



**PARLIAMENT OF THE DEMOCRATIC
SOCIALIST REPUBLIC OF
SRI LANKA**

NATIONAL HYDROGRAPHIC

**A
BILL**

to Make Provisions for Giving Effect to certain Specific Obligations of Sri Lanka Under the International Convention for the Safety of Life At sea 1974; for the Establishment of the National Hydrographic Office; for the Registration of Hydrographic Surveyors and Nautical Cartographers and for Matters Connected Therewith Or incidental Thereto.

*Presented by the Minister of Justice, Prison Affairs and
Constitutional Reforms on 20th of October, 2023*

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National Hydrographic

L.D.–O. 36/2023

AN ACT TO MAKE PROVISIONS FOR GIVING EFFECT TO CERTAIN SPECIFIC OBLIGATIONS OF SRI LANKA UNDER THE INTERNATIONAL CONVENTION FOR THE SAFETY OF LIFE AT SEA 1974; FOR THE ESTABLISHMENT OF THE NATIONAL HYDRO GRAPHIC OFFICE; FOR THE REGISTRATION OF HYDROGRAPHIC SURVEYORS AND NAUTICAL CATOGRAPERS AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

WHEREAS an International Convention for the Safety of Life at Sea, 1974 was adopted by the International Conference on Safety of Life at Sea on November 1, 1974 and entered into force on May 25, 1980 (in this Act referred to as the “Convention”):

Preamble.

AND WHEREAS the Government of Sri Lanka acceded to the International Convention for the Safety of Life at Sea, 1974 on August 30, 1983:

AND WHEREAS although the Merchant Shipping Act, No. 52 of 1971 as amended by Act, No. 17 of 2019 has already given effect to the International Convention for the Safety of Life at Sea, 1974, it is necessary to make specific legal provisions to give effect to Sri Lanka’s obligations in relation to Regulations 4 and 9 of Chapter V of the aforesaid Convention:

NOW THEREFORE, be it enacted by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows: -

1. (1) This Act may be cited as the National Hydrographic Act, No. of 2023.

Short title and date of operation.

(2) The provisions of this Act other than this Section shall come into operation on such date as the Minister may appoint by Order published in the *Gazette*.

(3) The provisions of this Section shall come into operation on the date on which the Bill becomes an Act of Parliament.

PART I

5 ESTABLISHMENT OF THE NATIONAL HYDROGRAPHIC OFFICE

2. (1) There shall be established an Office which shall be called and known as the National Hydrographic Office (hereinafter referred to as the “Office”).

Establishment
of the
National
Hydrographic
Office.

10 (2) The Office shall, by the name assigned to it by Subsection (1), be a body corporate and shall have perpetual succession and a common seal and may sue and be sued in such name.

3. The objects of the Office shall be –

Objects of
the Office.

- 15 (a) to be responsible for the provision of hydrographic services required by the Convention;
- 20 (b) to produce and maintain accurate nautical charts for the safe navigation of ships and to provide information about water depths, underwater features, coastlines, hazards and aids to navigation;
- (c) to collect data for updating and improving nautical charts and ensure maritime safety;
- 25 (d) to establish and maintain aids to navigation and to help mariners to determine their positions and navigate safely, especially in challenging conditions; and

- (e) to improve hydrographic survey techniques, data processing methods and technologies used in the field.

5 4. The powers, duties and functions of the Office shall be – Powers, duties and functions of the Office.

- (a) to collect, preserve, regulate and compile marine geospatial data for the purpose of preparation, distribution, and updating of all types of navigational charts;
- 10 (b) to publish all types of navigational charts required for the safe navigation in the maritime zones of Sri Lanka;
- (c) to carryout hydrographic surveying of maritime zones of Sri Lanka;
- 15 (d) to keep all maritime data which may have an impact on confidentiality and safety of national and regional security;

20 Provided that, the Office shall obtain the concurrence of the Secretary to the Ministry of the Minister assigned the subject of Defence before publishing or disseminating any such data which may in its opinion have a bearing on the national security;

- 25 (e) to ensure the safety of international shipping –
 - 30 (i) to carryout adequate surveying in accordance with international hydrographic standards and specifications adopted by Sri Lanka;

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- (ii) to publish such specifications by way of notifications published in the *Gazette*;
- 5 (iii) preparation and issuance of nautical charts and nautical publications which include routes, lighthouses, obelisks, identification of all types of buoys and beacons and all information of tidal data in accordance with accepted international standards;
- 10 (iv) to prepare and issue notices to mariners containing information on maritime accidents and to assist in the rescue of any person who has encountered with such accident; and
- 15 (v) to issue instructions regarding the updated printed and electronic nautical charts and publications;
- (f) to maintain nautical charts and publications in accordance with international conventions and standards;
- 20 (g) to provide accurate and reliable hydrographic and navigational information related to the maritime zones of Sri Lanka;
- 25 (h) to conduct training on hydrographic surveying and nautical cartography in accordance with international conventions and standards;
- 30 (i) to monitor, record prepare reports on tides in the coastal zone and to publish the same in order to ensure safety and other

navigational requirements in the maritime zones of Sri Lanka;

- 5 (j) to collect, regulate, issue, preserve and maintain all hydrographic survey data, marine data and hydrospatial data as may be prescribed;
- (k) to provide necessary assistance subject to the relevant written laws to any agency, institution or organization engaged in following activities: -
 - 10 (i) coastal management and development;
 - (ii) conducting feasibility studies and assessments, dredging operations, maintenance and development of port facilities;
 - 15 (iii) coastal erosion monitoring and controlling;
 - (iv) land reclamation from sea and the establishment of disposal sites at sea for industrial wastes and the monitoring of the same;
 - 20 (v) conduct research and develop aquatic resources;
 - (vi) implement any project in cargo and passenger transport in coastal waters;
 - 25 (vii) implement infrastructure construction, development and any other project in coastal waters;

