

M.S. Notice 20 of 2010

No:70-NT(1)/2008-pt

Dated: 08.11.2010

Subject: Safety of Navigation Chapter V of SOLAS 1974 as amended - reg.

PART I

Introduction

1) Considering the growing maritime traffic in coastal waters of India, the law of Safe navigation is therefore of vital concern to the Flag, Port, Coastal State Authorities, Shipping Industry, the Mariner and Environmentalist, etc. The Navigational rules developed by the International Maritime Organization (IMO) addresses the following 3 main objectives:

- i) it furthers the safety and efficiency of vessel traffic, both of individual ships and of the traffic as a whole;
- ii) it aims to protect the waterways and their public works; and
- iii) it serves to prevent and minimize possible damage to other interest, especially the marine environment from vessel traffic.

2) The Central Government recognizing the significance of above these objectives ratified SOLAS 1974 on 16.06.1976 and these provisions entered into force on 25.05.1980 internationally as well as for India. The provisions of the SOLAS 1974 as amended have been incorporated in the Merchant Shipping Act 1958. Whereas, the detailed technical rules in respect of Chapter V - Safety of Navigation have been framed under the provision of Merchant Shipping Act, 1958 called Merchant Shipping (Safety of Navigation) Rules 1997. Chapter V - Safety of Navigation under SOLAS 1974 was revised in 2002 and thereafter several amendments have been adopted by IMO namely Establishment of various Navigational Services, Fitment of Automatic Identification System (AIS), Navigation Bridge Visibility, Recordkeeping for Navigational Activities, Daily Reporting to the Company, Simplified - Voyage Data Recorder (S-VDR), requirements of Long Range Identification Tracking (LRIT) System and Navigation Bridge Visibility to allow Ballast Water Exchange at sea, etc. The Merchant Shipping (Safety of Navigation) Rules, 1997 have not been correspondingly amended by the Central Government. However, many Merchant Shipping Notices have been issued by the Directorate to address the provisions of new amendments effecting Chapter V of SOLAS 1974 as amended.

3) To implement the provisions of numbers of navigational services that may include Pilotage, Navigational Aids such as Light Houses, Buoys and Beacons, Vessel Traffic Services (VTS), Hydrographic Surveys, Meteorological /Navigation Warning and Search and Rescue (SAR) Operations etc., the Central Government authorizes the following National Organizations to perform these services:

(a) Navigational and Hydrographic Surveys including issuance of Nautical Charts and Nautical Publications by the NAVAREA Co-ordinator- NAVAREA VIII for India i.e. National Hydrographic office (NHO), Dehradun under Regulation 4 & 9 of Chapter V SOLAS 74 as amended;

(b) Meteorological Services and Promulgations of Meteorological Warnings by Indian Meteorological Department (IMD), New Delhi under section 354A of the act to issue forecasts, warnings, synoptic and other meteorological data intended for ships under Regulation 5 of Chapter V SOLAS 74 as amended;

(c) Search and Rescue (SAR) Operations by the Indian Coast Guard, as SAR co-ordinator to provide Search and Rescue services within Indian Search and Rescue Region (ISRR) under Regulation 7 of Chapter V SOLAS 74 as amended;

(d) Ship's Routing Systems to be developed by the Directorate General of Shipping. Monitoring and enforcement of this system shall be performed by Flag Officer Defense Advisory Group (FODAG) within Offshore Oil Development Area (ODA). Monitoring and enforcement within the Port

Jurisdiction by the concerned Port Authorities whereas in other areas by the Indian Coast Guard. This system would be developed under Regulation 10 of Chapter V SOLAS 74 as amended;

(e) Ship Reporting Systems to be developed by the Directorate General of Shipping. Monitoring and enforcement of this system shall be performed by Flag Officer Defense Advisory Group (FODAG) within Offshore Oil Development Area (ODA). Monitoring and enforcement within the Port Jurisdiction by the concerned Port Authorities whereas in other areas by the Indian Coast Guard. This system would be developed under Regulation 11 of Chapter V SOLAS 74 as amended;

(f) Vessel Traffic Services (VTS) to be developed by the Ministry of Shipping in consultation with Directorate General of Shipping, Directorate General of Light House and Light Ships (DGLL), concerned Port and Coastal State Authorities. The monitoring and enforcement shall be by Port Authority within Port limits and other waters as per the notification of the Ministry of Shipping. The VTS shall conform to the provisions of Regulation 12 of Chapter V SOLAS 1974 as amended;

