

Merchant Shipping (Management for the Safe Operation of Ships) Rules, 2000

CONTENTS

1. Short title, commencement and application
2. Definitions
3. Criteria for verification
4. Safety Management System Requirements
5. Document of Compliance and Safety Management Certificate
6. Interim Document of Compliance and Safety Management Certificate
7. Issuance of Safety Management Certificate by "Recognised Organisation"
8. Certification Process
9. Responsibilities pertaining to Audit

Merchant Shipping (Management for the Safe Operation of Ships) Rules, 2000

The Merchant Shipping (Management for the Safe Operation of Ships) Rules, 2000. G.S.R. 432(E). In exercise of the powers conferred by Sec. 457 of the Merchant Shipping Act, 1958 (44 of 1958), the Central Government hereby makes the following rules, namely:

1. Short title, commencement and application :-

- (1) These Rules may be called the Merchant Shipping (Management for the Safe Operation of Ships) Rules, 2000.
- (2) They shall come into force on the date of their publication in the Official Gazette.
- (3) These rules shall apply to Indian ships, and to Indian shipping companies operating
 - (a) passenger ships including passenger high speed crafts, of any size;
 - (b) oil tankers, chemical tankers, gas carriers, bulk carriers, and high-speed cargo crafts of 500 gross tonnage or more.

2. Definitions :-

In these rules unless the context otherwise requires:

(a) "Accident" means an accident involving injury or damage to life, the environment, ship or its cargo;

(b) "Act" means the Merchant Shipping Act, 1958 (44of958);

(c) "audit" means a systematic and independent examination to determine whether the Safety Management System complies with the planned arrangements and such arrangements are implemented effectively and are sufficient to achieve the desired objectives;

(d) "auditor" means a Surveyor, qualified and trained for performing verification of compliance with the requirements of the International Safety Management Code, appointed under Sec. 9 of the Act;

(e) "Branch office" means an office, which is part of the Company, is under its control and covered by the same safety Management System.

(f) "Bulk carrier" means a ship which is constructed generally with single deck, top-side tanks and hopper side tanks in cargo spaces, and is intended primarily to carry dry cargo in bulk, and includes ore carriers and combination carriers;

(g) "Chemical tanker" means a cargo ship constructed or adopted and used for the carriage of any hazardous product listed in Chapter 17 of the International Bulk Chemical Code.

(h) "Company" means the owner of the ship or any other organisation or person or the bare boat chartered, responsible for the operation of the ship;

(i) "Critical shipboard operation" means operations which are likely to cause an accident or a situation threatening the safety of the people, the environment or the ship;

(j) "Designated person" means a person ashore with direct access to the highest level of management, charged with the responsibility and the authority to monitor the safety and pollution aspects of the operation of each ship;

(k) "Document of compliance" means a Certificate of Compliance issued by the Director General of Shipping to a Company;

(1) "Gas carrier" means a cargo ship constructed or adapted and used for the carriage in bulk of any liquefied gas or other product listed in the International Gas Carrier Code;

(m) "High Speed craft" means a craft capable of maximum speed in metres per seconds equal to or exceeding $3.7 \sqrt{V}$, where V = displacement corresponding to the design waterline (m³);

(n) "Internal Safety Management System audit" means a systematic and independent verification process carried out by the Company as part of its management function to determine whether the Safety Management System activities and related results are in compliance with the Company's Safety Management System;

(o) "Major non-conformity" means an identifiable deviation which poses a serious threat to personnel or ship safety or a serious risk to the environment and requires immediate corrective action;

(p) "Mobile offshore drilling unit" means a vessel capable of being engaged in drilling operations for the exploration or exploitation of resources beneath the seabed;

(q) "Non-conformity" means an observed situation where objective evidence indicated the non-fulfillment of a specified requirement of the International Safety Management Code;

(r) "Oil tanker" means a ship constructed or adapted primarily to carry oil in bulk in its cargo spaces and includes combination carriers;

(s) "Organisation" means the International Maritime Organisation;

(t) "Safety management audit" means a systematic and independent examination to determine whether the Safety Management System activities and related results comply with planned arrangements and whether these arrangements are implemented effectively and are suitable to achieve objectives;

(u) "Safety Management Certificate" means a Certificate issued by Director General of Shipping or any officer authorised by him in this behalf to a ship which signifies that the Company and its shipboard management operate in accordance with the Safety Management System;

(v) "Safety Management System" means a structured and documented system enabling Company personnel to effectively

implement the Company Safety and Environment Protection Policy;

3. Criteria for verification :-

(1) The Central Government shall verify compliance by the company with the requirements of the International Safety Management Code by determining that

(a) Company's Safety Management System conforms with the requirements of International Safety Management Code; and

(b) The Safety Management Systems ensures that the following objectives are achieved, namely:

(i) There is compliance with mandatory Rules and regulation and

(ii) The applicable International Safety Management Code, guidelines and Standards recommended by the Organisation, the Central Government, classification societies \ \and maritime industry organisation are taken into account.