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(viii) promote tourism and recreational activities in coastal zones; or

(ix) engage in marine pollution prevention and disaster management;

- 5 (l) to assist and provide advice in respect of maritime boundary demarcation in the waters of Sri Lanka;
- 10 (m) to provide necessary consultancy and other assistance for the development activities including laying of pipelines, undersea cable systems and establishment of mineral extraction wells and to preserve data and information regarding such activities;
- 15 (n) to coordinate with other educational institutions engaged in the hydrographic and marine geospatial information in the waters of Sri Lanka to maintain prescribed educational standards;
- 20 (o) to coordinate with other institutions within or outside Sri Lanka to maintain high professional standards in hydrography;
- 25 (p) to conduct higher educational training related to hydrographic surveying and nautical cartography and to obtain necessary technical and professional training with the assistance of foreign institutions having expertise in the relevant fields;
- 30 (q) to assist relevant authorities to enhance safety in navigation in the waters of

Sri Lanka and to provide necessary assistance to those authorities to manage economic activities in the waters of Sri Lanka;

- 5 (r) to receive grants, gifts or donations in cash or kind:

10 Provided however, the Office shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Office;

- 15 (s) to open, maintain and operate any account with any bank as it may think appropriate;

- (t) to manage, control, administer and operate the Fund of the Office;

- 20 (u) to invest such amount of money belonging to the Office as are not immediately required for the purposes of this Act;

- (v) to purchase, hold, take or give on lease or hire, mortgage, pledge, sell or otherwise dispose of any movable or immovable property;

- 25 (w) to enter into and perform either directly or indirectly through any authorized officer or agent of the Office, all such contracts or agreements as may be necessary, for the exercise, performance and discharge of the
30 its powers, duties and functions;

- (x) make rules in respect of the administration of the affairs of the Office;

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- (y) to levy fees or charges for any service rendered by the Office;
- (z) to appoint, employ, remunerate, exercise disciplinary control or dismiss such officers, employees and agents as may be necessary for the carrying out of the object of the Office;
- (aa) to provide training to officers and employees of the Office within or outside Sri Lanka;
- (bb) to appoint committees for the effective discharge of its functions; and
- (cc) to do all such other acts and things which may be incidental or conducive to the attainment of the objects of this Act.

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PART II

ADMINISTRATION AND MANAGEMENT

OF AFFAIRS OF THE OFFICE

20 5. (1) The administration and management of the affairs of the Office shall be vested in the National Hydrographic Council (in this Act referred to as the "Council").

Administration and management of the Office vested in the Council.

25 (2) The Council shall, for the purpose of administering and managing the affairs of the Office in a manner expedient for the achievement of the objects of this Act, exercise, perform and discharge the powers, duties and functions conferred on, assigned to, or imposed on the Office by this Act.

6. (1) The Council shall consist of –

Constitution of the Council.

(a) the following *ex-officio* members, namely -

- (i) Secretary to the Ministry of the Minister assigned the subject of Defence or his representative not below the rank of an Additional Secretary;
- 5 (ii) Secretary to the Ministry of the Minister assigned the subject of Finance or his representative not below the rank of an Additional Secretary;
- 10 (iii) Secretary to the Ministry of the Minister assigned the subject of Foreign relation or his representative not below the rank of an Additional Secretary;
- 15 (iv) Commander of the Sri Lanka Navy appointed in terms of the Navy Act (Chapter 358);
- 20 (v) Chairman of the Governing Board of the National Aquatic Resources Research and Development Agency appointed under the National Aquatic Resources Research and Development Agency Act, No. 54 of 1981;
- (vi) the Surveyor-General;
- 25 (vii) Director-General of Merchant Shipping appointed under the of Merchant Shipping Act, No.52 of 1971;
- (viii) Harbour Master appointed under the Sri Lanka Ports Authority Act, No. 51 of 1979;
- 30 (ix) Director-General of the Department of Coast Guard appointed under the

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Department of Coast Guard Act, No. 41 of 2009;

- 5 (x) Chairman of the University Grants Commission appointed under the Universities Act, No. 16 of 1978 or the Vice-Chairman of the same;
- 10 (xi) Chairman of the Board of Management of the Geological Survey and Mines Bureau appointed under the Mines and Minerals Act, No. 33 of 1992;
- (xii) Chairman of the Marine Environment Protection Authority appointed under the Marine Pollution Prevention Act, No. 35 of 2008;
- 15 (xiii) Director-General of Coast Conservation and Coastal Resource Management appointed under the Coast Conservation and Coastal Resource management Act, No. 57 of 20 (1981; and
- (xiv) Chairman of the Central Environmental Authority appointed under the National Environmental Act, No. 47 of 1980; and
- 25 (b) three members appointed by the Minister who shall possess academic or professional qualifications and has experience in the fields of hydrography or hydrography related discipline (hereinafter referred to as “appointed members”).
- 30

(2) Where the Commandar of the Sri Lanka Navy is appointed as an *ex officio* member under subsection (1), such

appointment shall be made in terms of the Navy Act ,
(Chapter 358) in respect of the performance of non-naval
duties under the provisions of that Act.

7. (1) The Minister shall appoint one of the appointed
5 members to be the Chairperson of the Council. Chairperson
of the
Council.

(2) The Chairperson may resign from his office by letter
addressed to the Minister and such resignation shall be
effective from the date on which it is accepted by the Minister.

(3) The Minister may for reasons assigned therefor remove
10 the Chairperson from the office of Chairperson.

