

# **PART I: SECTION (I) – GENERAL**

## **Government Notifications**

LD.B.1/72.

### **THE MERCHANT SHIPPING ACT, NO.52 OF 1971**

REGULATIONS made by the Ministry of Shipping by virtue of the powers vested in her by sections 126 and 321 of the Merchant Shipping Act, No.52 of 1971

CHANDRICA BANDARANAYAKE KUMARATHUNGE,  
Ministry of Shipping.

Colombo,  
17<sup>th</sup> July, 1998.

### **Regulations**

#### **Title**

1. These regulations may be cited as the Merchant Shipping (Training, Certification and Watch Keeping) Regulation 1998, giving effect to the International Convention on standards of Training, Certification and watch keeping for Seafarers, 1978, as amended in 1995. These regulations shall come in to force on August 1, 1998.
2. (1) Merchant Shipping (Desk and Engineer Officer Certificate Examinations) Regulations 1990 published in Gazette No.621/18 of August 03, 1990 shall be rescinded with effect from August 1, 1998  
(2) Notwithstanding the above provisions, Certificates may be issued, endorsed, revalidated or recognized in accordance with the Merchant Shipping (Deck and Engineer Officers' Certificate Examinations) Regulations 1990, until January 31, 2002, in respect of those seafarers who commenced approved seagoing service and training prior to August 1, 1998.
3. Notwithstanding the provisions of Merchant shipping (Engagement and Conditions of Service of Seamen Regulations 1980) these regulations shall apply in respect of an owner, company and agency having responsibility for safe ship operations required by section 139 read with section 333(d) of the Act.

## Definitions

4. In these Regulations, unless the context otherwise requires.

'**Act**' means the Merchant Shipping Act, No 52 of 1971;

'**Administration**' means the authority responsible for implementation of these regulations;

'**Approved**' means approved by the Director or a Chief Examiner;

'**appropriate certificate**' means a certificate issued and endorsed in accordance with the provisions of these regulations entitling the lawful holder thereof to serve in the capacity, and perform the functions involved at the level of responsibility specified therein on a ship of the type, tonnage, power and means of propulsion concerned while engaged on the particular voyage concerned;

'**Certificate of competency**' means a certificate of authority granted under these regulations to a seafarer, qualifying him to serve in the appropriate capacity specified in these regulations;

'**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 examiner**' means the Chief Examiner of Master and Deck Department personnel and the Chief Examiner of Engine Department personnel appointed by the Director.

'**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.

'**Chemical tanker**' means a 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;

'**Code of practice**' (COP) means an approved guidance document or hand book containing programmes of maritime education, training, assessment and certifications of seafarers issued by the relevant Ministry;

'**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 ship owner and who, on assuming such responsibility has agreed to take over all the duties and responsibilities imposed on the company by these regulations;

'**Convention**' means the International Convention on Standards of Training, Certification and watch keeping for Seafarers (STCW) 1978, as adopted by the International Conference on Training and Certification of Seafarers on 7<sup>th</sup> July 1978, and which entered into force on 28<sup>th</sup> April 1984 and to which amendments have been adopted in 1991, 1994 and 1995.

**‘Dangerous cargo’** includes a cargo of-

- (a) Crude petroleum or any of its by-products in bulk;
- (b) liquefied gas including liquefied natural gas, liquefied petroleum gas or any other gas listed in Chapter XIX of the International Maritime Organization ‘Code for the Construction and Equipment of Ships Carrying liquefied Gases in Bulk ; or
- (c) liquid chemical as listed in Chapter vi of the International Maritime Organization ‘Code for the Construction and Equipment of Ships carrying Dangerous chemicals in Bulk’ ;

**‘Deck Officer’** means a navigating officer qualified in accordance with the provision of chapter II of the STCW-1978 Convention as amended in 1995;

**‘Deck Officer Cadet’** means a person under training to become a Deck Officer;

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

**‘dredger’** means a mechanically propelled ship equipped with excavating machinery employed in deepening channels and harbours and in removing underwater obstructions such as shoals and bars;

**‘endorsement’** means attesting the issue of a certificate or the recognition of a certificate, granting authority to the holder to carry out the duties of master or an officer as the case may be, subject to the limitations specified in these regulations;

**‘Engineer Officer’** means an officer qualified in accordance with the provision of Chapter III of STCW-78 Convention as amended in 1995;

**‘Engineer officer Cadet’** means a person under training to become an Engineer Officer;

**‘Examiners’** means Examiners of Master and Deck department personal and Engine Department Personnel appointed by the Director;

**‘fishing vessel’** means a ship used for catching fish or other living resources of the sea;

**‘function’** means a group of tasks, duties and responsibilities specified in the STCW code, necessary for ship operation, safety of life at sea and protection of the marine environment ;

**‘GMDSS’** means Global Maritime Distress and Safety System;

**‘GT’** means Gross Tonnage;

**‘International instruments’** means provisions enacted by Sri Lanka for safety of life at sea and prevention of marine pollution;

**‘liquefied gas tanker’** means a ship constructed or adopted and used for the carriage in bulk of any liquefied gas or other product listed in chapter 19 of the International Gas Carrier Code;

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

**‘Month’** means a calendar month or 30 days made up of periods of less than one month;

- ‘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 regards to proximity of safe havens during such voyages as determined by the administration;
- ‘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;
- ‘oil tanker’** means a ship constructed and used for the carriage of petroleum and petroleum products in bulk;
- ‘propulsion power’** means the total maximum continuous rated output power in kilowatts of all the ship’s main propulsion machinery which appears on the ship’s certificate of registry or registry or other official document;
- ‘radio duties’** include, as appropriate, watch keeping and technical maintenance and repairs conducted in accordance with the Radio Regulations, the International Convention for the Safety of life at Sea and at the discretion of the Director, the relevant recommendations of the International Maritime Organization;
- ‘radio operator’** means a member of the crew holding an appropriate certificate issued or recognized by the Director under the provisions of the Radio Regulations;
- ‘Rating’** means a member of the crew of the ship other than the master or an officer;
- ‘Regulations’** means the merchant Shipping (Training, Certification and watch Keeping) regulations 1998.
- ‘ro-ro passenger ship’** means a passenger ship with ro-ro cargo spaces or special category spaces as defined in the International convention for the Safety of Life at Sea, 1974, as amended from time to time;
- ‘Seagoing service’** means service on board a ship relevant to the issue of a certificate or other qualification;
- ‘Seagoing ship’** means a ship other than a ship which navigates exclusively in harbours, Inland waters or in waters closely adjacent to sheltered waters;
- ‘Second Engineer Officer’** means the engineer officer, next in rank to the chief engineer officer and 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;
- ‘STCW Code’** means the seafarers’ Training, Certification and watch keeping (STCW) Codes as adopted by the 1995 Conference of parties to the International Convention on the standard of training, certification and watchkeeping, 1978;
- ‘Telecommunications Regulatory Commission’** means the authority established under the Sri Lanka Telecommunications Act No.25 of 1991 as amended by Act No.27 of 1996, responsible for the Radio Regulations annexed to International Telecommunication Convention;
- ‘Trading ship’** means a seagoing ship used for transporting cargo, passengers or livestock;
- ‘ tug’** means a mechanically propelled ship with little or no cargo capacity, used for towing or assisting ships at sea, in and out of harbours, rivers and docks or for towing or pushing barges, lighters and other small craft ; and
- ‘Universities Act’** means University Act of Sri Lanka No.16 of 1978.

## **Application**

5. (1) These regulations shall apply to:-

- (a) all seagoing ships other than fishing vessels and pleasure craft not engaged in trade, registered under the Sri Lanka flag;
- (b) all seafarers in possession of Continuous Discharge Certificate or Certificate of Competency or Endorsement or any other certificate or document issued by the Director of Merchant and shipping ; and
- (c) ships of other flags and seafarers in possession of foreign Continuous Discharge Certificates, Certificates of Competency, Endorsements or any other certificates or documents under these regulations.

(2) These regulations will establish standards of competency based on the functions and at the levels of responsibility as set out in Schedule A and Schedule B to this regulation.

## **SCHEDULE A**

### **FUNCTIONS**

- 1. Navigation
- 2. Cargo handling and stowage
- 3. Controlling the operation of the ship and care for person on board.
- 4. Marine engineering.
- 5. Electrical, electronic and control engineering.
- 6. Maintenance and repair
- 7. Radio communications.

