition are roll-on/roll-off (ro-ro) ships engaged on short international voyages where the containers are carried on a chassis or trailer and are loaded and unloaded by being driven on and off such a ship;

“shipper” means a legal entity or person named on the bill of lading or sea waybill or equivalent multimodal transport document (e.g. “through” bill of lading) as shipper and/or who (or in whose name or on whose behalf) a contract of carriage has been concluded with a shipping company;

“shipping document” means a document used by the shipper to communicate the verified gross mass of the packed container. This document can be part of the shipping instructions to the shipping company or a separate communication (e.g. a declaration including a weight certificate produced by a weigh station);

“short international voyage” as an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination;

“terminal representative” means a person acting on behalf of a legal entity or person engaged in the business of providing wharfage, dock, stowage, warehouse, or other cargo handling services in connection with a ship; and

“verified gross mass” means the total gross mass of a packed container as obtained by one of the methods.

SCHEDULE 1

(regulation4(2))

Application for a License or for Renewal of a License to carry on Business as a Container Gross Mass Verifier (SHIPPER/WEIGH BRIDGE)

1. Name of Applicant :_____.
2. Registered Address :_____.
3. Telephone No. :_____.Fax No. :_____.E mail address :_____.
4. For multiple sites, the addresses where verified weighing will be undertaken :_____.
5. Method (tick the appropriate method/s) :

Method 1	<input type="checkbox"/>
Method 2	<input type="checkbox"/>
Weigh Bridge	<input type="checkbox"/>
6. Name(s) of responsible person(s) operations director / logistics personnel etc.
7. Name of the staff officer and identity those who are authorized to sign the shippers Declarations:
8. Particulars of any previous License No. (if applicable):

We hereby confirm that we are fully conversant with the provisions of the written law relating to the activities covered by this license.

We declare that, to the best of our knowledge and belief, all the information contained in this application are true and correct.

:_____.
Name and Signature of Authorised Officer

Date :_____.

SCHEDULE II

(regulation 4(3))

<i>Subject</i>	<i>License fee per unit</i>
1. Container Gross Mass Verifier(shipper/ weigh Bridge)	Rs.12,500.00
2. Container trucker, Prime mover or Lorry	Rs. 500.00
3. Trailer	Rs. 250.00

SCHEDULE III

(regulation 11(2))

**Application for a License or for Renewal of a License to carry on Business as a Container Gross Mass Verifier
(Prime Mover/Lorry/ Trailer)**

1. Name of Applicant :_____.
2. Registered Address :_____.
3. Telephone No. :_____.Fax No. :_____. E mail address :_____.
4. Registration No.of the Vehicle :_____.
5. Ownership details of the Prime mover/Trailer/Lorry :_____.
6. Gross weight of the Prime mover/Trailer/Lorry :_____.
7. Details of modification if any :_____.
8. Weight Verification Certificate No. :_____.

We declare that, to the best of our knowledge and belief, all the information contained in this application are true and correct.

:_____.
Name and Signature of Authorised Officer

Date :_____.

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