(2) When mandatory requirements are not subject to statutory or classification surveys, the Company shall provide specific documented procedures and instructions to ensure compliance with them and to provide objective evidence of their implementation.

4. Safety Management System Requirements :-

Every Company shall develop, implement and maintain a Safety Management System approved by the Government which shall inter-alia include:

(a) Safety and environmental protection policy which shall explicitly establish the commitment of the Company to achieve the following objectives; namely:

(i) ensuring safety at sea, prevention of human injury or loss of life, and avoidance of damage to the environment, in particular to the marine environment and to property;

(ii) providing safe practices in ship operation and a safe working environment;

(iii) establishing safeguards against all identified risks; and

(iv) improving safety management skills of personnel ashore and on board ships, including preparing for emergencies related both the safety and environment protection.

5. Document of Compliance and Safety Management Certificate :-

(1) A Document of Compliance shall be issued by the Central Government to a Company after an initial verification of compliance with the requirements of the International Safety Management Code, for which purpose:

(a) the Auditor shall verify that the establishment and implementation of the Safety Management System meet the objectives specified in Rule 3, and on satisfactory completion of such verification, the Auditor shall present a declaration to the Central Government to that effect; and

(b) where such declaration is found satisfactory, the Central Government shall issue a Document of Compliance, valid for a period of five years from the date of completion of assessment if there are no major non-conformities, or from the date of satisfactory closure of major non-conformities, as the case may be

(2) The Document of Compliance

(a) shall be valid for the type of ships on which the initial verification was based.

(b) may be extended to cover additional types of ships after verification of the Company's capability of comply with the requirements of the International Safety Management Code for such additional types of ships.

(c) shall be subject to annual verification by Auditors which may be done within three months before or after the annual date to confirm the effective functioning of the Safety Management System in the Company, and such verification shall include, examining and verifying the correctness of the statutory and classification records for at least one ship of each type to which the Document of Compliance applies, and corrective actions and modifications to the Safety Management System carried out since previous verification shall be verified.

(3) Verification for renewal of Document of Compliance shall be carried out within a period of 6 months immediately preceding expiry of the certificate.

(4) A Document of Compliance shall not be issued, endorsed or renewed unless major non-conformities have been fully rectified

by the Company and verified by the Auditor.

(5) A copy of Document of Compliance, endorsed for each ship of the Company, shall be kept on board in order that the Master can produce it on request for verification, and another such shall be kept at each branch office of the Company.

(6) The Central Government may withdraw the Document of Compliance if

(a) corrective action is not completed within the stipulated time;

(b) a periodical verification is not asked for;

(c) amendments to International Safety Management Code are not taken into account;

(d) there is evidence of a major non-conformity;

(e) substantial modification to the Safety Management System is not notified to Central Government and verified by the Auditor.

Explanation. A. non-conformity from previous audit against which corrective action is not taken within the stipulated time shall be deemed to be a major non-conformity.

(7) A Document of Compliance may be revalidated upon satisfactory completion of an initial verification Audit.

(8) A Safety Management Certificate (SMC) shall be issued by the Central Government to a ship after an initial verification of compliance with the requirements of the International Safety Management Code as follows and for this purpose

(a) the Auditor shall verify the establishment and implementation of Safety Management System on board the ship, which includes the verification that the Document of Compliance for the Company responsible for the operation of the ship is applicable to that particular type of ship;

(b) there is an objective evidence demonstrating that the Company's Safety Management System has been functioning effectively for at least three months on board the ship, including inter alia, records from the internal audits carried out on the ship.

(c) the Auditor shall, where a satisfactory Safety Management System is in operation, present a declaration to that effect to the Central Government for issuance of a Safety Management

Certificate to the ship

.

(9) A copy of the Safety Management Certificate issued shall be available at the Company's head office.

(10) The issue of a Safety Management Certificate shall be subject to

(a) the existence of a valid Document of Compliance for that type of ship,

(b) the compliance with rule-3 and

(c) the maintenance of valid statutory certificates,

(11) A Safety Management Certificate shall not be issued, endorsed or renewed unless major non-conformities have been rectified by the Company and verified by the Auditor: Provided Safety Management Certificate may be issued, endorsed or renewed pending rectification of non-conformities within such period not exceeding three months as may be agreed to between the Company and the-Auditor, if such non-conformities could not be rectified for reasons beyond Company's control.

(12) The period of validity of a Safety Management Certificate shall be five years, subject to minimum of one intermediate verification confirming effective functioning of the Safety Management System, and that any modifications carried out since the previous verification comply with the requirements of the International Safety Code. Provided that the frequency of the intermediate verification may be increased in certain cases, particularly during the initial period of operation of the Safety Management System or due to the nature of non-conformities: Provided further that where one intermediate verification has been carried out, the second intermediate verification shall take place between the second year and the third year.

(13) Safety Management Certificate shall be issued from the date of completion of assessment if there are no major non-conformities, or from the date of satisfactory rectification of major non-conformities, as the case may be.