## **SCHEDULE B**

### **LEVELS OF RESPONSIBILITY**

- 1) Management Level (Master, Chief Mate, chief Engineer & Second Engineer).
- 2) Operation Level (Navigational watch keeping Officer & Engineering watch keeping Officer).
- 3) Support Level (watch keeping Ratings).

### **Role of the director**

- 6. The Director shall be responsible for the administration of these regulations within the frame work of the Laws of Sri Lanka, for the time being in force.

## 7. Classes of Certification and Endorsements

(1) The Director shall subject to the conditions hereinafter provided, issue the following classes of certificates and endorsements in the deck department:-

### Certificate of Competency

- a) Certificate of Competency-Master
- b) Certificate of Competency-Chief Mate
- c) Certificate of Competency-Officer in Charge of a Navigational Watch
- d) Certificate of Competency-Master on Ships of less than 3,000GT engaged on Near Coastal Voyages (NCV)
- e) Certificate of Competency-Chief Mate on Ships of less than 3,000GT engaged on Near Coastal Voyages (NCV)
- f) Certificate of Competency-Officer in Charge of a Navigational Watch on Ships of less than 3,000GT engaged on Near Coastal Voyages (NCV)
- g) Certificate of Competency-Master on Ships of less than 500GT engaged on Near Coastal Voyages (NCV)
- h) Certificate of Competency-Officer in Charge of a Navigational Watch on Ships less than 500GT (NCV)
- i) Rating Certificate-Rating Forming a part of a Navigational Watch

### Endorsements

- j) Endorsements for Master limited to ships of less than 3,000GT on NCV
- k) Endorsements for Chief Mate limited to ships of less than 3,000GT on NCV
- l) Endorsements for Master limited to ships of less than 500 GT on NCV

(2) In the case of Deck Officers, Director shall subject to requirement hereinafter provided, make:-

- (i) Endorsement (J&I) on Certificates of Competency (b);
- (ii) Endorsement (K&I) on Certificates of Competency (c);
- (iii) Endorsement (I) on Certificates of Competency (e);

Provided that a Deck Officer who holds an endorsement when qualified for the issue of a higher certificate, shall be entitled to have the same endorsement transferred to that certificate

(3) Radio Communications and Radio Personnel Endorsements

1. The Director may subject to the conditions hereinafter provided issue the following classes of endorsements for the radio duties;
  - a) Endorsement to GMDSS General Operator's Certificate issued by Telecommunication Regulatory Commission
  - b) Endorsement to GMDSS Restricted Operator's Certificate issued by Telecommunication Regulatory Commission
2. GMDSS Certificates are not valid for service on Sri Lankan Ships unless endorsed as above

## **Marine Engineer Officers and Engine Room Rating**

(4) The Director shall subject to the conditions hereinafter provided, issue the following classes of certificates and endorsements in the deck department:-

### Certificate of Competency

- a) Certificate of Competency-chief Engineer Officer
- b) Certificate of Competency-Second Engineer Officer
- c) Certificate of Competency-Officer in Charge of an Engineering Watch
- d) Certificate of Competency-Chief Engineer Officer limited to ships of propulsion power of between 750Kw and 3000Kw engaged on near coastal voyages.
- e) Certificate of Competency- Second Engineer Officer limited to ships of propulsion power of between 750Kw and 3000Kw engaged on near coastal voyages.
- f) Certificate of Competency- Officer in Charge of an Engineering Watch limited to ships of propulsion power of between 750Kw and 3000Kw engaged on near coastal voyages
- g) Rating Certificate-Rating Forming a part of an engine room watch

### Endorsements

- h) Endorsement to sails as Chief Engineer Officer limited to ships of propulsion power between 750kw and 3000kw engaged on Near Coastal Voyages
- i) Endorsement to sails as Second Engineer Officer on ships of propulsion power between 750kw and 3000kw engaged on Near Coastal Voyages

(2) In the case of Engineer Officers, Director may subject to requirement hereinafter provided, make:-

- (i) Endorsement (h) on Certificates of Competency (b);
- (ii) Endorsement (i) on Certificates of Competency (c);

Provided that an Engineer Officer who holds an endorsement when qualified for the issue of a higher Certificate shall be entitled to have the same endorsement transferred to that certificate

### ***Conditions of Entry and Eligibility Requirements***

#### **(a)Officers and Ratings**

8.(1). *Every Candidate for a Certificate of Competency or an endorsement shall produce*

- a. Birth Certificate
- b. An eyesight standards test certificate relating to him in the capacity he holds, which test has been carried out by a Medical Practitioner approved by the Director for conducting such test. The test shall be conducted in accordance with the standards specified in the first schedule (Please see page 26)
- c. A medical fitness certificate relating to him in the capacity he holds, which has been carried out by a Medical Practitioner approved by the Director for conducting such test. The test shall be conducted in accordance with the standards specified in the Second Schedule(Please see page 27) and

d. In the case of officers, testimonials relating to character, good conduct, sobriety, experience and ability on board ship obtained prior to the date of application. Such testimonials shall except where the Chief Examiners permits otherwise, be under the signature of both, the Master or Chief Engineer and authorized company representative of the ship on which service has been performed.

(2) Where qualifying service or training has been conducted on non-trading ships such as dredgers, research vessels, salvage vessels and tugs, their certificates may be restricted to service on such vessels only

(3) The Masters, Deck Officers, Engineer officers and Ratings serving on ro-ro passenger ships which have a bulk cargo, specified in whole or in part as being a dangerous cargo shall, in addition to holding the qualifications required generally for the respective certificates of competency, satisfy additional requirements specified in regulation 26 herein

***9. Mandatory Minimum Requirements for training and qualification of Masters, Officers, and Ratings in the Deck Department***

**(1) Every candidate for the issue of a Certificate as Rating Forming Part of a Navigational Watch on Ships of 500GT or more shall:-**

(a) Not be less than 18 years of age on the date of commencement of the examination for the issue of the Certificate

(b) Have completed:

(i) at least nine months training and experience relevant to bridge watch keeping as approved by the Chief Examiner on vessels of 500GT or more; or

(ii) a period of approved sea going service of not less than five months on ships of 500GT or more and a period of approved special training of not less than two months; or

(iii) Not less twelve months approved seagoing service in a relevant capacity in the deck department during the period from August 1, 1993 to August 1, 1998 on ships of 500GT or more;

Provided that ratings who do not possess twelve months of sea service during preceding five years from the date of examination shall follow a special Refresher Course as approved by the Chief Examiner;

(c) produce documentary evidence of having successfully completed the approved training in Personal Survival Techniques (A-VI/I-1 in STCW Code), Fire Prevention and Fire Fighting (A-VI/I-2 in STCW Code), Elementary First Aid (A-VI/I-3 in STCW Code), and Personal Safety and Social Responsibilities (A-VI/I-4 in STCW Code), before he or she can be considered as having qualified for the issue of the Certificate as a Rating Forming Part of a Navigational Watch; and

(d) Meet the standards of competence specified in section A-11/4 of the STCW code

**(10 ) Every candidate for a Certificate of Competency as officer in charge of a Navigational Watch on Ships of less than 500GT, engaged on Near Coastal Voyages shall:**

- (a) not be less than 18 years of age on the date of commencement of the examination for the issue of the Certificate of Competency
- (b) Have completed:
  - (i) an approved training of not less than twenty four months duration, either pre-sea or on board ship, which include a period of seagoing service of not less than twelve months durations and has served at least six months out of the twelve months seagoing period performing duties associated with bridge watch keeping on ships of 80GT or more or
  - (ii) approved seagoing service in the deck department of not less than thirty six months duration, on ships of 80GT or more
- (c) produce documentary evidence of having successfully completed training Personal Safety and Social Responsibilities (A-VI/1-4 in STCW code), Proficiency in Survival Craft and Rescue Boats(A-VI/2-1 in STCW Code, Advanced Fire Fighting(A-VI/3 in STCW Code, Medical First Aid (A-VI/4-1 IN STCW code) and general operator's certificate (GMDSS), before he or she can be considered as having qualified for the issue of the Certificate of Competency: and
- (d) have completed education, training, examination and assessment meeting the standards of competence specified in section A-11/3 of the STCW code for officers in charge of navigational watch on ships of less than 500GT engaged on near coastal voyages.

