



**DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA
MERCHANT SHIPPING SECRETARIAT
MINISTRY OF PORTS AND SHIPPING**

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23rd March 2016

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

Investigation of Marine Casualties and Marine Incidents

References:

1. United Nations Convention on the Law of the Sea(UNCLOS), Article 94-7
2. SOLAS Regulation 1/21 and Regulation XI-1/6
3. Casualty Investigation Code , IMO Resolution MSC.255(84)
4. International Convention on Load Lines , Article 23
5. MARPOL , Article 12

1. Purpose

1.1 Safety investigation into marine casualties and marine incidents is required by the UNCLOS , SOLAS , MARPOL and Load lines and shall be conducted in accordance with the Casualty Investigation Code.

1.2 This note describes the procedure which an investigation of marine casualties and marine incidents in the maritime safety aspect (hereinafter – Marine Safety Investigation) shall take place.

2. Application

2.1 This procedure shall apply to marine casualties and incidents that:

- 2.1.1 involve ships flying the flag of Sri Lanka;
- 2.1.2 occur within the territorial sea of the Republic of Sri Lanka; or
- 2.1.3 involve other substantial interests of the Republic of Sri Lanka.

- 2.2 This procedure shall not apply to marine casualties and incidents that involve only:
- 2.2.1 ships of war and troop ships and other government service ships;
 - 2.2.2 ships not propelled by mechanical means;
 - 2.2.3 pleasure craft not engaged in trade, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes;
 - 2.2.4 fishing vessels

3. Definitions

3.1 As per the chapter 2 of the Casulaty Investigation Code:

3.1.1 A marine casualty means an event, or a sequence of events, that has resulted in any of the following which has occurred directly in connection with the operations of a ship:

- .1 the death of, or serious injury to, a person;
- .2 the loss of a person from a ship;
- .3 the loss, presumed loss or abandonment of a ship;
- .4 material damage to a ship;
- .5 the stranding or disabling of a ship, or the involvement of a ship in a collision;
- .6 material damage to marine infrastructure external to a ship, that could seriously endanger the safety of the ship, another ship or an individual; or
- .7 severe damage to the environment, or the potential for severe damage to the environment, brought about by the damage of a ship or ships.

However, a marine casualty does not include a deliberate act or omission, with the intention to cause harm to the safety of a ship, an individual or the environment.

3.1.2 A marine incident means an event, or sequence of events, other than a marine casualty, which has occurred directly in connection with the operations of a ship that endangered, or, if not corrected, would endanger the safety of the ship, its occupants or any other person or the environment.

However, a marine incident does not include a deliberate act or omission, with the intention to cause harm to the safety of a ship, an individual or the environment.

3.1.3 A very serious marine casualty means a marine casualty involving the total loss of the ship or a death or severe damage to the environment.

4. Objective of a Marine Safety Investigation

4.1 The objective of a marine safety investigation as defined in the Casulaty Investigation Code is to prevent similar marine casualties and incidents in the future. Marine Safety Investigations do not seek to apportion blame or determine liability

4.2 Marine Safety Investigation is independent from a criminal investigation or other investigation conducted in order to determine the fault and liability of persons.

5. Competent Authority

5.1 Competent Authority to conduct a marine safety investigation in Sri Lanka is the Merchant Shipping Secretariat.

Contact Details ; Merchant Shipping Secretariat(MSS)
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5.2 An investigation shall be conducted by Investigators appointed by the Director General of Merchant Shipping of the Merchant Shipping Secretariat.

5.3 Investigators shall be independent from any subject, which might be interested in not discovering the causes of the relevant casualty or incident. Marine safety investigation shall be carried out in impartial and objective manner.

5.4 Investigators of the MSS have the right to obtain all the information necessary thereto upon presenting a service identification card and:

5.4.1 have free access to any relevant area, ship (including any place on the ship), as well as to the wreck of the ship;

5.4.2 perform listing of items related to the marine casualty or incident (for example, polluting substances or ship parts) and collection for further analysis thereof;

5.4.3 have free access to any documents, including log book, expert opinions, examination deeds of classification companies and institutions performing control functions, as well as copy and have use of these documents (entries made by electronic information carriers (for example, VDR and AIS) and itemised list thereof, as well as audio recordings and video recordings shall be deemed documents in the sense of evidence);

5.4.4 interview witnesses in order to discover of the causes of the relevant casualty or incident;

5.4.5 make video recordings and audio recordings during investigatory activities;

5.4.6 request the performance of an expert-examination of the items related to the marine casualty or incident (for example, polluting substances or ship parts).