(4) Subject to the provisions of sub-sections (2) and (3),
the term of office of the Chairperson shall be the period of his
membership of the Council.

(5) Where the Chairperson is temporarily unable to exercise,
15 perform and discharge the powers, duties and functions of
his office due to ill health, other infirmity, absence from Sri
Lanka or any other cause, the Minister may appoint any other
appointed member to act as the Chairperson in addition to his
normal duties as an appointed member during the absence of
20 the Chairperson.

8. A person shall be disqualified from being appointed or
continuing as a member of the Council, if he – Disqualifications
from being a
member of
the Council.

(a) is or becomes a member of Parliament or of
any Provincial Council or of any local
25 authority;

(b) is not or ceases to be a citizen of Sri Lanka;

(c) is under any law in force in Sri Lanka or
any other country found or declared to be
of unsound mind;

30 (d) is a person who having been declared
insolvent or bankrupt under any law in

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force in Sri Lanka and is an undischarged insolvent or bankrupt;

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(e) is subject to an ongoing investigation in respect of an offence under any other written law;

(f) is serving or has served a sentence of imprisonment of more than six months imposed by any court in Sri Lanka or any other country;

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(g) holds or enjoys any right or benefit under any contract made by or on behalf of the Office; *or*

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(h) has any financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member of the Council.

9. Every appointed member of the Council shall, unless he vacates office earlier by resignation, death or removal, hold office for a period of three years from the date of his appointment and unless is removed from office, shall be eligible for reappointment for not more than one further term, whether consecutive or otherwise.

Term of office.

10. (1) Any appointed member of the Council may at any time, resign from his office by a letter to that effect, addressed to the Minister, and such resignation shall be effective from the date on which it is accepted by the Minister in writing.

Resignation and removal.

(2) Where any appointed member by reason of illness, infirmity or absence from Sri Lanka is temporarily unable to discharge the functions of his office, the Minister may, having regard to the provisions of paragraph (b) of section 6, appoint some other person to act in his place during his absence.

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(3) The Minister may for reasons assigned, remove an appointed member from office. An appointed member who has been removed from office shall not be eligible for reappointment as a member of the Council or to serve the
5 Council in any other capacity.

(4) Where an appointed member dies, resigns or is removed from office, the Minister may having regard to the provisions of paragraph (b) of section 6, appoint another person in his place and the person so appointed shall hold
10 office for the unexpired period of the term of office of the member whom he succeeds.

11. (1) The meetings of the Council shall be held at least once in every month and the quorum for a meeting of the Council shall be seven members. Quorum and meetings of the Council.

15 (2) The Chairperson shall preside at every meeting of the Council. In the absence of the Chairperson from any meeting of the Council, a member elected by the members present shall preside at such meeting.

20 (3) A meeting of the Council may be held either-

- (a) by the number of members who constitute a quorum being assembled at the place, date and time appointed for the meeting; *or*
- 25 (b) by means of audio-visual linkage by which all members participating and constituting a quorum can simultaneously see and hear each participating member for the duration of the meeting.

(4) All questions for a decision at any meeting of the
30 Council shall be decided by the vote of the majority of members present at such meeting. In the case of an equality of votes, the Chairperson shall, in addition to his vote have a casting vote.

(5) Subject to the preceding provisions of this section, the Council may regulate the procedure in relation to the meetings of the Council and the transaction of business at such meetings.

- 5 **12.** The Council may act notwithstanding any vacancy among its members and any act or proceeding of the Council shall not be or deemed to be invalid by reason only of the existence of any vacancy among its members or any defect in the appointment of a member thereof. Acts or Proceedings of the Council deemed not to be invalid by reason of any vacancy.
- 10 **13.** The members of the Council shall be paid remuneration in such manner and at such rates as may be determined by the Minister, with the concurrence of the Minister assigned the subject of Finance. Remuneration of the members of the Council.
- 15 **14.** (1) The seal of the Office shall be in the custody of such person as the Council may decide from time to time. Seal, logo and flag of the Office.
- (2) The seal of the Office may be altered in such manner as may be determined by the Council.
- (3) The seal of the Office shall not be affixed to any instrument or document except with the sanction of the
20 Council and in the presence of the Chairperson and one other member of the Council who shall sign the instrument or document in token of their presence:
- Provided however, where the Chairperson is unable to be present at the time when the seal of the Office is affixed to
25 any instrument or document, any other member of the Council authorised in writing by the Chairperson in that behalf shall be competent to sign such instrument or document in accordance with the preceding provision of this sub-section.
- (4) The Office shall maintain a register of the instruments
30 and documents to which the seal of the Office has been affixed.

(5) There shall be a logo exclusive for the use of the Office.

(6) There shall be a flag to maintain the identity of the Office.

(7) A person who knowingly or wilfully misuses the seal,
5 logo or the flag of the Office under this Act, commits an offence under this Act and on conviction after summary trial before a Magistrate be liable to a fine not exceeding two million rupees or to imprisonment for a term not exceeding two year or to both such fine and imprisonment.

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PART III

NATIONAL HYDROGRAPHER AND THE STAFF OF THE OFFICE

15 **15.** (1) There shall be a National Hydrographer of the Office appointed by the Council in consultation with the Minister. Appointment of the National Hydrographer of the Office.

(2) The person appointed as the National Hydrographer shall –

- (a) be a citizen of Sri Lanka;
- (b) be physically and mentally fit;
- 20 (c) be a Hydrographic Surveyor or a Nautical Cartographer with at least fifteen years experience in –
 - (i) nautical charting and related activities;
 - 25 (ii) practical use of electronic and printed nautical charts and nautical publications; and

(iii) hydrographic project management;

(d) be not more than fifty five years of age as at the date of appointment; and

5 (e) be competent, of high moral integrity and of good repute.