**(11.) (1) Every candidate for a Certificate of Competency as Master limited to ships of less than 500GT engaged on near coastal voyage shall**

- (a) Have an approved seagoing service of not less than twelve months as an officer in charge of navigational watch on ships of more than 80GT engaged on near coastal voyages
  - (b) Produce documentary evidence of having successfully completed the approved training in proficiency in Medical care (A-vi/4-2 in STCW code) before he or she can be considered as having qualified for the issue of a certificate of a certificate of competency
  - ©have completed approved education, training, examination and assessment meeting the standard of competence specified in A-11/3 of the STCW code for Masters on ships of less than 500GT engaged on near coastal voyages.
- (2) Every candidate who applies for this certificate having certificate endorsed as subject to the limitation tug service only shall have served at least half the qualifying seagoing period on seagoing tugs and the balance on seagoing ships other than tug

**(12.) (1) Every candidate for the certificate of competency as officer in charge of Navigational Watch on ships of less than 3000GT engaged on near coastal voyages shall:**

(a) not be less than 18 years of age on the date of commencement of the examination for the issue of the Certificate of Competency

(b) Have completed:

(i) approved seagoing services of not less than eighteen months duration in the deck department on ships of 500GT or more as part of an approved training program which includes on-board training as specified in an approved record book that meets the standards of competence specified in section A11/1 of the STCW code as appropriate to near coastal voyages, or otherwise have an approved seagoing service of not less than 36 months.

A candidate who has performed approved seagoing service on a ship of less than 500GT shall be assessed at two-third of the actual seagoing service claimed

(ii) have performed during the required seagoing service not less than six months bridge watch keeping duties as specified in the DECK cadet's Training Record Book under the supervision of the Master or a qualified officer,

(c) produce documentary evidence of having successfully completed the following approved training, for issue of a certificate of competency , in Personal Safety and Social Responsibilities (A-VI/I-4in STCW Code), proficiency in Survival Craft and rescue boats (A-vi/2-1 in STCW code), Advanced Fire Fighting (A-Vi/3 in STCW Code ), Medical First Aid ( A-VI/4-1 in STCW Code ) and General Operator's Certificate (GMDSS) :and

(d) have completed approved education, training, examination and assessment meeting the standard of competence specified in A-11/1 of the STCW code for officer in charge of a navigational watch on ships less than 3000GT engaged on near coastal voyages.

(2) Two-third of the period of service on deck duties on seagoing ships of less than, 500GT may be treated as seagoing service for the purpose of this regulation and every candidate shall, in addition, have served at least twelve months performing deck duties on seagoing ships of 500GT or more.

**(13.) (1) Every candidate for the issue of certificate of Competency as Chief Mate on ships less than 3000 GT engaged on near coastal voyages shall:-**

(a)hold a certificate of Competency as an Officer in charge of a navigational watch on ships of less than 3000 GT engaged on near costal voyages;

(a) have approved seagoing service as an officer in charge of a navigational watch on ships of 500 GT or more for not less than eighteen months including at least three months seagoing service within twelve months immediately preceding the approved education and training;

(b) produce documentary evidence of having successfully completed the approved training for proficiency in Medical Care ( A-VI/4-2 in STCW Code) on board ship, for issue of the certificate of competency; and

(c) have completed approved education, training, examination and assessment meeting the standard of competence specified in Section A-II/2 in STCW Code for Masters and Chief Mates on ships of between 500 GT to 3000 GT engaged on near coastal voyages;

**(14) Every candidate for the issue of certificate of Competency as Master on ships less than 3000 GT engaged on near coastal voyages shall:-**

- (a) Hold a Certificate of Competency as Chief Mate on ships of less than 3000GT engaged on near coastal voyages
- (b) Has approved seagoing service of not less than thirty six months as an officer in charge of a navigational watch, on ships of 500GT or more. However, this period may be reduced to not less than 30months, or pro-rata, if not less than 12 months of such seagoing service has been served as chief mate on ships of 500GT or more
- (c) Have completed an approved ship management course
- (d) have completed approved simulator training in ship handling/maneuvering, or in lieu additional three months approved seagoing service as Chief Mate on ships not less than 500GT on near coastal voyages and
- (d) Pass an examination conducted by the Chief examiner meeting the standards of competence specified in section A-11/2 in STCW code for Master on ships of between 500GT and 3000GT engaged near coastal voyages

**(15(1) Every candidate for the issue of certificate of competency as officer in charge of a Navigational watch on ships of 500GT or more shall:-**

- (a) not be less than 18 years of age on the date of commencement of the examination for the issue of the certificate of competency
- (b) have approved seagoing service in the deck department on trading ships of 500GT or more for period of not less than eighteen months as part of an approval training program which meets the requirements of section A-11/1 and in which on board training is documented in an approved record book or other wise have approved seagoing service of not less than thirty six months
- (c) have performed, during the required seagoing service, bridge watch keeping duties under the supervision of the Master or a qualified officer for period of not less than six months
- (d) produce documentary evidence of having successfully completed the approved training, in Personal Safety and Social Responsibilities (A-VI/I-4in STCW Code), proficiency in Survival Craft and rescue boats (A-vi/2-1 in STCW code), Advanced Fire Fighting (A-Vi/3 in STCW Code), Medical First Aid (A-VI/4-1 in STCW Code) and General Operator's Certificate (GMDSS), for issue of a certificate of competency and
- (c) Have completed approved education, training, examination and assessment meeting the standard of competence specified in Section A-II/1 of the STCW

**(16)1) Every candidate for the issue of certificate of competency as Chief Mate on ships shall:-**

- (a) Hold a Certificate of Competency as an officer in charge of navigational watch on ships of 500GT or more
- (b) Have approved seagoing services as and officer in charge of a navigational watch on ships 500GT or more for a period of not less than twelve months
- (c) Produce documentary evidence of having successfully completed approved training for proficiency Medical Care on board as specified in (A-VI/4-2 in STCW code and
- (e) have completed approved education, training, examination and assessment meeting the standard of competence set out in section A-11/2 of the STCW code for Masters and Chief Mates on ships of 3000GT or more or on ships of between 500GT and 3000GT as appropriate

**(17)(1) Every candidate for the issue of the certificate of competency as Master shall**

- (a) hold an appropriate certificate of competency as Chief Mate
- (b) Have approved seagoing service of not less than twenty four months as an officer in Charge of a navigational watch, while holding the certificate of competency as Chief Mate. However, this period may be reduced to not less than twelve months, or pro-rata, if such seagoing service has been served as a Chief Mate on ships of 500GT or more
- (c) Have completed an approved Management program and
- (d) Pass an examination conducted by the Chief Examiner meeting the standard of competence specified in section A-11/2 in the STCW code, for Master on ships of 3000GT or more or on ships of between 500GT and 3000GT as appropriate.

## **Radio Communication and Radio Personnel**

(18.) Every candidate requiring and endorsement attesting a GMDSS General Operator's Certificate for compliance with the provisions of Chapter IV of the Convention, shall

- (a) be not less than 18 years of age on the date of the application for the issue of the endorsements.
- (b) Hold a GMDSS General Operator's Certificate (GOC) issued by the Telecommunications Regulatory Commission of Sri Lanka; and
- (c) Produce documentary evidence of having successfully completed the following approved training in Personal safety and Social Responsibilities (A-VI/1-4 in STCW code), Proficiency in Survival Crafts and Rescue Boats(A-VI/2-1) in STCW code, Advanced Fire Fighting (A-VI/3 in STCW Code) and Medical First Aid (A-VI/4-1 in STCW Code)

(19.) Every candidate requiring an endorsement attesting a GMDSS Restricted Operator's Certificate or compliance with provisions of Chapter IV of the Convention, shall-

- (a) be not less than 18 years of age on the date of the application for the issue of endorsement;
- (b) hold a GMDSS Restricted Operator's Certificate (ROC) issued by the Telecommunications Regulatory Commission of Sri Lanka; and
- (c) Produce documentary evidence of having successfully completed the following approved training in Personal safety and Social Responsibilities (A-VI/1-4 in STCW code), Proficiency in Survival Crafts and Rescue Boats(A-VI/2-1) in STCW code, Advanced Fire Fighting (A-VI/3 in STCW Code) and Medical First Aid (A-VI/4-1 in STCW Code)

***Mandatory Minimum Requirements for training and qualifications of Marine Engineer Officers and ratings in the Engine department***

**(20)(1) Every candidate for the issue of Certificate as Rating forming part of an engineering watch on ships of propulsion power 750Kw or more shall:**

- a) Not be less than 18 years of age on the date of the commencement of the examination for him issue of certificate;
- b) Have completed:
  - (i) At least nine months training and experience relevant to engineering watch keeping as approved by the Chief examiner on vessels of propulsion power 750KW or more: or
  - (ii) a period of approved sea going service of not less than 5 months on ships of 750KW or more and a period of approved special training of not less than two months; or
  - (iii) not less than twelve months seagoing service on ships of propulsion power 750KW or more in a relevant capacity in the engine department during the period from 01.08.1993 to 01.08.1998, and

Provided that those ratings who do not possess twelve months of sea service during preceding five years from the date of examination shall follow a special refresher Course as approved by the Chief Examiner.

