



MERCHANT SHIPPING (SOLAS) REGULATIONS 2020

MARINECARE Consultant Bangladesh Ltd

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TABLE OF CONTENTS

- 1 Title and Commencement
- 2 Interpretation
- 3 Purpose
- 4 Convention Incorporated by Reference
- 5 IACS Standards Incorporated by Reference
- 6 Application
- 7 Compliance with Convention Obligations
- 8 Non-Compliance
- 9 Amendments to Convention and IACS Standards
- 10 Detention
- 11 Offences and penalties
- 12 Defence
- 13 Review

MERCHANT SHIPPING (SOLAS) REGULATIONS 2020

The Director General of Shipping, in exercise of the powers conferred by section --- of the Merchant Shipping Act 2020, makes the following regulations:

Short title and Commencement

- 1- (1) These Regulations may be cited as the Merchant Shipping (SOLAS) Regulations 2020.
- (2) These Regulations shall come into force on the day after notice of their making is given in the Official Gazette.

Interpretation

- 2- (1) In these Regulations –

"Act" means the Merchant Shipping Act 2020;

"Administration" for the purposes of Flag State, Port State and Coastal state matters means the Department of Shipping established under the Act;

"Convention" means, The International Convention for the Safety of Life At Sea, 1974, (SOLAS) together with all Protocols, Codes and IMO Resolutions made mandatory under SOLAS;

"IACS Standards" means, the "IACS unified interpretations" developed by the International Association of Classification Societies (IACS) together with amendments thereto from time to time, as approved and accepted by IMO;

"Vessel" means a vessel registered pursuant to the Act, and includes a vessel within Bangladesh' territorial sea to which the Convention applies;

"IMO" means the International Maritime Organisation;

"Ship" shall mean same as 'Vessel'

"SOLAS" means the International Convention for the Safety of Life at Sea 1974, its protocols of 1978 and 1988 and all amendments to them in force on the date these Regulations come into force.

MERCHANT SHIPPING (SOLAS) REGULATIONS 2020

(2) The purpose of these Regulations is to –

- (i) Implement Bangladesh obligations under the Convention.
- (ii) Enforce compliance with those obligations and standards by way of implementation and enforcement under the Act.

Application

3. These Regulations apply to—

- (1) Bangladesh ships, ship-owners, masters and entities wherever they may be to the extent that the Convention applies to that ship, ship-owner, master or the entity; and
- (2) other ships while they are within Bangladesh waters.

Convention incorporated by reference

4 – The Convention requirements are incorporated into and forms part of these Regulations except where specific regulations on a particular matter of the Convention have been promulgated under the Act by the Director General and in case of any contradiction or confusion with the Convention of such Regulations the requirements of the Convention shall prevail.

IACS Standards incorporated by reference

5 – (1) The IACS Standards are incorporated into and form part of these Regulations except where specific standards on the same particular matter have been specified under the Act by the Director General and in case of any contradiction or confusion with the IACS standards, the standards specified by the Director General shall prevail.

(2) The IACS Standards shall apply to matters arising from implementing the requirements of the Convention in relation to those matters, which are left to the satisfaction of the Administration or are vaguely worded.

Compliance with Convention obligations

6 - (1) Where the Convention imposes obligations upon Bangladesh and the discharge of the obligations requires compliance by a vessel, the owner, the master or an entity then, the vessel, the owner, the master or the entity as the case may be, will comply to

MERCHANT SHIPPING (SOLAS) REGULATIONS 2020

the extent that the obligations apply to the vessel, the vessel's owner, master or entity so that the obligations are discharged.

(2) If the Convention does not provide for or there is uncertainty about the manner in which Flag State obligations are to be discharged then, the vessel, the vessel owner and master must comply in the manner provided by the IACS Standards and if not prescribed in the IACS Standards as directed by the Director General from time to time.

(3) Where the Convention imposes obligations on Bangladesh and the discharge of the obligation does not require compliance under sub-clause (1), these obligations will be discharged by the Administration in the manner prescribed by the Convention.

Non-Compliance

7 – A person who fails to comply with either of Regulations 6 (1) or 6 (2) commits an offence against the Merchant Shipping Act, and is liable to prosecution under that Act.

Amendments to Convention and IACS Standards

8 – (1) Except as provided by sub-clause (2) all amendments and modifications to the Convention and Protocol and all instruments made through the Convention from time to time and all additions and amendments to the IACS Standards are incorporated into these Regulations;

(2) The Director General may by notice in the official Gazette exclude from these Regulations any amendment or modification which but for the notice would be incorporated into these Regulations under sub-clause (1).

Exemptions

9.—(1) In relation to a Bangladesh ship, the Director General may by notice in writing grant an exemption, not inconsistent with the Convention, from all or any of the provisions of these Regulations for such classes of case or individual cases, and on such terms, as the Director General may specify.

(2) The Director General may amend or revoke an exemption by notice in writing containing the grounds for the amendment or revocation.

(3) A notice under paragraph (2) is valid only if—

(a) persons to whom the exemption applies were given the opportunity to make

MERCHANT SHIPPING (SOLAS) REGULATIONS 2020

representations before the notice was given; or

(b) the Director General considers that urgent safety or pollution prevention considerations require the notice to be given immediately.

Detention

10.—(1) Where an inspector has clear grounds for believing that, in relation to a ship to which these Regulations apply, there has been a failure to comply with the requirements of the Convention the ship is liable to be detained.

(2) A person having power to detain a ship may permit a ship which is liable to be detained under paragraph (1) to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) The power under this regulation to detain a ship may only be exercised in relation to a foreign ship if the ship in question is in a port or offshore terminal in Bangladesh.

(4) Section ----- of the MSA 2020 (enforcing detention of a ship) applies where a ship is liable to be detained under this regulation.

(5) Where a ship is detained under paragraph (1), the person detaining the ship must serve on the master of the ship a detention notice which—

(a) states the grounds for the detention; and (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section ----- of the Act.

(6) Where a foreign ship is detained, the Director General must immediately inform the consul or diplomatic representative of the State whose flag the ship is entitled to fly or the appropriate maritime authorities of that State.

Offences and penalties

11.—(1) Any contravention of the requirements of the Convention is an offence by the concerned person and he shall if no other punishment is provided by the Act for the offence be punishable for each offence by a fine not exceeding one hundred thousand penalty units.

MERCHANT SHIPPING (SOLAS) REGULATIONS 2020

Defence

12. It is a defence for a person charged with an offence under regulation 11 to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Review

13.—(1) The Director General must from time to time—

(a) carry out a review of these Regulations,

(b) set out the conclusions of the review in a report, and

(c) publish the report.

(2) In carrying out the review the Director General must, so far as is reasonable, have regard to legislation of other IMO member States.

(3) The report must in particular—

(a) set out the objectives intended to be achieved by the regulatory system established by these Regulations,

(b) assess the extent to which those objectives are achieved, and

(c) assess whether those objectives remain appropriate and, if so, the extent to which they could be achieved with a system that imposes less regulation.

(4) The first report under this regulation must be published before the end of the period of five years beginning with the day on which these Regulations come into force.

(5) Reports under this regulation are afterwards to be published at intervals not exceeding five years.

Made this 16th day of January, 2020

Director General
Department of Shipping

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