

Notes:

- 1 Rows 1 and 2 of the above table describe (a) ordinary shipboard tasks, functions, events and conditions, (b) the corresponding physical abilities which may be considered necessary for the safety of a seafarer, other crew members and the ship, and (c) high-level criteria for use by approved medical practitioners assessing medical fitness, bearing in mind the different duties of seafarers and the nature of shipboard work for which they will be employed.
- 2 Row 3 of the above table describes (a) ordinary shipboard tasks, functions, events and conditions, (b) the corresponding physical abilities which shall be considered necessary for the safety of a seafarer, other crew members and the ship, and (c) high-level criteria for use by approved medical practitioners assessing medical fitness, bearing in mind the different duties of seafarers and the nature of shipboard work for which they will be employed.
- 3 This table is not intended to address all possible shipboard conditions or potentially disqualifying medical conditions. Approved Medical practitioners should use their professional judgement on physical abilities applicable to the category of seafarers (such as “Deck officer” and “Engine rating”). The special circumstances of individuals and for those who have specialized or limited duties should receive due consideration.
- 4 If in doubt, the medical practitioner should quantify the degree or severity of any relevant impairment by means of objective tests, whenever appropriate tests are available, or by referring the candidate for further assessment.
- 5 The term “assistance” means the use of another person to accomplish the task.
- 6 The term “emergency duties” is used to cover all standard emergency response situations such as abandon ship or fire fighting as well as the procedures to be followed by each seafarer to secure personal survival.

L.D.B- 3/2013 II.

MERCHANT SHIPPING ACT, No. 52 OF 1971

REGULATIONS made by the President, by virtue of the powers vested in him, by sections 126 and 321 of the Merchant Shipping Act, No. 52 of 1971, read with article 44(2) of the Constitution.

MAHINDA RAJAPAKSA,
President.

Colombo,
1st July, 2013.

Regulations

1. These Regulations may be cited as the Merchant Shipping (Safe Manning) Regulations 2013, and shall come into force on July 01, 2013.
2. (i) The Merchant Shipping (safe manning) Regulations 1998 published in Gazette No.1036/21 of July 17, 1998 shall be rescinded with effect from July 01, 2013;
- (ii) Notwithstanding the above provisions, safe manning documents issued under the Merchant Shipping (safe manning) Regulations 1998 shall continue to be valid subject to the provisions of these regulations until December 31, 2016.

Definitions

3. In these regulations, unless the context otherwise requires –

‘**Act**’ means the Merchant Shipping Act, No. 52 of 1971 :-

‘**Certificate of Competency**’ means a certificate of authority granted under the Merchant Shipping (Training, Certification and Watch Keeping) Regulations 2013;

‘**Chief Engineer Officer**’ means the senior engineer officer responsible for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship;

‘**Chief mate**’ means the deck officer next in rank to the Master and upon whom the command, control or charge of the ship shall fall in the event of the incapacity of the Master;

‘**Company**’ means the owner of the ship or any other organisation or person such as the manager, or the bareboat charterer, who has assumed responsibility for the operation of the ship from the ship owner and who, on assuming such responsibility, has agreed to take over all duties and responsibilities imposed on the Company by these Regulations;

‘**Deck Officer**’ means a navigating officer qualified in accordance with the provisions of Chapter II of the STCW Code as amended in 2010;

‘**Director General**’ means the Director General of Merchant Shipping;

‘**Engineer Officer**’ means an officer qualified in accordance with the provision of Chapter III of STCW Code as amended in 2010;

‘**EWKO**’ means Engineering watch keeping officers.

‘**GT**’ means Gross Tonnage;

‘**Master**’ means the person in command, control or charge of a ship;

‘**near coastal voyages**’ (NCV) means voyages of ships engaged in the coastal trade from any port or place in Bangladesh, India, Maldives, Myanmar and Sri Lanka to any other port or place in the said Nations subject to specific reference with regard to proximity of safe havens during such voyages as determined by the Administration;

‘**NWKO**’ means navigational watch keeping officer;

‘**officer**’ means a member of the crew, other than the Master, designated as such by national law or Regulations or, in the absence of such designation by collective agreement or custom;

‘**radio operator**’ means a member of the crew holding an appropriate certificate issued or recognised by the Director General under the provisions of the Radio Regulations;

‘**Rating**’ means a member of the crew of the ship other than the Master or an officer;

‘**Safe manning document**’ means a document, described as such, issued, in the case of a Sri Lankan ship, by the Director General of Merchant Shipping and in the case of any other ship by or on behalf of the government of the State whose flag the ship is entitled to fly;

‘seagoing ship’ means a trading ship other than those which navigate exclusively in inland waters or in waters within, or closely adjacent to, sheltered waters or areas where port regulations apply;

‘Second Engineer Officer’ means the engineer officer next in rank to the Chief Engineer Officer, upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the Chief Engineer Officer;

Application —

4. These Regulations shall apply to all seagoing ships registered under the Sri Lankan flag wherever they are; and other seagoing ships when in Sri Lankan waters other than fishing vessels and pleasure crafts not engaged in trade.