(3) The National Hydrographer, unless he vacates office earlier by death, by operation of law, resignation or removal shall hold office for a term of three years and unless removed from the office shall be eligible for reappointment subject to a
10 maximum period of any three terms of office whether consecutive or otherwise.

(4) The National Hydrographer shall, subject to the general or special directions of the Council, –

15 (a) be charged with the conduct of day to day administration of the affairs of the Office including the administration and control of the staff;

(b) be responsible for the execution of all decisions of the Council; and

20 (c) carry out all such functions as may be assigned to him by the Council.

(5) The National Hydrographer shall be the Secretary to the Council and be present and speak at any meeting of the Council, but shall not be entitled to vote at such meeting.

25 (6) The National Hydrographer may, with the approval of the Council, wherever he considers it necessary to do so, delegate in writing to any officer or employee of the Office, any of his functions referred to in subsection (4) and the officer or employee to whom any such function is delegated
30 shall discharge them subject to the directions of the National Hydrographer.

(7) The Council may remove the National Hydrographer from office –

- (a) if he becomes permanently incapable of performing his duties;
- 5 (b) if he had done any act which the Council has decided to be of a fraudulent or illegal character or is prejudicial to the interests of the Office; or
- 10 (c) has failed to comply with any direction issued by the Council.

(8) The National Hydrographer shall be paid such remuneration as may be determined by the Council with the concurrence of the Minister assigned the subject of Finance.

15 **16.** (1) Subject to the provisions of this Act, the Office may employ or appoint such officers and employees as may be necessary for the efficient exercise, performance and discharge of its powers, duties and functions. Staff of the Office.

(2) The Council shall have the power subject to the provisions of the Act to –

- 20 (a) exercise disciplinary control over and dismiss the officers and employees of the Office appointed under subsection (1);
- (b) determine the terms and conditions of service of officers and employees of the Office appointed under subsection (1); and
- 25 (c) fix the rates at which such officers and employees shall be remunerated with the concurrence of the Minister assigned the subject of Finance.

(3) All officers and employees of the Office shall, within one month of employment, declare in writing to the Office of their personal direct or indirect interest to the affairs and transactions of the Office including those of their close
5 relations or, concerns in which such officer or employee has a substantial interest.

(4) The Office may establish and regulate pension and provident funds and schemes for the benefit of the National Hydrographer and its officers and employees and their
10 dependants and nominees with the concurrence of the Minister assigned the subject of Finance and may make contributions to any such fund or scheme.

(5) The Office shall promote and sponsor the training of its officers and employees and for this purpose, the Office
15 shall be authorised to defray the costs of study, in Sri Lanka or abroad of the officers and employees of the Office who are of proven merit as determined by the Office.

(6) The Office shall establish a code of conduct which shall be applicable to the officers and employees of the Office.

20 (7) The Office shall not appoint any person to the staff of the Office under subsection (1), where such person –

- (a) has been previously found guilty of serious misconduct by a court or tribunal or has been subject to a disciplinary action
25 by a regulatory body;
- (b) has been previously dismissed from office; or
- (c) has committed a breach of the provisions of this Act, regulations or rules made
30 thereunder.

(8) At the request of the Office, any officer in the public service may, with the consent of the officer and the Public

Service Commission be temporarily appointed to the Office for such period as may be determined by the Office or with like consent, be permanently appointed to such staff.

(9) Where any officer in the public service is temporarily
5 appointed to the staff of the Office, the provisions of subsection (2) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

(10) Where any officer in the public service is permanently
10 appointed to the staff of the Office, the provisions of subsection (3) of section 14 of the National Transport Commission Act, No. 37 of 1991, shall *mutatis mutandis*, apply to and in relation to such officer.

(11) Where the Office employs any person who has agreed
15 to serve the Government for a specified period, any period of service to the Office by that person shall be regarded as service to the Government for the purpose of discharging the obligations of such agreement.

(12) At the request of the Office any officer of the Sri
20 Lanka Army, Sri Lanka Navy or Sri Lanka Air Force may, with the written sanction of the Commander of the Army, Commander of the Navy or the Commander of the Air Force, as the case may be, be temporarily appointed to the Office for such period as may be determined by the Office subject to
25 the provisions of the Army Act (Chapter 357), Navy Act (Chapter 358), and the Air Force Act (Chapter 359), as the case may be.

(13) The Office may with the consent of such officer or
employee propose secondment of its officers or employees
30 to other state institutions or regulatory authorities in Sri Lanka or abroad for a period determined by the Office on an assignment agreed upon between such institution or the

authority and the Office. The period of secondment shall be deemed to be considered as service to the Office.

PART IV

REGISTRATION AS HYDROGRAPHIC

5 SURVEYORS OR NAUTICAL CARTOGRAPHERS

17. (1) A person shall not practice as a Hydrographic Surveyor or as a Nautical Cartographer unless such person is registered under the provisions of section 18 of this Act:

Hydrographic Surveyors or Nautical Cartographers to register under this Act.

10 Provided that, any Hydrographic Surveyor or a Nautical Cartographer who is engaged in the practice of hydrographic surveying or nautical cartography other than on the Sri Lanka internal waters on the date of commencement of this Act shall, within Two years from the date of commencement of this Act, register himself under the provisions of section 18.

15 (2) Any person who fails to comply with the provisions of subsection (1) commits an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding hundred thousand rupees or to imprisonment for a term not exceeding six months or to both
20 such fine and imprisonment.

18. (1) A person who wishes to practice as a Hydrographic Surveyor or a Nautical Cartographer shall make an application to the Office for registration.