6. Notification of a Marine Casualty

6.1 When a marine casualty occurs on the high seas or in an exclusive economic zone involving of a Sri Lankan flag ship or ships of , the MSS as the Flag state authority shall notify other substantially interested States as soon as is reasonably practicable.

6.2 When a marine casualty occurs within the Sri Lankan territory, including the territorial sea, the flag state and the MSS shall notify each other and between them notify other substantially interested States as soon as is reasonably practicable and

When a marine casualty occurs involving a Sri Lankan flag ship(s) within the territory, including the territorial sea, of a coastal State, the MSS, and the coastal State, shall notify each other and between them notify other substantially interested States as soon as is reasonably practicable.

6.3 When a marine casualty occurs the following persons associated with the ship shall notify the MSS as soon as is practicable following the accident and by the quickest means available—

- (a) the master or, if the master has not survived, the senior surviving officer; and
- (b) the ship's owner unless they have ascertained to their satisfaction that the master or senior surviving officer has reported the accident in accordance with sub-paragraph (a).

6.4 In addition to any notification made under paragraph (6.3), the following person shall notify the MSS as soon as is practicable and by the quickest means available any accident of which they are aware;

- (a) in the case of an accident within or adjacent to the limits of any harbour, the Harbor Master or the Deputy harbour Master of the Sri Lanka Ports authority for that harbour;

6.5 A person making a notification in accordance with paragraph (6.3) must, in so far as is practicable, include the information set out in the SP-FO-10 and SP-FO-11 reporting forms.

6.6 Upon receiving the initial notification as per paragraph 6.3 and 6.4, the MSS will ascertain the situation closely and depending on the severity of the incident, the MSS will make an immediate notification to the following Government Institutes by quickest available means.

- a. Sri Lanka Navy
- b. Marine Environment Protection Agency(MEPA)
- c. Sri Lanka Coast Guard
- d. Disaster Management Centre
- e. Sri Lanka Port Authority
- f. Flag State of the Vessel involved

7. Preliminary Assessment of Marine Casualties and Incidents

7.1 After receipt of information regarding a marine casualty or incident, Investigators shall perform an preliminary assessment of the marine casualty or incident. If necessary, the Marine Environment Protection Authority shall assess whether the event has caused serious harm to the environment.

7.2 If a very serious marine casualty has occurred, the MSS shall investigate it mandatorily.

7.3. If a marine casualty or marine incident has occurred, the MSS shall assess the usefulness of an investigation, taking into account the level of seriousness of the marine casualty or incident, the type of the ships and cargo involved, as well as whether the results of the relevant investigation may help to prevent marine casualties and incidents in the future. The relevant investigation shall only be conducted if the MSS deems it useful.

8. Commencement of a Safety Investigation

8.1 Public notice that a safety investigation has been commenced may be given in such manner as the MSS may think fit, and may invite any persons who so desire to present relevant evidence to an inspector in such a manner and within such a time as is specified in the notice.

8.2 Recognizing that any ship involved in a marine casualty or marine incident may continue in service, and that a ship should not be delayed more than is absolutely necessary, the Investigators conducting the marine safety investigation should start the marine safety investigation as soon as is reasonably practicable, without delaying the ship unnecessarily.

9. Agreement and Co-operation with Other Substantially Interested States

9.1 Without limiting the rights as described in paragraph 2.1.2, when marine casualties occurs in areas as specified in paragraphs 6.1 and 6.2 ,the MSS shall seek an agreement on which state or states will be the marine investigation State(s) in accordance with the casualty investigation code.

9.2 For marine casualties referred to in paragraph 9.1, agreement may be reached by the relevant States with another substantially interested state for that State(s) to be the marine safety investigating State(s).

9.3 By fully participating in a marine safety investigation conducted by another substantially interested State, Sri Lanka shall be considered to fulfill its obligations under the Casualty Investigation Code, SOLAS regulation I/21 and article 94, section 7 of the United Nations Convention on the Law of the Sea.

9.4 The MSS will co-operate with the marine safety investigating State(s) to the extent practicable.

9.5 The MSS shall conduct a separate investigation in parallel with an investigation into the same marine casualty or incident conducted by another state only in exceptional cases. An investigation in parallel with an investigation into the same marine casualty or incident conducted by another state shall be conducted mandatorily if the relevant state does not conduct the investigation in accordance with the Casualty Investigation Code.

