



DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA

MERCHANT SHIPPING SECRETARIAT

MINISTRY OF PORTS AND SHIPPING

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MSN 27/2016

24th June 2016

Notice to All Ship-Owners, Operators, Training Institutes, Authorized Manning Agents, Masters of Sri Lankan Flagged Ships, and Recognized Organizations.

Procedure & Guidelines for the issue an Exemption, Dispensation, Equivalent and Extension for Sri Lankan Flag Ships.

1.0 Purpose

This procedure clarifies terminology used to describe allowances issue by the Merchant Shipping Secretariat (MSS) of the Democratic Socialist Republic of the Sri Lanka as Maritime Administrator in accordance with statutory provisions, and establishes the Director General of Merchant Shipping's (DGMS) policy for their issuance and use.

1.1 Authority

This procedure is based on the authorities granted in the Merchant Shipping Act 52 of 1971.

1.2 Background

It has been noted while assessing certain technical issued, there is an occasional lack of consistency when referring to various allowances or authorizations that can be issued by the DGMS. Due to differences associated with the handing of these actions, providing a clear definition for each is of merit. Therefore, the Administration is establishing the following basic definitions for reference when addressing such issues. The Merchant Shipping Secretariat, Ministry of Ports and Shipping issued Exemption, Dispensation, Equivalent and Extensions to perform duties under Sri Lankan flag vessels where and when required with the consultation of Vessel's Class or IACS RO's.

1.3 Application

This procedure is applicable to the Vessels under the Sri Lankan Flag.

1.4 Responsibility

The Director General of Merchant Shipping Oversight and Ships Safety, is accountable for the development, Implementation, maintenance and continuous improvement of this procedure.

The Recognized Organizations are responsible for the implementation and promotion of this procedure on board Vessels under their Class.

1.5 Definitions

1.5.1 Recognized Organization (RO)

Recognized Organization means an organization that has been assessed by the Merchant Shipping Secretariat of Ministry of Ports & Shipping to perform inspections and/or issue certificated on behalf of the Administration, under the authority of formal legal agreements.

1.5.2 Administration

Means the Merchant Shipping Secretariat of Ministry of Ports & Shipping that is responsible for implementation of these Regulations.

1.6 Exemption

An Exemption is a permanent release from compliance with a Statutory Convention requirement due to the existence of specific circumstances as sanctioned by the provisions of that Convention. The 'Exemption Certificate' is linked to, and retained with, its associated statutory certificate, and is issued by the Recognized Organization (OR) issuing that certificate under authorization from the DGMS. Authorization for issuance of an Exemption Certificate is considered on a case by case basis formed on the existence of some measure of equivalency to meet the intent of the requirement being exempted and a recommendation from the (RO). Certain Exemptions, when granted, are required to be communicated to the International Maritime Organization (IMO) and update GISIS as required.

1.7 Equivalence (or Measure of Equivalency)

Equivalence is an arrangement which provides the same general level of safety or intent of a Convention requirement without meeting all criteria for full compliance. Such arrangements can be accomplished, either independently or in combination with, alternative equipment, additional

procedures / precautions, operational restrictions, etc. Equivalences, when granted, are required to be communicated to the IMO and update GISIS as required.

1.8 Dispensation

A temporary allowance granted in writing (Dispensation Letter) by the DGMS to permit a ship to proceed without being in full compliance with a specific Convention requirement due to mitigating circumstance preventing the immediate rectification of the subject deficiency. Dispensations are issued with time specific corrective action requirements, compliance with which are reportable to the Administration by the expiration date.

1.9 Extension

A postponement of the term of validity of a Statutory certificate servicing interval, or Dispensation, in accordance with the provisions of the relevant Convention, due to extenuating circumstances encountered that prevent the crediting of a requisite task prior to the nominal due date. Extensions of servicing intervals in particular are referred to as “Service Extensions.” Extensions are also issued with time specific corrective action requirements, compliance with which are reportable to the Administration by the expiration date.

2.0 Application Procedure for Service Extensions / Dispensations

2.1 When applying for or submitting a proposal for the issuance of a Dispensation Letter or Service Extension, the Administrator will require for consideration specific information regarding the details and circumstances concerning the issue, as well as the corrective action plan to rectify the issue in a timely fashion.

2.2 In an effort to ensure consistent response and handling of such requests by the DGMS and to facilitate the communication of all required information for consideration, form SR/FO/018 shall be used by Sri Lankan Flag ship owners and operators when submitting such requests to the Administrator . To expedite handling and response, all applicable sections of the form shall be filled with sufficient detail and accuracy. The completed form shall be filled with sufficient detail and accuracy. The completed form shall then be submitted to the MSS at the following email address or fax number or by hand:

Email: dmsmos@sltnet.lk

Fax: +94112435160

3.0 Service Extensions

3.1 The DGMS recognizes that on occasion due to exceptional circumstances, difficulty can be encountered when scheduling the servicing of certain equipment or life-savings / fire-fighting appliances, as required by various Convention regulations, at approved servicing facilities.

Requests to extend the servicing intervals in accordance with the provisions of reference (a) are only considered by the Administrator when exceptional circumstances exist. Requests should be fully justified by substantiation of circumstances and plans to service at first opportunity.

3.2 Service Extensions are generally limited to the minimum period of time necessary for the ship to reach a port where rectification of the task can be accomplished.

4.0 Dispensation Letters

4.1 Dispensation Letters are issued with a specific term limit of validity-either for a single voyage, or for a set period of time, and are generally limited to the minimum period of time necessary for the ship to reach a port where rectification of the deficiency can be accomplished. In some cases where warranted, the RO may also be contacted to provide a recommendation for issuance of the Dispensation Letter, to follow-up with verification of the corrected item and / or issuance of a short term Statutory certificate. In all cases, some measure of equivalence should be identified to be put in place and adhered to for the duration of the Dispensation Letter.

4.2 while it would not be practical to list every situation in which a Dispensation Letter would be required, the same basic principle should be followed when considering what situations would necessitate notification. For example, damage to or failure of any life saving or survival equipment required under SOLAS Chapter III (such as Lifeboat damage, Lifeboat engine failure, Inflatable Life raft lost, etc.) or failure of any navigational equipment installation required under SOLAS Chapter V (such as Radar, VDR, Speed Log , etc.) would fall into this category.

4.3 Ultimately, it shall be understood that the failure of or damage to ANY piece of equipment, installation or appurtenance mandated by any Statutory Convention requirement shall be immediately reported to the Administrator with a completed Dispensation application. Along with all relevant supporting documentation demonstrating the nature of the difficulty encountered, temporary measure of equivalency in place and proposed corrective action plan to rectify the deficiency as expeditiously as possible. Prompt notification is critical to ensure the deficiency is properly addressed and to mitigate possible Administrative or PSC action against the vessel and Owner/ Operator.

5.0 References

- a) SOLAS 74 AS AMENDED
- b) MARPOL
- c) TONNAGE 69
- d) LOADLINE 66
- e) COLREG 72

6.0 Related Forms

SR/FO/013 : Application for Exemption, Dispensation & Equivalent.

SR/FO/016 : Application for Extension.

Issued on 24th June 2016

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