(g) Establishment and operations of Aids to Navigation by the Directorate General of Lighthouses and Lightships (DGLL) under the provision of the Light House Act, 1927 as amended by Light House (amendment) Act, 1985 in places on the Coast of India and waters up to Exclusive Economic Zone (EEZ). The Ports or Places in Indian waters shall establish and maintain such aids to navigation within their jurisdiction under the direction of DGLL as per the requirement of Regulation 13 of Chapter V SOLAS 1974 as amended;

(h) Maritime Assistance service (MAS) by the Directorate General of shipping to perform the functions of MAS in accordance with IMO Resolution A.950 (23).

(i) Places of refuge services by all Indian major or non-major ports to the extent possible to ships in need of assistance as per the guidelines prescribed in IMO Resolution A. 949(23).

PART II

Compliance with SOLAS 1974 Chapter V as amended

Existing National Rules:

4) The Central Government has the following provisions in its National Legislation in order to give effect to the adopted relevant IMO amendments:-

(i) Part XI Navigation; Section 353-356 of Merchant Shipping Act, 1958;

(ii) Merchant Shipping (Safety of Navigation) Rules, 1997;

(iii) Merchant Shipping notice 9 of 2002 - Immediate compliance with INSPIRES (Indian Ship Position and Information Reporting System);

(iv) Merchant Shipping notice 11 of 2002 - Compliance with INSPIRES (Indian Ship position and information reporting system);

(v) Merchant Shipping notice 23 of 2002 - Navigational Safety of New Ports, developed by any agency;

(vi) Merchant Shipping notice 1 of 2004 - Plotting of ship positions, using Global Positioning System in Indian Navigation Chart on Everest datum;

(vii) Merchant Shipping notice 11 of 2006 - Reporting defective navigational aids or relating navigational developments in or around Indian ports or coast of India;

(viii) Merchant Shipping notice 14 of 2006 - Enhancement of Safety of Navigation through proper usage of Navigational charts published by Indian National Hydrographic Office (NHO), Dehradun;

(ix) NT Circular No. 1 of 2006 - Installation of Voyage data recorder on Indian ships;

(x) NT Circular No. 2 of 2006 - List of Navigational Equipment issued with Letter of Authority (LOA);

(xi) NT Circular No. 3 of 2006 - Proper use of VHF Channels at sea;

(xii) NT Circular No. 4/2008 - National LRIT requirements as per SOLAS Chapter V -Regulation 19-1;

(xiii) Merchant Shipping notice 15 of 2008- Establishment of Safety Fairway in Offshore Oil Development Area (ODA) etc.;

(xiv) Nautical Wing Circular No. NT/NAV/01/2009 - Installation of Voyage data recorder on Indian ships;

(xv) NT Wing Circular No. 1 of 2009 - National LRIT requirements as per SOLAS Chapter V - Regulation 19-1;

(xvi) NT Circular No. 2/2009 - National LRIT requirements as per SOLAS Chapter V -Regulation 19-1 regarding extension of time limits for compliance of LRIT requirements on ship borne equipments;

(xvii) NT Circular No. 1 of 2010 - Vessel exempted from Long Range Identification Tracking (LRIT) when plying within the port limits and River Sea vessels of 300-1600 GT;

(xviii) Merchant Shipping Notice 7 of 2010 - Ship Reporting System in Indian Waters INDSAR/INSPIRES; and

(xix) Merchant Shipping notice 8 of 2010 - Promulgation of Navigational Warnings for Specialized Operations in NAVAREA - VIII under World wide Navigational Warning System (WWNWS).

5) The existing M.S (Safety of Navigation) Rules 1997 are under revision to cover the gaps under the chapter V of SOLAS 1974 as amended. Under these circumstances, the mariners including ship owners and others concerned shall continue to comply with the relevant provisions of the Merchant Shipping Act , 1958 and the existing Rules, the Merchant Shipping notices and Nautical Technical (NT) Circulars stated above and new regulations adopted by IMO are enumerated below:-

New Provisions of Chapter V of SOLAS 1974 as amended:

In order to give effect to the new provisions adopted by IMO, all concerned are directed to comply with the following new regulations of SOLAS 1974 Chapter V - Safety of Navigation:

Regulation 6

(a) Ice Patrol Service -All Indian ships transiting the region of icebergs guarded by the Ice Patrol during the ice season shall make use of the services provided by the Ice Patrol.