10. Standards Applicable During an Investigation

10.1 An investigation shall be commenced as soon as possible after the relevant marine casualty or incident.

10.2 An investigation shall be conducted in accordance with the Casualty Investigation Code and this procedure.

10.3 The marine safety investigation shall be able to report on the results of a marine safety investigation without direction or interference from any persons or organizations who may be affected by its outcome.

11. Marine Safety Investigation Report

11.1 Investigators shall prepare an Marine Safety Investigation report (hereinafter – report) on each investigation conducted in accordance with the Casualty Investigation Code.

11.2 Investigators shall prepare the final version of the report within 12 months after the relevant marine casualty or incident. If it is impossible to prepare the final version of the report within the specified period of time, Investigators shall draw up an interim report and continue investigation.

11.3 Before the preparation of the final version of the report investigators shall co-ordinate the draft report with other substantially interested States according to the Chapter 13 of the Casualty Investigation Code. If necessary, the draft report may also be co-ordinated with other subjects (for example, the shipping company involved in the marine casualty or incident). If any subject has a different opinion on that referred to in the draft report, the differing opinion may be appended to the report.

11.4 A copy of the final report shall be sent to:

11.4.1 the subjects involved in the casualty;

11.4.2 the subjects to whom safety recommendations are addressed;

11.4.3 any other subject, which in the opinion of Investigators could find the report useful;

11.4.4.the IMO through GISIS Marine casualties and incidents module– in accordance with the IMO Circular MSC-MEPC.3/Circ.4/Rev.1, *Reports on Marine Casualties and Incidents*;

11.5 Final Marine Safety Investigation report shall be made available to the public and the shipping industry.

12. Safety Recommendations

12.1 If during an investigation, Investigators establish that urgent action is necessary in order to prevent threats to the maritime safety, it may provide safety recommendations to the relevant subjects even before completion of the report.

13. Attachments

- SR-FO-10- Report of vessel casualty or accident
- SR-FO-11- Report of personal injury or loss of life

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MSS

Merchant Shipping Secretariat
Ship Registration & Safety Unit
Accident Report Form

Document no	SR-FO-10
Date of 1st issue	2015-12-28
Reviewed by	MR
Approved by	DGMS
Revised status	0
Revised date	

REPORT OF VESSEL CASUALTY OR ACCIDENT

I. PARTICULARS OF VESSEL

1. Name of Vessel/Flag	2. IMO Number	3. Year built	4. Gross Tonnage	5. Net Tonnage
6. Type of Vessel	7. Propulsion	8. Place Built		
9. Name of Owner	10. Name, Address and Telephone of Management Company			
11. (a) Name of Master or Person In Charge	(b) Citizenship	(c) Date of Birth	(d) Address	

II. PARTICULARS OF CASUALTY

12.(1) Date of Casualty	(b) Time(Local or Zone)	(c) UTC	(d) Time of Day Day Night Twilight	
13. Geographical Position of Casualty Latitude: Longitude:			14. Geographical location	
15.(a) If Casualty occurred underway, Port of Departure	(b) Date of Departure	(c) Port to Which Bound		
16.(a) Nature of Cargo (Describe and give amounts in Long Tons)	(b) Amount Dry Cargo	(c) Amount Bulk Liquid	(d) Amount Deck Cargo	
17. Speed in Knots Prior to Casualty	18. True Course Prior to Casualty	19. Draft Forward	20. Draft aft	
21. Atmospheric Conditions at Time of Casualty Clear Partly Cloudy Overcast Fog Rain Snow Other (Specify)				
22. Distance of visibility Under 2 Miles 2-5 Miles Over 5 Miles	23. Wind Light Moderate to Fresh Storm to Hurricane	24. Sea Smooth to Slight Moderate to Rough High	25. Wind Direction	
			26. Direction of Sea	
			27. Direction of Swell	
28. Navigation Equipment (Check one or more of the following) Radar (S Band, or X Band) <u>ARPA</u> Inoperative Inoperative Used Used		29. Communications Equipment (check one or more of the following) <u>Radiotelephone</u> Other type of communication In use with Other Vessels In use with Other Vessels In use with Shore Stations In use with Shore Stations Not Used Not Used		
30. Auto Alarm Transmitted by your Vessel? Yes No		31. Rules of the Road Applicable at Time International Other (specify)		