- c) produce documentary evidence of having successfully completed the approved training in Personal Survival Techniques (A-VI/1-1 in STCW Code), fire prevention and fire fighting (A-VI/1-2 in STCW Code), Elementary First Aid (A-VI/1-3 in STCW Code) and Personal safety and social Responsibilities, (A-VI/1-4 in STCW Code), before he or she can be considered as having qualified for issue of the Certificate as rating forming a part of an engine room watch; and
- d) Meet the standard of competence specified in section A-III/4 of the STCW Code.

**(21)(1) Every candidate for the Certificate of Competency as Officer-in-charge of an Engineering watch limited to ships of propulsion power of between 750Kw and 3000 Kw on near coastal voyages shall:**

- (a) be not less than 18 years of age on the date of commencement of the examination for the issue of the certificate;
- (b) Have completed:
  - (i) thirty months of training which includes onboard training duly documented in an approved training record book;
  - (ii) not less than six months approved seagoing service in the engine department closely supervised and monitored by a certificated engineer officer abroad the ship in which the seagoing service is performed, is adequately documented in an approved training record book;
  - (iii) produce documentary evidence of having successfully completed approved training in Personal safety and social responsibility(A-VI/1-4 in STCW Code), Proficiency in survival Craft and rescue boats (A-VI/2-1 in STCW Code) Advanced fire fighting (A-VI/3 in STCW Code) and Medical first aid (A-VI/4-1 in STCW Code) before he or she can considered as having qualified for issue of the Certificate of Competency – Officer in charge of an engineering watch limited to ships of propulsion power of between 750KW and 3000KW on near coastal voyages; and
- (c) Approved education, training, examination and assessment meeting the standard of competence specified in section A –III/I of the STCW Code as applicable for ships engaged on near coastal voyages;
  - (2) candidates who have not satisfied the standard of competency specified in section A-III/1 of STCW Code for the operation and maintenance of steam boilers may be issued with a Certificate of Competency which shall not be valid for service on ships in which steam boilers form part of ship’s machinery until the engineer officer meets the required standard of competence.

**(22) (1)Every candidate for the issue of Certificate of competency as a second engineer Officer on ships of propulsion power of between 750Kw and 3000 Kw engaged on near coastal voyages shall:**

- (a) hold a certificate of competency as officer in-charge of an engineering watch limited to ships of propulsion power of between 750Kw and 3000 Kw engaged on near coastal voyages;
- (b) have completed approved seagoing service as an officer in-charge of an engineering watch on ships of propulsion power of between 750Kw and 3000 Kw for a period of not less than twelve months; and
- (c) Have completed approved education, training, examination and assessment meeting the standard of competence specified in section A –III/2 in the STCW Code for chief Engineer Officer and second Engineer Officers on ships of propulsion power of between 750Kw and 3000 Kw

**(23)(1) Every candidate for the issue of Certificate of competency as Chief Engineer Officer on ships of propulsion power of between 750Kw and 3000Kw engaged on near coastal voyages shall:**

- (a) Hold certificates of competency or an endorsement as second engineer officer on ships of propulsion power of between 750Kw and 3000Kw engaged on near coastal voyages;
- (b) have completed approved seagoing service of not less than twelve months as an officer in-charge of as an engineering watch on international voyages or as a Second Engineer Officer on ships of propulsion power of between 750Kw and 3000Kw engaged on near coastal voyages;
- (c) pass an examination conducted by the chief examiner meeting the standard of competency specified in section – A-III/3 in the STCW Code for Certificate of competency-Chief Engineer officer, limited to ships of propulsion power of between 750KW and 3000KW engaged on near coastal voyages.

**(24)(1) Every candidate for the issue of certificate of Competency as Officer in-charge of an engineering watch in a manned engine room or designated duty engineer in a periodically unmanned engine room on ships of propulsion power of 750Kw or more shall:**

- (a) be not less than 18 years of age on the date of commencement of the examination for the issue of certificate of competency;
- (b) have completed approved seagoing service of not less than twelve months in the engine department on ships of propulsion power of 750Kw or more including six months of engine room watch keeping under the supervision of the chief engineer or other certificated engineer as part of an approved education training and assessment program of forty two months duration which meets the requirements set out in section A-III/I in the STCW Code and in which on-board training is documented in an approved record book;
- (c) produce documentary evidence of having successfully completed the approved training in personal safety and social responsibility (A-VI/1- 4 in the STCW Code), Proficiency in sea survival Craft and rescue boat (A-VI/2 – 1 in the STCW Code), advanced fire fighting (A-VI/3 in the STCW Code) and Medical First aid (A-VI/4 – 1 in the STCW Code) before he or she can be considered as having qualified for issue of the certificate of competency-officer in-charge of an engineering watch in a manned engine room or designated duty engineer in a periodically unmanned engine room on ships of propulsion power 750Kw or more.
- (d) have completed approved education, training, examination and assessment meeting the standard of competence set out in section A –III/1 in the STCW Code for certificate of competency-officer in-charge of an engineering watch in a manned engine room or designated duty engineer in a periodically unmanned engine room on ships of propulsion power of between 750KW or more.

(2) Candidates who have not satisfied the standard of competence set out in section A-III/1 in the STCW Code for the operation and maintenance of steam boilers shall be issued with a certificate of Competency which may not be valid for service on ships in which steam boilers form part of ship's machinery until the engineer officer meets the required standard of competence.

(3) The Certificate of Competency may be issued as applicable to motor ships or steam ships depending on whether the candidate has completed the approved seagoing service specified in regulation (1) (b) above, on motor ships or steam ships respectively.

(4) Combined Certificate of Competency as applicable to motor and steam ships may be issued, if the candidate has completed the required seagoing service specified in regulation (1)(b) above, in each of the motor ships and steam ships.

**(25)(1) Every candidate for the issue of Certificate of Competency as Second Engineer Officer shall:-**

(a) Hold a certificate of Competency as officer in-charge of an engineering watch in a manned engine room or designated duty engineer in a periodically unmanned engine room on ships of propulsion power of between 750Kw or more;

(b) have approved seagoing service as an officer in-charge of an engineering watch in a manned engine room or designated duty engineer in a periodically unmanned engine room on ships of propulsion power of between 750Kw or more, for a period of not less than eighteen months; and

(c) Have completed approved education, training, examination and assessment meeting the standard of competence set out in section A –III/2 of the STCW Code and pass an examination conducted by Chief examiner meeting the standard of competence set out in section A-III/2 of the STCW Code for Certificate of Competency as second engineer Officer.

(2) The Certificate of Competency may be issued as applicable to motor ships or steam ships depending on whether the candidate has completed the approved seagoing service specified in paragraph (1) (b) above on each of the motor ships and steam ships respectively.

(3) Combined Certificate of Competency as applicable to motor and steam ships may be issued if the candidate has completed the required seagoing service specified in paragraph (1)(b) above on each of the motor ships and steam ships.

**(26.) (1) every candidate for the issue of Certificate of Competency as Chief Engineer Officer shall**

- (a). Have completed not less than 18 months seagoing service on ships of propulsion power of 3000Kw or more in a position of responsibility in the engine department while holding the Certificate of Competency as Second Engineer Officer
- (b). Have completed an approved Management Training Program and
- (c).pass an examination conduct by the Chief Examiner meeting the standard of competence specified in section A-111/2 in the STCW code for a Certificate of Competency as Chief Engineer

**(2) A certificate of competency as Chief Engineer Officer may be issued applicable to**

- (a).Motor Ships when not less than 9 months seagoing service specified in paragraph (1).a ) above has been spent on the main propulsion machinery of a motor ship and remaining period may have been spent on the main propulsion machinery of a steam ship or motor ship or on suitable auxiliary machinery of any ship or
- (b).Steam ships when not less than 9 months seagoing service specified in paragraph (1).a ) above has been spent on boilers and main propulsion machinery of a steam ship and the remaining period may have been spent on the main propulsion machinery of a steam ship or motor ship or on suitable auxiliary machinery of any ship or
- (c) Combined motor and steam ships when not less than 9 months seagoing service has been spent on boilers and main propulsion machinery of a steam ship and not less than 9 months seagoing service have been spent on the main propulsion machinery of a motor ship.