(14) A Safety Management Certificate may be declared invalid by the Central Government, inter alia for:

- (a) non-compliance with the provision to sub-rule (II),
- (b) corrective actions are not completed within the agreed time schedule;
- (c) periodical verification is not asked for;
- (d) amendments to the International Safety Management Code are not complied;
- (e) evidence of a major non-conformity;
- (f) substantial modification to the Safety Management System which has not been notified to the Central Government and verified by the Auditor.

Explanation. A non-conformity from previous audit against which corrective action is not taken within the stipulated time shall be deemed to be a major non-conformity;

(15) Renewal of the Safety Management Certificate for a further period of five years shall include assessment of all elements of the Safety Management System pertaining to that ship and its effectiveness in meeting the objectives specified in the International Safety Management Code.

(16) The Safety Management Certificate may be revalidated provisionally upon satisfactory completion of an initial verification audit.

6. Interim Document of Compliance and Safety Management Certificate :-

(1) An Interim Document of Compliance, valid for not more than twelve months, shall be issued by the Central Government to facilitate initial implementation of the International Safety Management Code in the following cases, namely:

- (a) where a Company is newly established, or
- (b) when a Company takes on responsibility for the operation of the type of a ship which is not listed in the Document of Compliance:

(2) An Interim Safety Management Certificate shall be issued for a period of not more than six months by the Central Government to facilitate initial implementation of the International Safety Management Code in the following cases namely:

(a) to new ships on delivery, or

(b) when a Company takes on the responsibility for the operation of a ship which is new to the Company.

7. Issuance of Safety Management Certificate by "Recognised Organisation" :-

(1) The Central Government may duly authorise a recognised organisation to issue on its behalf the Safety Management Certificate for a period of five months at the completion of an International Safety Management Code audit to cover the period until a full term certificate is issued by the Central Government.

(2) The Safety Management Certificate may be issued provided no major non-conformities remain and the Auditor formally recommends certification of the ship.

Explanation. "Recognised Organisation" means an organisation as approved by International Maritime Organisation.

8. Certification Process :-

(1) The Company shall apply to the Central Government for International Safety Management Code certification, with relevant information, which shall include the size and total number of each type of ship covered by the Safety Management System and any other documentation considered necessary.

(2) The certification process relevant for the issuance and maintenance of a Document of Compliance for a Company and a Safety Management Certificate to a ship shall generally involve, including audit of the Safety Management System;

(a) initial verification,

(b) periodical or intermediate verification, and

(c) renewal verification.

(3) For issuing a Document of Compliance to a Company, the Central Government may have initial Verification, by way of:

(a) Review of document review in order to verify that the Safety Management System complies with the International Safety Management Code requirement.

(b) Company audit, in order to verify the effective functioning of

the Safety Management System for at least three months in the office as well as in ship

(4) For issuing a Safety Management Certificate, the Central Government may have initial verification of a ship by way of:

(a) Verifying that the Company's Document of Compliance is valid and relevant to that type of ship;

(b) Verifying audit, in order to verify the effective functioning of the Safety Management System which has been in operation for atleast three months on board the ship.

(5) The Central Government may have intermediate verification which shall take place between second and third annual date of Safety Management Certificate or as the case may be of the Document of Compliance, to maintain the validity of the Document of Compliance and the Safety Management Certificate issued by it to verify

(a) the effective functioning of the Safety Management System;

(b) that possible modifications of the Safety Management System comply with the requirements of the International Safety Management Code;

(c) that corrective action has been implemented; and

(d) that statutory and classification certificates are valid and no surveys are overdue.

(6) Renewal Verification audit for the issuance of a fresh Document of Compliance to a Company or a Safety Management Certificate to a ship shall be carried out six months before the date of expiry of the existing Document of Compliance or Safety Management Certificate and shall be completed before the date of expiry.

9. Responsibilities pertaining to Audit :-

(1) Notwithstanding the verification of compliance with the requirements of the International Safety Management Code, it shall be the responsibility of the Company, management, officers or seafarers to comply with Indian laws and international laws relating to safety and protection of the environment.

(2) It shall be duty of the Company to

(a) inform the Company's employees about the objectives and

scope of the Audit;

(b) to appoint responsible members of staff to assist the Auditor.

(c) provide the relevant documents, records and information needed by Auditor to ensure an effective and efficient verification process.

(d) provide access and objective evidence as requested by Auditor(s).

(e) co-operate with the Auditor to permit the audit objectives to be achieved.

(3) The Auditor shall:

(a) plan and carry out assigned responsibilities effectively and efficiently;

(b) comply with the applicable requirements and other appropriate directives;

(c) report any major obstacles encountered in performing the Audit;

(d) organise specialist technical assistance required to fulfil the competence requirements of the Audit as and when appropriate;

(e) communicate and clarify the non-conformities to the Company and the ship immediately;

(f) communicate to those concerned observations, if any;

(g) submit the Audit report clearly, conclusively and without undue delay to the Central Government;

(h) submit the Audit report to the Company and/or the Ship Master when acting as sole Auditor;

(i) verify the effectiveness of corrective actions taken by the Company as a result of the Audit.

(4) Personnel participating in the audit/verification shall ensure confidentiality of documents pertaining to the certification.