MSS

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INCIDENT TYPE (INITIAL CASUALTY EVENT)							
A	Collision	Striking another ship (regardless of whether under way, anchored, moored)					
B	Stranding / Grounding	Being aground or touching shore or sea bottom or underwater objects (wrecks)					
C	Contact	Striking any fixed or floating object other than those included in Collision					
D	Fire or Explosion						
E	Hull Failure / Failure of	Not caused by any of the above					
F	Machinery Damage	Which necessitated towage or shore assistance					
G	Damages to Ship or	Not caused by any of the above					
H	Capsizing / Listing	Not caused by any of the above					
I	Missing: Assumed Lost						
J	Labour						
K	Other	Any other NOT covered by any of the above					
33. DESCRIPTION OF CASUALTY (Events and circumstances leading to casualty and present when it occurred. Attach diagram and additional sheets, if necessary.)							
34. Number of Personnel		Crew	Passengers	Other	Totals	35. Estimated Property Losses	
(a) On Board						(a) To vessel	
(b) Dead						(b) To cargo	
(c) Missing						(c) To other property	
(d) Injured						35. Is Vessel a Total Loss? Yes No	
37. Remarks (Indicate assistance rendered by shore stations and vessels; recommendations for corrective safety measures. Attach additional sheets, if necessary.)							
38. Deck Officer on Duty at Time of Casualty				39. Engineer on Duty at Time of Casualty			
Name				Name			
Capacity		License No.		Capacity		License No.	
40. Date of Report	41. Submitted by (Print name)			42. Signature		43. Title	

MSS

Merchant Shipping Secretariat
Ship Registration & Safety Unit
Accident Report Form

Document no	SR-FO-11
Date of 1st issue	2015-12-28
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Revised date	

REPORT OF PERSONAL INJURY OR LOSS OF LIFE**I. PARTICULARS OF VESSEL**

1. Name of Vessel	2. IMO Number	3. Name, Address and Telephone, Telefax of Management Company
4 Type of Vessel	5 Propulsion	
6. Name and address of Owner		

II. PARTICULARS OF PERSON INJURED, DECEASED OR MISSING (Believed dead)

7. (a) Name of Person	(b) Home Address	(c) Date of Birth
		(d) Citizenship
8. Seaman's Book or Passport No	9. Status or Capacity on Vessel	
10. Activity Engaged in at Time of Casualty	11. If Crew Member or Shore Worker On Watch Working Other	
12. (a) Name of Immediate Supervisor at Time of Casualty	(b) Supervisor's capacity or Status on Vessel	

III. PARTICULARS OF CASUALTY OR ACCIDENT

13. (a) Date of Casualty	(b) Time (Local or Zone)	(c) UTC	(d) Time of Day Day Night Twilight
14. Geographical Location of Vessel at time of Casualty			
15. (a) If Casualty occurred underway, Port of Departure	(b) Date of Departure	(c) Port to Which Bound	
16. (a) RESULT OF CASUALTY: Injury Death Missing (Complete INJURY or DEATH entries below, as appropriate)			
(b) Nature of Injury			(c) Total Days Incapacitated
(d) Reason for Death			(e) Location of Individual at Death
			(f) Date of Death

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DESCRIPTION OF CASUALTY (Give events leading up to casualty and how it occurred. Attach diagram and additional sheets, if necessary).

19. WITNESSES TO ACCIDENT (At least two, if possible)

Name	Name
Address	Address
Name	Name
Address	Address

IV. ASSISTANCE AND RECOMMENDATIONS

20. (a) MEDICO (Medical) MESSAGE SENT	(b) IF YES, GIVE DATE OF FIRST MESSAGE	(c) IF YES, GIVE TIME OF FIRST MESSAGE (Local or zone and description)
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21. (a) TREATMENT ADMINISTERED Yes No	(b) IF YES, BY WHOM Ship's Doctor Other Ships' Personnel Other (Specify)
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22. BRIEFLY DESCRIBE TREATMENT (If administered by other than M.D)

23. (a) Name of Hospital, If Person was Hospitalized	(b) Address of Hospital
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24. Recommendations for Corrective Safety Measures Pertinent to this Casualty

25. Date of Report	26. Submitted by (Print Name)	27. Signature	28. Title
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