Safe Manning Document —

5. It shall be the duty of the Company to ensure that, in relation to every ship -

- (a) a safe manning document is in force in respect of the ship and manning thereof;
- (b) the manning of the ship is maintained at all times to at least the levels specified; and
- (c) the safe manning document is kept onboard the ship at all times and is available for authorized inspection.

6. The Master of any ship to which these Regulations apply shall ensure that the ship does not proceed to sea unless there is on board a valid safe manning document and the manning of the ship complies with the document.

7. A company applying for a safe manning document in respect of a Sri Lankan ship shall submit to the Director General of Merchant Shipping a proposal taking into consideration the following -

- (a) the manning scales set out in Schedules I and II of these Regulations;
- (b) the recommendations of the International Maritime Organization including but not limited to trade and type of operation;
- (c) the nature of the operation;
- (d) technical characteristics inclusive of type and size of the ship;
- (e) the extent of the crew work load and possible emergency situations.

8. The Director General of Merchant Shipping may before issuing the safe manning document require additional information and on consideration of such information, cause the safe manning document to be issued.

9. It shall be the duty of the Company after the issue of the safe manning document to inform the Director General of Merchant Shipping as soon as any material information communicated which may have a bearing of the approved manning scale has changed. The Director General may in such cases require the submission of a fresh proposal for continuing validity of a safe manning document.

10. Manning scales specified in a safe manning document are the minimum necessary to ensure that the required watch keeping standard is maintained and that personnel are able to obtain mandatory minimum hours of rest specified in the Merchant Shipping (Training, Certification and Watch keeping) Regulations 2013.

11. The manning scales specified in a safe manning document do not take account of commercial requirements of a company or peak workloads.

12. The responsibility of ensuring that ships are safely, sufficiently and efficiently manned rests with the companies.

13. Companies shall ensure that ships are manned by duly certificated masters, officers and ratings as per applicable safe manning document.

Exemptions —

14. Director General of Merchant Shipping may grant, on such terms as he may specify exemptions from all or any provision of these Regulations on a case by case basis;

Penalties —

15. (1) Any owner or manager of a ship to which these Regulations apply who violates any of the provisions of these Regulations shall be guilty of an offence and on conviction by a court shall be liable to a fine not exceeding rupees One Hundred thousand or to imprisonment for a term not exceeding two years or to both such fine and imprisonment;

(2) Any Master of a ship to which these Regulations apply who violates any of these Regulations shall be guilty of an offence and on conviction by a Court shall be liable to a fine not exceeding rupees One Hundred thousand or to imprisonment for a term not exceeding one year or to both such fine and imprisonment;

Power to Detain ;

16. Where -

- (a) in relation to a Sri Lankan Ship any of these Regulations is contravened; or
- (b) in relation to a ship which is not a Sri Lankan ship regulation 4 of these Regulations is contravened, the ship may be detained and section 207 and 208 of the Merchant Shipping Act, No.52 of 1971 shall apply.

SCHEDULE I

MANNING SCALES - DECK OFFICERS

TRADING AREA AND DESCRIPTION OF SHIPS

	<i>Unlimited* 3000 GT or more</i>	<i>Unlimited* 500 GT to 3000 GT</i>	<i>Unlimited* less than 500 GT</i>	<i>N.C.V. 3000 GT or more</i>	<i>N.C.V. 500 GT to 3000 GT</i>	<i>N.C.V. less than 500 GT</i>
Master	1	1	1	1	-	-
Chief Mate	1	1	-	1	-	-
N.W.K.O	2	1	2	1	-	-
Master less than 3000GT NCV	-	-	-	-	1	-
Chief Mate less than 3000GT NCV	-	-	-	-	1	-
N.W.K.O. less than 3000GT NCV	-	-	-	-	1	-
Master less than 500GT NCV	-	-	-	-	-	1
N.W.K.O. less than 500GT NCV	-	-	-	-	-	1

*Unlimited means unlimited trading areas.

SCHEDULE II

MANNING SCALES—ENGINEER OFFICER

TRADING AREA AND DESCRIPTION OF SHIPS

	<i>Unlimited* 3000 KW or more</i>	<i>Unlimited* 750 KW to 3000 WK</i>	<i>Unlimited* 250 KW to 750 KW</i>	<i>N.C.V. 3000 WK or more</i>	<i>N.C.V. 750 KW to 3000 WK</i>	<i>N.C.V. 250 KW to 750 KW</i>
Chief Engineer Officer	1	1	-	1	-	-
Second Engineer Officer	1	1	1	1	-	-
E.W.K.O	2	1	1	1	-	-
Chief Engineer Officer NCV	-	-	-	-	1	-
Second Engineer Officer NCV	-	-	-	-	1	1
E.W. K.O.	-	-	-	-	1	1

*Unlimited means unlimited trading areas.

08-39