**Special Training and Requirements for personnel on certain types of Ships. (Mandatory Minimum requirement for training and qualifications)**

**Tankers-**

27. 1) Officers and rating who are assigned specific duties and responsibilities related to cargo or cargo equipment on tankers shall have completed-
- a) at least three months approved seagoing service on tankers in order to acquire adequate knowledge of safe operational practices; or
  - b) an approved Tanker Familiarization training covering the requirements specified in paragraphs 2 to 7 in section A-V/1 in STCW Code; or
  - c) at least 30 days service on a tanker under the supervision of qualified officer on ships of less than 3000 GT engaged on voyages not exceeding 72 hours; and
  - d) an approved Advanced Fire Fighting training specified in section A-V/3 in STCW Code;

### **Oil Tankers-**

(2) In addition to the requirements specified in above paragraph (1) Masters, Chief Engineer Officers, Chief Mates, Second Engineer Officers and person with immediate responsibility for loading, discharging and care in transit or handling of cargo such as cargo officer or cargo engineer officer in an oil tanker shall have completed:

- a) an approved specialized oil tanker training program covering the training given in paragraphs 8 to 14 of section A-V/1 in STCW Code; and
- b) at least three months experience appropriate to their duties on oil tankers.

### **Chemical Tankers-**

(3) In addition to the requirements specified in above paragraph (1) Masters, Chief Engineer Officer, Chief Mates, Second Engineer Officer and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo in a Chemical Tanker shall have completed:

- a) an approved specialized chemical tanker training program covering the training given in paragraphs 15 to 21 in section A-V/1 in STCW Code; and
- b) at least months experience appropriate to their duties on chemical tankers.

### **Liquefied Gas Tankers-**

(4) In addition to the requirements specified in above paragraph (1) Masters, Chief Engineer Officers, Chief Mates, Second Engineer Officers and any person with immediate responsibility for loading, discharging and care in transit or handling of cargo in a Liquefied Gas Tanker(LPG or LNG) is required to have completed:

- a) an approved specialized liquefied gas tanker training program converging the training given in paragraphs 22 to 34 in section A-V/I in STCW Code; and
- b) at least three months experience appropriate to their duties on liquefied gas tankers.

### **Mandatory Minimum Requirements for the Training and Qualifications of Masters, Officers, Ratings and other personnel on Ro-Ro passenger Ships.**

28. 1) Masters, Officer, Ratings and other personal serving on board ro-ro passenger ships engaged on international voyages, prior to being assigned shipboard duties, shall have completed relevant training, as given below, in accordance with their respective duties and responsibilities.
- 2) Masters, Officer and other personal designated on muster list to assist passengers in emergency situations on board ro-ro passenger ships, shall have completed training, in crowd management specified in paragraph (1) of section A-V/2 in STCW Code.
- 3) Masters, Officer and other personnel assigned specific duties and responsibilities on board ro-ro passenger ships, shall have completed the familiarization training, specified in paragraph 2 of section A-V/2 in STCW Code.

- 4) Personal providing direct service to passengers in passenger spaces on board ro-ro passenger ships shall have completed the safety training specificity in paragraph 3 of section A-V/2 in STCW Code.
- 5) Masters, Chief Mates, Chief Engineer Officer, Second Engineer Officers and every person assigned immediate responsibility for embarking and disembarking passengers, loading, discharging or securing cargo, or closing hull openings on board ro-ro passenger ships shall have completed approved training in passenger safety, cargo safety, and hull integrity as specified in paragraph 4 of section A-V/2 in STCW Code.
- 6) Masters, Chief Mates, Chief Engineer Officers, Second Engineer Officers and any person having responsibility for the safety of passengers in emergency situations on board ro-ro passenger ships shall have completed approved training in crisis management and human behavior as specified in paragraph 5 of section A-V/2 in STCW Code.
- 7) Masters, Officers, Ratings and other personal serving on board ro-ro passenger ships shall, on satisfactory completion of approved relevant training in crowd management, Familiarization, safety, passenger safety, cargo safety and hull integrity, crisis management and human behavior, be issued with an appropriate certificate.
- 8) Masters, Chief Mates, Chief Engineer Officers and Second Engineer Officers, who are qualified in accordance with this regulation and hold an appropriate certificate, shall present their certificate of competency to the concerned Chief Examiner his representative and obtain an endorsement for service on ro - ro passenger ships.
- 9) Seafarers who are required to be trained in accordance with Paragraphs (2),(5) and (6) of this regulation shall, at intervals not exceeding five years, undertake appropriate refresher training.

**Mandatory Minimum requirements for the Training and Qualifications of Masters, Officer, Ratings and other personal on passenger ships other than Ro-Ro Ships:**

29. 1) Masters, Officers, Ratings and other personal serving on board passenger ships other than ro-ro passenger ships engaged on international voyages, prior to being assigned shipboard duties, shall have completed the relevant training, as given below, in accordance with their capacity, duties and responsibilities.
- 2) Masters, Officer and other personal designated on muster lists to assist passengers in emergency situations on board passenger ships shall have completed training in crowd management as specified in paragraph 1 of Section A-V/3 in STCW Code
- 3) Masters, Officer and other personal assigned specific duties and responsibilities on board passenger ships shall have completed the familiarization training, specified in paragraph 2 of Section A-V/3 in STCW Code.

- 4) Personal providing direct service to passengers in passenger space on board passenger ships shall have completed the safety training specificities in paragraph 3 of section A-V/3 in STCW Code.
- 5) Masters, Chief Mates, and every person assigned immediate responsibility for embarking and disembarking passengers shall have completed training in passenger safety, in specified in paragraph 4 of Section A-V/3 in STCW Code.
- 6) Masters, Chief Mates, Chief Engineer Officers, Second Engineer Officers and any person having responsibility for the safety of passengers in emergency situations on board passenger ships shall have completed approved training in crisis management and human behavior as specified in paragraph 5 of Section A-V/3 in STCW Code.
- 7) Masters, Officers, Ratings and other personal serving on board passenger ships shall, on satisfactory completion of approved relevant training in crowd management, familiarization, safety, passenger safety, crisis management and human behavior, be issued with an appropriate certificate.
- 8) Masters, Chief Mates, Chief Engineer Officers and Second Engineer Officers, who are qualified in accordance with this regulation and hold appropriate certificate, shall present their certificate of competency to the concerned Chief Examiner or his representative and obtain an endorsement for service on passenger ships.
- 9) Seafarers who are required to be trained in accordance with Paragraphs (2) ;( 5) and (6) above shall, intervals not exceeding five years, undertake appropriate refresher training.

**Computation of Sea Service:**

All Officers and Ratings:

30. 1) The qualifying sea going service specified for officers and ratings for any particular certificate of competency or endorsement shall be performed within a period of ten years preceding the date of commencement of the assessment of competency and shall include a period of 12 months sea service within the five years preceding the date of commencement of assessment of competency
- 2) Service on non trading vessels, tugs, dredgers, research vessels, salvage vessels, navigational aids tenders and other vessels engaged in similar activities may be counted in full, if the time actually spent at sea constitutes or exceeds two-thirds of the total period of service on-board ship. If the actual sea going service falls below this proportion, one and a half times the actual seagoing service may be counted as “qualifying seagoing service” Candidates shall be required to produce, in addition to the evidence of sea service required of all candidates, a statement or a certificate from the company and the master of the ships, setting out the amount of time actually spent at sea, with particular reference to at least six months watch keeping service under supervision.

- 3) where such service has been performed only on particular types of vessels specified in paragraph 2, their certificates may be restricted for service on such vessels only.
- 4) Officers of the Sri Lanka Navy of the executive officer branch and marine engineering branch who intend to become holders of Certificates of Competency for near coastal voyages complying the requirements of the Convention shall be required to complete approved relevant education, training, examination and assessment. Such candidates, existing experience, qualifications and certificates if any, shall form the basis for determining qualifying merchant ship sea going service, training and assessment as determined by the concerned Chief Examiner.