Application for registration as a Hydrographic Surveyor or a Nautical Cartographer.

25 (2) The applicant under subsection (1) shall possess such qualifications and experience as may be prescribed.

(3) An application under subsection (1) shall be substantially in a form as may be prescribed by regulation and accompanied by a prescribed fee.

(4) The Office may require an applicant to furnish further
5 information in connection with an application as it may specify.

(5) An applicant shall bear the cost incurred in connection with the verification of information submitted in support of an application.

(6) Upon the receipt of an application under subsection
10 (1), the office shall on consideration of the matters contained in the application decide either to register as a Hydrographic Surveyor or a Nautical Cartographer subject to the provision of this Act and to such terms and conditions specified therein or for the reasons to be recorded by it refuse to register as a
15 Hydrographic Surveyor or a Nautical Cartographer.

(7) The Office shall in writing inform the applicant of its decision and in the case of a refusal to register, it shall state its reasons therefor within one month from the date of informing the said decision.

20 (8) A Hydrographic Surveyor or a Nautical Cartographer registered under this section shall be granted with a Certificate of Registration in the respective field in the form and manner as may be prescribed (hereinafter referred to as the "Certificate of Registration").

25 (9) The Certificate of Registration shall include such terms and conditions subject to which such registration has been granted.

19. (1) A Certificate of registration that has been granted under this Act shall unless cancelled earlier be valid for a period of one year from the date of the issue of the Certificate of Registration.

Duration of a registration.

5 **(2)** The Office may cancel a Certificate of Registration issued under section 18, if it is satisfied that the holder of the Certificate of Registration has violated the provisions of the Act or regulations made thereunder or any of the terms and conditions of such Certificate of Registration.

10 **20.** A Certificate of Registration issued under section 18 shall be renewable on an application in a form as may be prescribed being made in that behalf to the Office not later than thirty day before the expiry of the Certificate of Registration and be accompanied by a fee as may be
15 prescribed:

Renewal of Certificate of Registration.

Provided that, any Hydrographic Surveyor or a Nautical Cartographer who is a public officer shall not be required to renew the registration under this section for so long as such officer serves as a public officer.

20 **21.** (1) Where an application is made for the registration or renewal of a Certificate of Registration, the Office may refuse to register or renew the Certificate of Registration on any of the following grounds: -

Refusal to register or renew a Certificate of Registration.

25 (a) non-compliance with the rules made in that behalf;

 (b) failure to comply with the provisions of this Act or, regulations or rules made thereunder;

(c) the information or documents furnished by the applicant to the Office is false or misleading or, material omissions exist; or

5 (d) has been convicted for an offence under the provisions of this Act.

(2) The Office shall not refuse to register or renew the Certificate of Registration without giving the applicant an opportunity of being heard.

10 **22.** (1) Every Hydrographic Surveyor or a Nautical Cartographer, as the case may be, who is registered under section 18, shall have the right to use, if such person is – Use of abbreviated designations

(a) a Hydrographic Surveyor, the abbreviated designation “HyS”; and

15 (b) a Nautical Cartographer, the abbreviated designation “NauC”.

(2) A person shall not use any abbreviated designation referred to in subsection (1) unless such person is registered as a Hydrographic Surveyor or a Nautical Cartographer under the provisions of this Act.

20 **23.** (1) Where the Office is satisfied that any Hydrographic Surveyor or a Nautical Cartographer – Cancellation or suspension of a registration

(a) has contravened the provisions of this Act, or any regulation or rule made thereunder;

25 (b) has contravened any term or condition of the Certificate of Registration issued under section 18; or

30 (c) has been found guilty of a prescribed act or professional misconduct, after an inquiry held by the Complaint Resolution Committee established by the Office under section 26,

the Office shall take steps to suspend the registration of such Hydrographic Surveyor or a Nautical Cartographer issued under section 18 and cause a notice of such suspension be issued forthwith to such Hydrographic
5 Surveyor or a Nautical Cartographer.

(2) Any such notice shall specify the grounds on which the decision of the Office is based on, and shall indicate that such Hydrographic Surveyor or the Nautical Cartographer may within a period of one month commencing from the date of receipt of the notice submit to the Office in writing any
10 reason as to why the registration shall not be cancelled.

(3) Where such Hydrographic Surveyor or the Nautical Cartographer, as the case may be, fails to submit the reasons within the period of one month or where the Office is not satisfied with the reasons given by the Hydrographic
15 Surveyor or the Nautical Cartographer, the Office may cancel the registration of such Hydrographic Surveyor or the Nautical Cartographer as the case may be, and inform such person in writing about such cancellation.

(4) Where any Hydrographic Surveyor or a Nautical Cartographer is convicted for an offence under this Act, the
20 Certificate of Registration issued to such person under section 18 shall –

- (a) where no appeal is preferred against the conviction, be cancelled; or
- (b) where an appeal is preferred in terms of relevant
25 written law, be suspended until the decision of the appellate court to which the appeal is preferred is pronounced.

(5) Where the registration of a Hydrographic Surveyor or a Nautical Cartographer is cancelled, the name of such person shall be removed from the registers kept under section 37 of
30 this Act.

(6) Any person whose registration is cancelled under this section shall within fourteen days handover his respective Certificate of Registration to the Office.

PART V
APPEALS

24. (1) Any person who is aggrieved by the decision of the Office other than under subsection (4) of section 23 may within thirty days of being notified of such decision, appeal to the Appeals Board appointed by the Minister for this purpose under section 25.

(2) The Appeals Board may, after taking into consideration all the relevant factors and where it is appropriate and reasonable –

- (a) allow the appeal and vary the decision of the Office or confirm such decision; or
- (b) disallow the appeal.

