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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

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PART I : SECTION (I) — GENERAL

Government Notifications

L.D.B 5/2017

THE LICENSING OF SHIPPING AGENTS, FREIGHT FORWARDERS, NON-VESSEL OPERATING COMMON CARRIERS AND CONTAINER OPERATORS ACT, No. 10 OF 1972

REGULATIONS made by the Minister of Ports and Shipping under section 10 of the Licensing of Shipping Agents, Freight Forwarders, Non- Vessel Operating Common Carriers and Container Operators Act, No. 10 of 1972.

MAHINDA SAMARASINGHE,
Minister of Ports and Shipping.

Colombo,
17th October, 2017.

Regulations

1. These regulations may be cited as the Shipping Agents, Freight Forwarders, Non-Vessel Operating Common Carrier and Container Operators (Structure of Charges) Regulations 2017.

2. (1) Every licensed Shipping Agent, Freight Forwarder, Non-Vessel Operating Common Carrier and Container Operator (hereinafter referred to as the “licensed service provider”) who carries on the business of a shipping agent, a freight forwarder, a non-vessel operating common carrier, a container operator or a consolidator of cargo shall issue a clean bill of lading which specifies the consignment of goods as a “Pre- Paid Freight” or “Freight Collect”.

(2) No Bill of Lading shall specify the consignment of goods as “Zero Freight”.

3. All charges on containerized cargo which cover entire cost of the carriage of goods referred to in the transport document from the origin to destination, shall be included in the all-inclusive freight specified in the Bill of Lading which shall be recovered only from the party who is contractually bound to pay the same.

4. Every contract relating to the structure of charges levied by the licensed service provider shall be subject to these regulations and a copy of the contract and any other relevant documents shall be submitted to the Director-General of Merchant Shipping where required.



5. No licensed service provider shall charge from an importer in Sri Lanka any charge other than the all-inclusive freight as specified in regulation 3 for the carriage of goods from the origin to destination as specified in the Bill of Lading or Forwarder's Cargo Receipt:

Provided, any licensed service provider may charge a delivery order fee from the importer which shall be payable in Sri Lankan Rupees.

6. (1) Where a delivery order fee is being charged by a licensed service provider, the amount of delivery order fee so charged shall be informed to the Director General of Merchant Shipping (hereinafter referred to as the "Director General") by such licensed service provider, for purposes of record.

(2) If any licensed service provider intends to increase the amount of delivery order fee, an application in that behalf shall be made to the Director General together with the documentary evidence supporting such increase.

(3) The Director General may upon verification of supporting documents –

- (a) accept the proposed increase of delivery order fee;
- (b) reject the proposed revision of delivery order fee; or
- (c) propose an alternative increase of the delivery order fee which he deems reasonable.

(4) The decision of the Director General shall be communicated to the relevant licensed service provider within forty- five working days from the date of receipt of the application referred to in paragraph (2), with reasons assigned therefor.

7. No licensed service provider shall charge from an exporter in Sri Lanka, any charge other than the all-inclusive freight as specified in regulation 3 for the carriage of goods from the origin to destination as specified in the Bill of Lading or Forwarder's Cargo Receipt.

8. Every licensed service provider covered shall comply with such directions issued under section 7 of the Licensing of Shipping Agents, Freight Forwarders, Non- Vessel Operating Common Carriers and Container Operators Act, No. 10 of 1972.

9. (a) Where any information or particulars, contained in any document submitted as required under these regulations, is found to be incorrect or false; or

(b) where any licensed service provider violates the provisions of these regulations,

the Director General may, after an inquiry, take steps to suspend or cancel the license issued to such company or withdraw or suspend the use of any privileges granted to such company.

10. Any person who acts in contravention of any provision of these regulations, or furnishes any information or explanation containing any particulars which to his knowledge are false or incorrect, shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to a fine not exceeding five thousand rupees or to imprisonment of either description for a period not exceeding one year, or to both such fine and imprisonment.

11. The Shipping Agents, Freight Forwarders, Non-Vessel Operating Common Carrier and Container Operators regulations 2013 published in the *Extraordinary Gazette* No. 1842/16 of December 27, 2013 are hereby rescinded.

12. In these regulations, unless the context otherwise requires-

“all inclusive freight” shall include-

- (a) Charges on full container load;
- (b) Terminal handling charges;
- (c) Charges for the issuance of bill of lading or forwarders cargo receipt; and
- (d) Charges on less than container load cargo (if applicable); and

“origin to destination” means the carriage of goods from –

- (a) Container yard to container yard;
- (b) Container freight station to container freight station;
- (c) Container yard to container freight station;
- (d) Container freight station to container yard.

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