***Deck Officers and Ratings:***

31. 1) qualifying sea going service for deck officers and deck ratings means time spent on board ships from the date of engagement to the date of discharge from a ship.
- 2) Service on-board ships laid up in port, dock or under construction or an anchorage may be counted in part towards qualifying service. Claims in this respect shall be supported by statements signed by the master of the vessels served on, certifying that the duties carried out were appropriate to be counted towards sea going service, qualifying sea going service under this heading may not exceed three months.
- 3) A maximum of six months of watch keeping service while holding a certificate of competency in a two-watch ship may be counted at one one-fifth times the actual period of service performed

***Marine Engineer Officers and Engine Room Ratings:***

32. 1) Except where otherwise stated, qualifying sea going service for marine engineer officers and engine room ratings means time spent on board ships from the date of engagement to the date of discharge on ships with propelling machinery and or auxiliary machinery in full use subject to paragraph (2) below.
- 2) when part or whole of the service has been performed on ships which, for considerable periods have not been underway, a statement from the Master of the ship shall be produced stating the time in days actually underway. In such circumstances qualifying sea going service may be counted as one and half times the actual number of days spent underway, and in no case can it exceed the actual time spent on board during the period concerned.
- 3) Sea going Service performed by engineer officers employed in work practices on ships operated on other than the traditional watch keeping routine, may be accepted as qualifying sea going service, if the Chief Examiner concerned is satisfied that such work practices provide equivalent experience.

***Examinations:***

- 1) Every candidate for a certificate of competency or for an endorsement under these regulations shall satisfy the Chief Examiners at a written or oral or both written and examinations, that he or she has reached the required degree of competency for the award of such certificate or endorsement.

- 2) All applications for examination for certificates of competency and endorsements together with supporting documentation shall be made to the Director. Every candidate shall pay an examination fee specified by the Director, form time, and in a manner determined by the Director. If the applicant meets all the requirements for eligibility to the examination, a notice of eligibility to the examination, a notice of eligibility shall be issued. The notice of eligibility shall authorize admission of the candidate to the said examination.
- 3) The Director shall notify each eligible candidate in writing of the date and place of the examination.
- 4) The Chief Examiner may determine the subjects and the syllabuses for the examination and may change or amend them, from time for the purpose of maintaining internationally accepted standards.
- 5) The Director shall carry out all such acts that are necessary or expedient for the proper conduct of the examinations.
- 6) A candidate failing the assessment of competency or endorsement may at the Chief Examiners discretion be given a time penalty which may include a requirement to complete to complete a period of sea going service before becoming eligible for re-examination.

***Exemptions:***

34. If the Chief Examiner concerned considers that a ship's size, power and the conditions of its voyage are of such a nature so as to render full application of the requirements of these regulations unreasonable or impractical, he may to the extent of such unreasonableness or impracticality, taking into consideration the circumstances of each case exempt the master and officers on such a ship or class of ships from such requirements of the convention, bearing in mind the safety of other ships which may be operating in these waters.

***Dispensation:***

35. In circumstances of exceptional necessity the Chief Examiner may issue a dispensation in accordance with Article VIII of the Convention permitting a named seafarer to serve in a specified ship, for a specified period not exceeding six months, in a capacity for which he or she does not hold the appropriate certificate, if in the opinion of the Chief Examiner, this does not cause danger to persons, property or the environment, provided that, the person to whom the dispensation is to be issued shall be adequately qualified to satisfactorily fill the vacant post.

***Re-validation:***

36. 1) All holders of Certificates of Competency and Endorsements as Master, Officer, Radio Operator issued or revalidated under Merchant Shipping,(Deck and Engineer Officers Certificates Examinations) Regulations,1990 published in Gazette Extraordinary No.621/18 of August 03,1990 shall be required to undergo appropriate refresher and updating training or assessment as may be determined by the Director taking into consideration the circumstances of each case and thereby satisfy the above-mentioned regulations and apply to revalidate the Certificates or Endorsements on or before January 31,2002 if the holder wishes to continue to be able to serve on board sea going ships in a certificated capacity.

- 2) All Certificates of Competency and Endorsements as Master, Officer or Radio Operator issued or revalidated under these Regulations in accordance with the Convention shall be valid only for a period of period of five years, and should be submitted for revalidation if he or she continue serving on board sea-going ships.
- 3) Revalidation of Certificates of Competency or endorsement shall be subject to the following conditions:-
  - a) Production of sufficient proof that the applicant satisfies the medical fitness requirements including those for eye sight and hearing.
  - b)
    - i. having performed approved sea going service, performing functions appropriate to the certificate held for a period of at least twelve months in total during the preceding five years; or
    - ii. having performed functions considered to be equivalent to the functions approved for sea going service required above; or
    - iii. having completed approved sea going service, performing functions appropriate to the certificate held, for a period of not less than three months in a supernumerary capacity or in a lower rank than for which the certificate is held ,is valid immediately prior to taking up the rank for which it is valid, or
    - iv. having completed less than twelve months of approved sea going service in the preceding five years, shall pass an approved test; and
  - c) Successfully completed an approved refresher training.

#### ***Revalidation of Tanker Endorsement:-***

37 .In addition to the general requirements for revalidation of the certificate of competency specified in regulation 36 a tanker endorsement will be revalidated provided the holder meets the following requirements :-

- a) at least three months continuous service on any type of tanker for which the endorsement has been held or
- b) successfully completed the Specialized Tanker Training program for which the original tanker endorsement was issued provided that the training commenced within the preceding twelve months; or
- c) serve for at least six months on a storage tanker or terminal handling the type of cargo for which the original endorsement was issued

#### **Mandatory Minimum Requirements for Emergency Occupational Safety, Medical Care and Survival Functions:**

38. (1) Before being assigned to ship board duties all persons employed or engaged on a ships other than passengers, shall receive familiarization and basic safety training or instructions in accordance with Section A-VI/1.1 of the STCW Code and shall meet the appropriate standard of competence specified therein. A recode of all persons who have reached the appropriate standard of familiarization and basic safety training shall be maintained by the Master of the vessel and the company.

(2) Seafarers employed or engaged in any capacity on board on the business of the ship as a part of the ship's complement with designated safety or pollution prevention duties in the operation of the ship shall, before being assigned to such ship board duties receive appropriate approved basic training in personal survival techniques (A-VI/1-1 in STCW Code), fire prevention and fire fighting (A-VI/1-2 in STCW Code), elementary first aid (A-VI/1-3 in STCW Code) and personal safety and social responsibilities as set out in (A-VI/1-4 in STCW Code).

### **Recognition of Certificates issued by other Countries:**

39. 1) The Director may recognize a Certificate of Competency or Endorsement issued by another country as equivalent to a Sri Lankan Certificate of Competency or Endorsement at the same level for service on Sri Lankan ships, provided that:-
- a) the system and procedure of certification followed in that country has been duly found acceptable by the International Maritime Organization in accordance with the Convention;
  - b) the Director has confirmed, through necessary measures, which may include inspection of facilities and procedures, that the requirements concerning the standards of competence, the issue and endorsement of certificates and record keeping are in full compliance with the Convention; and
  - c) an undertaking in agreed with the country concerned that prompt notification will be given of any significant change in the current status of certificate or endorsement or arrangements for training and Certification provided in compliance with the Convention.

(2) Holders of certificate of competency or endorsement at the management level, as set out in the Third Schedule shall satisfy the Director, by successfully completing an assessment, that they possess appropriate Knowledge of maritime legislation of Sri Lanka relevant to the functions they are permitted to perform, before an endorsement for the recognition of a certificate is made by the Director.

(3) Notwithstanding the requirement of paragraph(1) of this regulation, the Director may, if circumstances require, allow a seafarer to serve in a capacity, other than Radio Officer or Radio Operator, except as provided by the Radio Regulations, for a period of not exceeding three months on board a ship entitled to fly the Sri Lankan flag, while holding an appropriate and valid certificate issued and endorsed as required by another country for use on board that country's ships but which has not yet been endorsed so as to render it appropriate for service on board ships entitled to fly the flag of Sri Lanka. However, documentary proof shall be submitted by the applicant that an application for an endorsement has been submitted to the Director.