25. (1) The Minister shall appoint an Appeals Board which shall consist of –

- (a) a registered Hydrographic Surveyor or a Nautical Cartographer with at least five years experience;
- (b) an Attorney - at - Law who is qualified in the field of maritime law with at least ten years experience in the relevant field; and
- (c) a Class 1 officer of the Sri Lanka Administrative Service.

(2) The Minister when appointing the members of the Appeals Board may consult the Office.

(3) The members of the Appeals Board shall hold office for a term of three years from the date of appointment and shall be eligible for reappointment.

(4) The Minister may make regulations prescribing the manner in which the meetings and business of the Appeals Board shall be carried out.

5 (5) The Appeals Board shall inform its decision to the Office.

(6) Upon receiving the decision of the Appeals Board, the Office shall forthwith inform the appellant of such decision and act in accordance with the decision of the Appeals Board.

10 (7) The members of the Appeals Board may be paid such remuneration as may be determined by the Minister with the concurrence of the Minister assigned the subject of Finance.

15 26. (1) The Office shall establish a Complaints Resolution Committee (hereinafter referred to as the "Committee") comprising of such officers authorised by the Office to hear complaints by any person relating to the professional misconduct or breach of any provision of this Act, or regulations or rules made thereunder

Inquiry by
Complaints
Resolution
Committee

20 (2) The Committee may hold such inquiries as may be deemed necessary or expedient and for such purpose summon and call upon any person to appear before the Committee to give evidence or to produce any book or document in the possession or control of such person as are required for the purpose of such inquiries.

25 (3) The Office shall establish an appropriate procedure for handling such complaints and all matters incidental thereto by rules made under this Act.

30 (4) The Committee may on receipt of any written complaint made by a person, examine the evidence produced before such Committee to find whether any prescribed act of professional misconduct has been committed by the Hydrographic Surveyor or Nautical Cartographer, against whom the complaint is made.

(5) Where the Committee finds that a person has contravened any provision of this Act, or regulations or a rules made thereunder, the Committee shall convey such finding with a recommendation to the Office and the Office shall have the discretion to either give effect to such recommendation or take any other action as it may deem expedient.

(6) The Office shall not take any action under this section without affording the person an opportunity of being heard.

10 **PART VI**
FINANCE

27. (1) The Office shall have its own Fund (hereinafter referred to as “the Fund”).

Fund of the Office

(2) There shall be credited to the Fund –

- 15 (a) all such sums of money as may be voted from time to time by Parliament, for the use of the Office;
- 20 (b) all such sums of money as may be received by the Office in the exercise and discharge of its powers, duties and functions under this Act; and
- 25 (c) all such sums of money as may be received by the Office by way of income, fees, charges, grants, gifts or donations from any source whatsoever whether within or outside Sri Lanka:

30 Provided that, the Office shall obtain the prior written approval of the Department of External Resources of the Ministry of the Minister assigned the subject of Finance, in respect of all foreign grants, gifts or donations made to the Office.

(3) There shall be paid out of the Fund –

- 5
- (a) all such sums of money as are required to defray any expenditure incurred by the Office in the exercise, performance and discharge of its powers, duties and functions under this Act; and
 - (b) all such sums of money as are required to be paid out of the Fund by or under this Act.

10 **28.** (1) The financial year of the Office shall be the calendar year. Financial year and audit of accounts.

(2) The Council shall cause proper books of accounts to be kept of the income and expenditure, assets and liabilities and all other transactions of the Office.

15 (3) The provisions of Article 154 of the Constitution relating to the audit of the accounts of public corporations shall apply to the audit of accounts of the Office.

20 (4) The Council shall submit the audited statement of accounts together with the auditor's report to the Minister within five months of the end of the financial year to which such report relates. The Minister shall place such statement and the report before Parliament within two months of the receipt thereof.

PART VII

25 **GENERAL**

29. (1) The Council may in writing and subject to such conditions as may be specified therein, delegate to the National Hydrographer the powers, duties and functions conferred on the Council under paragraphs (a) and (b) of subsection (2) of section 16 and the National Hydrographer Delegation of the powers of the Council.

shall exercise, perform and discharge such powers, duties and functions in the name and on behalf of the Council.

(2) The Council may, notwithstanding any delegation made under subsection (1), by itself exercise, perform or discharge
5 any power, duty or function so delegated and may at any time revoke any such delegation.

10 **30.** No civil or criminal proceedings shall be instituted against the National Hydrographer, any officer or employee of the Office or any member of the Council, for any act which in good faith is done or purported to be done by him under this Act or on the directions of the Office or the Council as the case may be, if he proves that he acted in good faith and exercised all due diligence, reasonable care and skill. Protection for action taken under this Act

15 **31.** (1) Every member of the Council, the National Hydrographer, and every officer or employee of the Office shall, before entering into the duties of his office sign a declaration that he will not disclose any information received by him or coming to his knowledge in the exercise, performance
20 and discharge of his powers, duties and functions under this Act except for the purpose of giving effect to the provisions of this Act to the extent permitted under the provisions of Right to Information Act, No. 12 of 2016. Duty to maintain Secrecy

(2) Any person who contravenes the provisions of subsection (1), commits an offence under this Act, and shall
25 on conviction after summary trial before a Magistrate be liable to a fine not exceeding one hundred thousand rupees or to imprisonment of either description for a term not exceeding one year or to both such fine and imprisonment.

32. (1) The Office shall create, manage and maintain a
30 database of all hydrographic survey data, marine data and hydrosatial data collected by the Office. Database

(2) The Office shall take all necessary steps including technical safeguards to ensure the security of all its databases and data.