Regulation 8 and Regulation 21

(b) Life -Saving Signal-The surface and air crafts and other search and rescue facilities engaged in search and rescue operations shall use the life saving signals prescribed in the International Code of Signals and IAMSAR Manual during their communication with ships or persons in distress. (Regulation 6 Chapter V SOLAS 74 as amended). All Indian ships shall carry an up to date copy of Volume III of International Aeronautical and Maritime Search and Rescue(IAMSAR) manual(Regulation 21 Chapter V SOLAS 74 as amended);

Regulation 15

(c) Principles relating to bridge design arrangement of navigational systems, equipment and bridge procedures conforming to the guidelines on ergonomic criteria for bridge equipment and layout(MSC/Cir.982) and the performance standards for IBS(resolution MSC 64(67), annex1) and for INS(resolution MSC.86(70), annex 3), as amended by resolution MSC.252(83).

Regulation 17

(d) Electromagnetic Compatibility

Regulation 19 and 19-1

(e) Carriage Requirements for ship borne navigational systems and equipment:

All Concerned shall comply with existing National Rules and the notices /Circulars specified above and the new regulations in respect of Carriage of Navigational System and Equipment under these regulations;

Regulation 22

(g)Navigation bridge visibility including requirements during the ballast water exchange arrangements

Regulation 24

(h) Use of heading and/or track control systems.

Regulation 28

(i) Records of Navigational Activities and daily reporting

Regulation 30

(j) Operational limitations applicable to all passenger ships:

Regulation 34

(k) Safe navigation and avoidance of dangerous situations [Voyage plan as per IMO Resolution A 893(21)]

Regulation 34-1

(l) Master's discretion to use professional judgment for safety life at sea and protection of marine environment.

Regulation 35

(m) Misuse of distress signals

6) A copy of latest edition of SOLAS 1974 as amended highlighting these amendments along with the Indian (Safety of Navigation) Rules, NT Circulars and M.S. Notices as stated above shall be maintained on board Indian ships as well as ashore in the shipping company's office for reference purpose.

7) The type approval of Navigational Equipment and Systems for newly installed shall be given by Indian Register of Shipping (IRS). The bridge layout plan etc. shall be approved by the IRS for existing and new Indian ships. List of approved vendors for the existing ships are hosted on the DGS website and others shall be made available to the user by IRS.

8) The Director General of shipping authorizes Principal Officer, Mercantile Marine Department District or his authorized official to conduct the inspection under the Port State Control (PSC) / Flag State Implementation Regime (FSI) established by the Directorate General of Shipping as per various DGS Order, Circulars, M.S. notices etc. and who shall detain the ships if found not complying with the provisions of the act, Rules and all DGS Orders, Circulars and M.S. notices etc. issued by DG Shipping from time to time. He shall conduct the inspection in accordance with procedure laid out in IMO resolution 787 (19) as amended by 882 (21).

9) The Owner, Manager, Master, Crew, Agent and any other Person affected by the decision of Principal Officer, Mercantile Marine Department District or his authorized official or the Recognized Organization i.e. IRS or other by the Central Government has right to appeal against such decision. The appeal shall be made to the Director General of Shipping) within a period of 15 days.

10) The Director General of Shipping notes that by far the most important contributing causes of collision is the failure to make proper use of radar, echo sounder, look out, excessive speed and non compliance with the various provisions as stated above. Against this background, DG Shipping now issues the above the directives under the provision of Section 307, 353 to 355A of the Merchant Shipping Act, 1958.

11) The Ship Owner, Ship Mangers, Mariner, Harbour Master, Pilots and other concerned in the operation of ships shall to comply with the existing, new regulations and notices as stated above strictly. The Director General of Shipping upon receipt of reports from the Principal Officer, Mercantile Marine Department District or his Authorized Official under the provisions of this notice are infringed, may in addition to the detention of the ship initiate legal action prescribed under the act against the mariner or owner of the ship if deemed appropriate.

12. Co-operation of all concerned is solicited for the purpose of protecting sea borne Trade, Promoting Safety of Life, Property and Preservation of Marine Environment.

13. This issues with approval of Director General of Shipping..

Sd/-

(Capt. Deepak Kapoor)

Nautical Surveyor-cum-

Dy. Director General of Shipping [Tech]