### **Role of Training Institutes:**

40. (1) Training institutes shall ensure that-

- a) All training and assessment of seafarers for certification under these regulations under these regulations are conducted in accordance with the relevant provisions of the said regulation and the other requirements laid down by the Director;
- b) a degree of independence is maintained between training and assessment; and
- c) a record of the persons trained by the institute is maintained and such information made available to the Director, Chief Examiner and companies, when requested.

(2) All training, assessment of competence, certification, endorsement and revalidation activities carried out by nongovernmental institutions, are to be continuously monitored through a quality standards system to ensure achievement of defined objectives, including those concerning the qualifications and experience of training and assessors.

(3) When training, assessment of competence, certification, endorsement and revalidation activities are carried out by governmental institutions, there shall be a quality standards system.

(4) All training and assessment of competence, certification, endorsement and revalidation activities carried out by approved institutions shall be evaluated in accordance with the Provisions of Section A-I/8 of STCW Code, at intervals of not more than five years, by an independent panel appointed for the purpose. Reports of such evaluations shall be communicated to the Secretary General of the International Maritime Organization by the Director.

### **Company Responsibility:**

41 (1) The Director shall, in accordance with the Provisions of Section A-I/14 of STCW Code, hold companies which are operation ships registered in Sri Lanka, or responsible for the assignment of seafarers for service on ships in accordance with these regulation, require every such company to ensure that:-

- a) each seafarer assigned to its ships hold an appropriate certificate in accordance with the provisions of these regulations, issued or endorsed by the Director;
- b) its ships are manned in compliance with the manning requirements specified in the Merchant Shipping (Safe Manning) Regulations, 1998;
- c) documentation and data relevant to all seafarers employed on its ships are maintained and readily accessible, and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties
- d) seafarers, on being assigned to any of its ships, are familiarized with their specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that specific duties and with all ship arrangements, installations, equipment, procedures and ship characteristics that are relevant to their routine or emergency duties;
- e) the ship complement can effectively coordinate their activities in an emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution;
- f) the master confirms availability on board at all times that all original certificates and related documents issued pursuant to the Convention indicating the qualifications, of any member of the crew to perform designated functions; and
- g) texts of Sri Lankan Merchant Shipping Act, No.52 of 1971 as amended, International instruments and enabling regulations are placed on board.

(2) Before being assigned to ship board duties, all persons employed or engaged on a ship other than passengers, shall receive familiarization and basic safety training or instructions in accordance with section A-VI/1.1 of STCW Code. A record of all persons who have reached the appropriate standard of familiarization and basic safety training shall be maintained by the Master of the vessel and the company.

*Fitness for Duty and watch keeping Standard:*

42. The Company shall for the fatigue ensure that:

- 1) All persons who are assigned duty as officer in charge of a watch or as a rating forming part of a watch shall be provisions of section A-VIII/1 of STCW Code;
- 2) the watch systems are so arranged that the first watch at the commencement of a voyage and subsequent relieving watches are sufficiently rested and otherwise fit for duty. The watch schedules shall be posted where they are easily accessible on board the ships;
- 3) The master of every ship shall confirms that the watch keeping arrangements are adequate for maintaining a safe watch or watches, taking into account the prevailing circumstances and conditions:
  - (a) officers in charge of the navigational watch are responsible for navigating the ships safely during their periods on duty, when they shall be physically present on the navigating bridge or in a directly associated location such as the chart room or bridge control room at all times;
  - (b) radio operators are responsible for maintaining a continuous radio watch on appropriate frequencies during their periods of duty
  - (c) officer in charge of an engineering watch, as set out in the STCW Code and under the direction of the Chief Engineer Officer, shall be immediately available and on call to attend the machinery spaces and when required, shall be physically present in the machinery space during their periods of responsibility; and
  - (d) An appropriate and effective watch or watches are maintained for the purpose of safety at all times, while the ship is at anchor or moored and, if the ship is carrying hazardous cargo, the organization of such watch or watches takes full account of the nature, quantity, packing and storage of the hazardous cargo and of special conditions prevailing on board, afloat or ashore.

***National Provisions:***

43. (1) Should there be any accident or casualty such as grounding fire, loss of ships or any part or any cargo thereof or any other unusual happening on board any Sri Lankan registered ship or any foreign flag ship in Sri Lankan territorial waters, the same must be reported to the Director within twenty four hours of such occurrence by the Master, owner or local agent.

(2) The Director may order an inquiry into any of the occurrences stated above depending on the gravity of such situation or if public interest demands.

(3) The officer/s appointed by the Director for such an inquiry shall be empowered to ask for evidence including witnesses to be present in person.

(4) On the basis of the report of the inquiring officers, the Director may suspend or withdraw any Certificate of Competence or Endorsement or document issued by him. However, that no such action shall be taken without giving the respondent a fair chance to defend his or her position.

(5) where the inquiry report suggests incompetence or misconduct on the part of a seafarer to whom the Director has not issued any document, it shall be deemed that he or she shall not enter Sri Lankan territorial waters at any time and shall be deemed unwanted, undesirable and unacceptable.

(6) The State or the country that issued the document referred to in the paragraph above shall be held responsible to take such action as is necessary.

(7) Where such an inquiry reveals lack of administrative, legislative and procedural control, the Director shall take appropriate action to remedy the matter in conjunction with the administration concerned.

44. (1) Any person who is in possession of a certificate as required by these regulations, which is found to be a forgery, with a view to impersonation or have obtained such certificate by fraudulent means shall be guilty of an offence and on conviction by a court of law shall be liable to a fine not exceeding rupees ten thousand or for a term of imprisonment not exceeding two years or both such fine and imprisonment.

(2) Any person holding a certificate issued under these regulations is found guilty by a court of law of misconduct with regard to the management or operation or safe navigation of a ship shall be liable on conviction to a fine not exceeding rupees ten thousand or for a term of imprisonment not exceeding one year or both such fine and imprisonment.

(3) Any master engaging a crew member not holding a certificate required by these regulations or any person aiding and abetting such master shall be guilty of an offence and on conviction by a court of law shall be liable to a fine not exceeding rupees ten thousand or a term of imprisonment not exceeding one year or both such fine and imprisonment.

(4) A master who has allowed any function or service in any capacity to be performed by a person required by these regulations to hold a prescribed certificate, to be performed by a person not holding such certificate or a valid dispensation or documentary to hold a prescribed certificate, to be performed by a person not holding such certificate or a valid dispensation or documentary proof as required by these regulations except for training under supervision or cases of force majeure or any person who aids and abets such a master in this regard shall be guilty of an offence and on conviction by a court of law shall be liable to a fine not exceeding rupees ten thousand or a term of imprisonment not exceeding two years or both such fine and imprisonment.

(5) If a person holding a certificate under these regulations appears to the Director to be incompetent with regards to the management or operation or safe navigation of a ship, the Director may suspend or cancel or revoke such certificate.

(6) If a person holding a certificate under these regulations fails to perform the duties appropriate to such certificate, the Director may suspend or cancel or revoke such certificate.

***Port State Control:***

45. Port state control exercised by a duly authorized control officer as set out under Article X of the Convention shall be limited to the following:-

- (1) Verification in accordance with Article X (1) of the Convention that all seafarers serving on board who are required to be certificated in accordance with the Convention hold an appropriate certificate or a valid dispensation, or possess documentary proof that an application for an endorsement has been submitted to the Director in accordance with regulations I/10 paragraph 5 of the Convention;
- (2) Verification that the numbers and certificate of seafarers serving on board are in conformity with the applicable safe manning requirements of the Administration of the flag state control;
- (3) Assessment, in accordance with section A-I/4 of the Convention, of the ability of the ship to maintain watch keeping standards as required by the Convention, if there are clear grounds for believing that such standards are not being maintained due to the occurrence of any of the following:-
  - (a) The ship had been involved in a collision, grounding or stranding ;or
  - (b) there had been a discharge of substances from the ship when under way, at anchor or at berth which is illegal under any international convention; or
  - (c) the ship had been maneuvered in an erratic or unsafe manner whereby routine measures adopted by the International Maritime Organization or safe navigation practices and procedures have not been followed; or
  - (d) the ship is otherwise being operated in such a manner as to pose a danger to persons, property or the environment.
- (4) A duly authorized control officer may detain a ship under Article X of the Convention, when it is determined that failure to correct any of the following deficiencies pose a danger to persons, property or the environment:-
  - (a) Failure of seafarers to hold a certificate, to have an appropriate certificate, to have a valid dispensation or to provide documentary proof that an application for an endorsement has been submitted to the Flag State Administration in accordance with regulation I/10, paragraph 5 of the Convention;
  - (b) failure to comply with the applicable safe manning requirements of the Flag State Administration;
  - (c) failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the Flag State Administration;

- (d) absence in a watch of a person qualified to operate equipment essential to safe navigation, safety radio communication or the prevention of marine pollution ;and
- (e) Inability to provide for the first watch at the commencement of a voyage and for subsequent relieving watches persons who are sufficiently rested and fit for duty.