33. (1) The duplicates of all the nautical charts and nautical publications prepared by every registered Hydrographic Surveyor or a Nautical Cartographer during the preceding month to be submitted to the Office on or before the fifteenth day of every month together with a list in duplicate in such form and manner as may be prescribed. Duplicates .

(2) The Office shall maintain such duplicates in the form and manner as may be prescribed.

(3) Where any nautical chart or fair sheet is not prepared by a Hydrographic Surveyor or a Nautical Cartographer in any month, such person shall, unless he is absent from Sri Lanka furnish a nil list for that month on or before the fifteenth day of the following month.

(4) A Hydrographic Surveyor or a Nautical Cartographer who fails to submit the duplicates commits a professional misconduct under the provisions of this Act.

34. (1) A person who knowingly or willfully removes, destroys, alters the position of or markings on any hydrographic survey mark at the sea or coastal area, buoys or beacons that have been placed or set up for the control of hydrographic surveys or delineation of boundaries or identification of danger or for the purpose of any survey conducted under this Act, commits an offence under this Act and shall on conviction after summary trial before a Magistrate be liable to a fine not exceeding one million rupees or to imprisonment for a term not exceeding one year or to both such fine and imprisonment. Interference with survey marks.

(2) Any person who is convicted under subsection (1) shall, in addition to the fine or term of imprisonment or both for which such person is liable also be liable to such costs as may be determined by the Office in respect of repairing, 5 replacing or restoring any such survey marks, buoys or beacons specified in subsection (1).

35. (1) For the purpose of exercise, performance and discharge of the powers, duties and functions, it shall be lawful for the Office or any person authorised by the Office 10 to conduct the following: -

Power to
access any
place

- (a) to have access to any place, premises, vehicle, aircraft or a vessel;
- (b) to place or enact any permanent light, benchmark, reference mark or any temporary flag, sign or other 15 mark for the purpose of hydrographic surveying; and
- (c) to remove any flora or fauna obstructing any beacon, mark, trigonometrical point, flag, buoy or signal unless it is prohibited under any other written law.

20 (2) For the purpose of exercising the powers specified under subsection (1) –

- (a) prior written notice shall be given to the owner, occupier or the person in possession of the place, premises, vehicle, air craft or vessel within a 25 reasonable period of time;
- (b) the owner, occupier or the person in possession shall be reimbursed with any damage caused to such person's property while carrying out any power, duty or function under subsection (1) in the manner 30 specified by the Office; or

- (c) prior written approval of the relevant authority be obtained if the access to any place, premises, vehicle, aircraft or vessel is restricted due to national security or under the provision of any other written law.
- 5
- 36.** Any vessel used for the hydrographic surveying in the waters of Sri Lanka and any mechanical or non-mechanical equipment shall be approved by the Office as may be specified by the Office in accordance with the rules made in that behalf.
- Vessels of the hydrographic survey fleet
- 10 **37.** The Office shall, in accordance with the provisions of this Act and regulations made thereunder maintain the registers of the Hydrographic Surveyors and Nautical Cartographers in the form and manner as may be prescribed.
- Registers to be kept by the Office
- 15 **38.** (1) In terms of the provisions of this Act, where any immovable property of the State is required for the purposes of the Office, such purpose shall be deemed to be a purpose for which a special grant or lease of such property be made to the Office under section 6 of the Crown Lands Ordinance (Chapter 454) and accordingly the provisions of that Ordinance shall apply to a special grant or lease of such property to the Office for such purpose.
- State property both movable and immovable be made available to the Office
- 20
- (2) Where any movable property of a Government department or any public corporation is required for the purposes of the Office, the Minister may by Order published in the *Gazette* transfer to and vest in the Office the possession and use of such movable property.
- 25
- (3) No Order affecting any movable property of any Government department or public corporation shall be made by the Minister under subsection (2) without the concurrence of the Minister assigned with that department or public corporation.
- 30
- 39.** Where any person contravenes any provision of this Act or any regulations or rules made thereunder and no penalty has been specified under this Act in respect of such contravention, such person shall, on conviction after summary trial by a Magistrate, be liable to a fine not exceeding fifty thousand rupees or to imprisonment of either description
- 35 Penalties for contraventions for which no specific provisions have been made

for a term not exceeding six months or to both such fine and imprisonment.

5 **40.** An officer authorized in writing by the Office shall be deemed to be a public servant within the meaning of section 136 of the Code of Criminal Procedure Act, No. 15 of 1979, for the purpose of instituting proceedings in respect of offences under this Act.

Provision regarding prosecution

10 **41.** The Office shall be deemed to be a Scheduled Institution within the meaning of the Anti Corruption Act, No. 9 of 2023 and the provisions of that Act shall be construed accordingly.

Office deemed to be a Scheduled Institution within the meaning of the Anti Corruption Act

42. All members of the Council, the National Hydrographer and all officers and employees of the Office shall be deemed to be public servants within the meaning and for the purposes of the Penal Code (Chapter 19).

Members, National Hydrographer, officers and employees of the Office deemed to be public servants

15 **43.** The Minister may from time to time issue to the Council, general or special directions as to the exercise, performance and discharge of the powers, duties and functions of the Office.

Directions of the Minister

20 **44.** The provisions of this Act shall have effect notwithstanding anything to the contrary in any other written law and accordingly in the event of any inconsistency or conflict between the provisions of this Act and such other written law, the provisions of this Act shall prevail.

Provisions of this Act to prevail over other written law

25 **45.** (1) The Minister may make regulations in respect of all matters required by this Act to be prescribed or in respect of which regulations are authorized by this Act to be made.