***Maintenance of Records and Quality Standards:***

46.

- (1) The Director shall cause to maintain records of seafarers to whom certificate, endorsements or any document have been issued, which include, without being limited to, documentation and data on their identification, experience, training, medical fitness and competency.
- (2) The Director may have document procedures for the implementation of these regulations in accordance with the Convention including procedures for the approval of training institutions, examination and assessment.
- (3) The Minister may appoint qualified auditors, who are not working within the Merchant Shipping Division of the Ministry to carry out periodic evaluation of the certification system at intervals not exceeding five years. The report of such evolution shall be communicated to the Secretary General of the International Maritime Organization by the Minister.

## First Schedule (Regulation 8 (b))

Minimum in service eye sight standards

Category of Seafarer	Distance Vision		Near/Immediate Vision	Colour Vision	Visual Fields	Night blindness	Diplopia (Double Vision)
	Better eye	Other Eye					
Masters, deck officers and rating required to undertake lookout duties			Vision required for ship's navigation(e.g. chart and nautical publication reference, use of bridge instrumentation and equipment, and identification of aids to navigation) as determined by Ishihara / lantern test	Normal Visual Fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evidence	
Aided:	6/6	6/12					
Unaided:	6/60	6/60					
All engineer officers and ratings forming part of an engine room watch			Vision required to read instrument in close proximity, to operate equipment and to identify systems/components as determined by Ishihara Farnsworth test	Sufficient visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evidence	
Aided	6/18	6/18					
Unaided	6/60	6/60					
Radio officers and electrical/electronic officers			Vision required to read instruments in close proximity, to operate equipment and to identify systems/components as determined by Ishihara Farnsworth test	Sufficient visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evidence	
Aided	6/18	6/18					
Unaided	6/60	6/60					

## **Second Schedule (Regulation 8(c))**

*Standards:*

### **Medical**

All applicant for an officer certificate, continuous discharge certificate (CDC) of seafarer's or certification of special qualification shall be required to have physical examination reported on a Medical Form prescribed by the Director and completed by an approved physician. The completed medical form must accompany the application for officer certificate, application for seafarer's identity document, or application for certification of special qualifications. This physical examination must be carried out not more than 12 months prior to the date of making application for an officer certificate, certification of special qualifications or a CDC. Examination must establish that the applicant is in a satisfactory physical condition for the specific duty assignment undertaken and is generally in possession of all body faculties necessary in fulfilling the requirements of the seafaring profession. In addition to what is mentioned above, the application shall fulfill the following requirements:-

- (a) all applicants must have hearing unimpaired for normal sounds and be capable of hearing a whispered voice in the better ear at 5meters and in the poorer ear at 2 meters:
- (b) deck officers, engine officers and radio officer applicants for the issue of certificate of competency shall have (either with or without glasses) distance vision and normal colour perception, as set out in the first Schedule.

### **THE MERCHANT SHIPPING ACT, NO.52 OF 1971**

REGULATIONS made by the Minister of Shipping, by virtue of the powers vested in her, by Section 126 and 321 of the Merchant Shipping Act, No.52 of 1971.

Colombo,

Minister of shipping,  
17<sup>th</sup> July, 1998.

### **Regulations**

1. These Regulations may be cited as the Merchant Shipping (Safe Manning) Regulations 1998, and shall come into force on August 01, 1998

### **Definitions:**

2. 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 Merchant Shipping (Training, Certification and watch Keeping) Regulations 1998;

'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 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 ship owner and who, on assuming such responsibility, has agreed to take over all the 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 -1978 Convention as amended in 1995;

‘Director’ means the Director of Merchant Shipping;

‘Engineer officer’ means an officer qualified in accordance with the provisions of chapter III of STCW - 1978 Convention as amended in 1995;

‘EWKO’ means Engineering watch keeping officers.

‘GT’ means Gross Tonnage;

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

‘NCV’ means near coastal voyages.

‘NWKO’ means Navigational watch keeping officer.

‘Officer’ means a member of the Crew, other than master, designated as such by National Law or Regulations or, in the absence of such designation by collective agreement of custom;

‘Radio operator’ means a person holding an appropriate certificate issued or recognized by the Director under the provisions of the Radio Regulations;

‘Rating’ means a member of the crew trained for specified duties on a ship other than those of 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 of Merchant Shipping, and in the case of any other ships by or on behalf of the government of the State Whose flag the ship is entitled to fly;

‘Seagoing ship’ means a ship other than a ship which navigates exclusively in harbours, Inland waters or in closely adjacent to sheltered waters;

‘second engineer officer’ means the engineer officer, next in rank to the chief engineer officer and upon whom the responsibility for the mechanical propulsion and the operation and maintenance of the

mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the incapacity of the chief engineer officer;

***Application:***

3. 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:

4. It shall be the duty of the company to ensure that, in relation to every ship:-

- (1) A safe manning document is in force in respect of the ship and manning thereof;
- (2) the manning of the ship is maintained at all times to at least the levels specified;
- (3) the safe manning document is kept inboard the ship at all times and is available for authorized inspection.

5. A master of any ship to which this regulation applies shall ensure that the ship does not proceed to sea unless there is on board a valid safe manning document and the applicable manning of the ship complies with the document.

6. A company applying for a safe manning document in respect of a Sri Lankan ship shall submit to Director 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.

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

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

9. Safe manning document issued under Merchant Shipping (Deck and Engineer officers 'Certificates Examinations) Regulations 1990 shall continue to be valid subject to the provision of regulation above until February 01,2002.

10. Manning scales specified in a safe manning document are the minimum to ensure the required watch keeping standard is maintained and that personal are able to obtain mandatory minimum hours of rest specified watch keeping standard is maintained and that personal are able to obtain mandatory minimum hours of rest specified in the Merchant Shipping (Training, Certification and watch keeping) Regulations 1998.

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

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 of Merchant Shipping may grant, on such terms a he may specify exemptions from all or any provision of the these regulations on a case by case basis;

**Penalties:**

15. (1) Any owner and or manager of a ship to which these regulations apply who violates any of the provisions of these regulations shall be guilty offence and conviction by a court of law shall be liable to a fine not exceeding Rs. 10,000 or for a term of imprisonment not exceeding 02 years or for both such fine and imprisonment.

(2) Any master 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 of law shall be liable to a fine not exceeding Rs.10, 000 or for a term of imprisonment not exceeding 01 year or for both such fine and imprisonment.

***Power to Detain:***

(16) (1) in relation to a Sri Lanka Ship that there is any contravention of these Regulations; or

(2) In relation to a ship which is not a Sri Lankan ship that there is any contravention of Regulations 4; may be detained as per section 207 of Merchant Shipping Act, No.52 of 1971 as if references to the “Act” are these Regulations.

SCHEDULE I (REGULATION 6)

**MANNING SCALES-DECK OFFICER**

TRADING AREA AND DESCRIPTION OF SHIPS

	*Un Limited 3000 GT Or More	*Un Limited 500GT to 3000 GT	*Un Limited 3000 GT Less than 500 GT	N.C.V. 500GT or more	N.V.C. Less To 3000 GT	N.V.C. Than 500 GT
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 3000 GT NCV	-	-	-	-	1	-
Master Less than 500 GT NCV	-	-	-	-	-	1
N.W.K.O Less than 500 GT NCV	-	-	-	-	-	1

\*Unlimited means unlimited trading areas.

SCHEDULE I (REGULATION 6)

MANNING SCALES-DECK OFFICER

TRADING AREA AND DESCRIPTION OF SHIPS

	*Un Limited 3000Kw Or More	*Un Limited 750Kw to 3000KW	*Un Limited 250Kw to 750Kw	NCV 3000Kw or More	NCV 750Kw to 3000Kw	NCV 250Kw to 750Kw
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.