Regulations

30 (2) In particular and without prejudice to the generality of the provisions contained in subsection (1), the Minister may make regulations in regard to :-

- (a) the mode and manner of preparation and maintenance of nautical charts in relation to the waters of Sri Lanka;
- 5 (b) adaptation of international procedures related to hydrographic services;
- (c) the manner in which hydrographic surveys to be conducted and the form and the manner in which
10 the nautical charts, fair sheets, digital data and other records pertaining to a hydrographic survey to be prepared and the details to be inserted in such nautical charts, fair sheets, field books and records;
- 15 (d) the degree of accuracy to be attained in hydrographic surveys and the limit of error to be allowed;
- (e) the steps to be taken to test the accuracy of hydrographic surveys and for the correction of any inaccuracies that may be discovered;
- 20 (f) the courses of study and training required to be obtained by a hydrographic surveyor before renewing such person's registration;
- (g) guidelines to be followed by registered hydrographic surveyors and Nautical Cartographers;
- 25 (h) form and manner and procedure relating to qualifying exams and professional tests to be followed by

persons who intend to register under the provisions of this Act; and

- 5 (i) registration of institutions which provide educational and professional qualifications to any person who intends to obtain a registration under the provisions of this Act.

(3) Every regulation made by the Minister within three months after its publication in the *Gazette* be brought before Parliament for approval.

10 (4) Any regulation which is not so approved shall be deemed to be rescinded as from the date of such disapproval but without prejudice to anything previously done thereunder.

(5) Notification of the date on which any regulation is so disapproved shall be published in the *Gazette*.

15 **46.** (1) Subject to the provisions of this Act, the Council ^{Rules} may make rules in respect of all or any of the following matters: -

- (a) all matters for which rules are authorised or required to be made under this Act;
- 20 (b) the meetings of the Council and the procedure to be followed at such meetings;
- (c) code of conduct to be followed by the officers and employees of the Office and a code of conduct to be followed by the registered Hydrographic Surveyors and Nautical Cartographers; and
- 25 (d) the appointment, promotion, remuneration and disciplinary control of officers and employees and the grant of leave and other emoluments to officers and employees.

(2) Every rule made by the Office shall be approved by the Minister and be published in the *Gazette* and shall come into operation on the date of its publication or on such later date as may be specified therein.

5 47. In this Act, unless the context otherwise requires- Interpretation

“contiguous zone” means the zone which may not extend beyond twenty four nautical miles from the baselines from which the breadth of the territorial sea is measured;

10 “digital data” means information obtained or created by the operation of electronic equipment in the course of hydrographic surveying, nautical charting or related incidental activities;

15 “exclusive economic zone” means the zone which shall not extend beyond two hundred nautical miles from the baselines from which the breadth of the territorial sea is measured;

20 “Fair sheets” means bathymetric data set in digital or graphic formats;

25 “hydrography” means the branch of applied sciences which deals with the measurement and description of the physical features of oceans, seas, coastal areas, lakes and rivers, as well as with the prediction of their change over time, for the primary

location and time of the earth's water and contiguous zone;

5 “internal waters” mean waters located landward of the base lines from which the territorial sea is measured and includes such as rivers, lakes, ponds and reservoirs of Sri Lanka;

10 “marine data” means any data which is related to the sea and the creatures and plants that live therein;

15 “marine geospatial data” includes dense data on the depth of oceans, magnetic nature, gravity changes, sound wave propagation in sea water temperature and pressure variations, behaviour of ocean currents and tides in the coastal zone of Sri Lanka;

20 “maritime zone” means any maritime zone declared under the Maritime Zones Law, No. 22 of 1976 and includes –

- 25 (a) the contiguous zone;
(b) the exclusive economic zone;
(c) the continental shelf; and
(d) the pollution prevention zone,

30 declared by Proclamation in terms of the aforesaid Law, and any other zone which may be declared at a future date under the said Law.

“Minister” means the Minister assigned the subject of the

Defence under Article 44 or 45 of the
Constitution;

5 “nautical cartography” means the art and
science of expressing electronic or
printed nautical charts by means
of computer hardware and
software which aids humans to
make decisions and perform their
functions;

10 “nautical cartographer” means the person
employed in drawing and
constructing electronic or printed
nautical charts complies with the
international standard of
15 competence as laid down by the
international organizations;

“nautical charting” means the activity or
process of making a digital or
printed chart of water bodies;

20 “nautical charts” means a measurement,
electronic or printed presentation,
in, graphical or numerical form, or
a combination of such forms, of
the depth, nature of the bottom,
elevation, magnetism or other
25 information of water and land,
including water and land (whether
natural or both) otherwise or a
projection by which information is
compiled to enable mariners to
30 navigate their vessels safely;

“navigation” means the process of directing the movement of a craft from one point to another;

5

“notices to mariners” means corrections to nautical charts and publications. These only contain information which is vitally important to safety at sea;

10

“ocean” means the vast body of water on the surface of the globe, which surrounds the land the main or great sea, one of the main areas into which this body of water is divided geographically;

15

“Pollution prevention zone” means the zone which is formulated to prevent, reduce, control and manage pollution arising out of ship based activity and shore based maritime related activity in the territorial waters of Sri Lanka or any other maritime zone, its fore-shore and the coastal zone of Sri Lanka;

20

25

“prescribed” means prescribed by regulations made under this Act;

“public officer” shall have the same meaning assigned to such expression under the Constitution;

30

“sea” means the great body of salt water in general, as opposed to land;

“territorial waters” includes the territorial sea and the historic waters of Sri Lanka;

5 “waters of Sri Lanka” includes internal waters and territorial sea of Sri Lanka.

48. In the event of any inconsistency between the Sinhala and Tamil texts of this Act, the Sinhala text shall prevail. Sinhala text to prevail in case of inconsistency

