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The Gazette of the Democratic Socialist Republic of Sri Lanka

EXTRAORDINARY

අංක 1842/16 - 2013 දෙසැම්බර් මස 27 වැනි සිකුරාදා - 2013.12.27
No. 1842/16 - FRIDAY, DECEMBER 27, 2013

(Published by Authority)

PART I : SECTION (I) — GENERAL

Government Notifications

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

REGULATIONS made by the President under Section 10 of the Licensing of Shipping Agents, Freight Forwarders, Non-Vessel Operating Common Carriers and Container Operators Act, No. 10 of 1972 read with Article 44(2) of the Constitution of the Democratic Socialist Republic of Sri Lanka

MAHINDA RAJAPAKSA,
President.

Colombo,
26th December, 2013.

Regulations

1. These regulations may be cited as the Shipping Agents, Freight Forwarders, Non-Vessel Operating Common Carrier and Container Operators regulations 2013 and shall come into operation with effect from January 6, 2014.
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. (1) 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.
(2) The "all inclusive freight" referred to in Sub-section (1) shall necessarily include :
 - (a) Charges on full container load ;
 - (b) Terminal handling charges ;
 - (c) Charges for the issuance of bill of lading or forwarders cargo receipt ;
 - (d) Charges on less than container load cargo (if applicable).



- (3) For the purposes of these regulations "origin to destination" in relation to the carriage of containerized cargo means the carriage of goods from -
- container yard to container yard ; or
 - container freight station to container freight station ; or
 - container yard to container freight station ; or
 - container freight station to container yard.

4. No licensed service provider shall charge from an importer in Sri Lanka, any charge other than the all-inclusive freight, where the importer is contractually liable to pay, subject to regulation 3(1) for the carriage of goods from the origin to destination as specified in the Bill of Lading ;

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

5. (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 of Merchant Shipping (hereinafter referred to as the "Director") 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 together with the documentary evidence supporting such increase.
- (3) The Director may -
- accept the proposed increase of delivery order fee upon verification of supporting documents ; or
 - reject the proposed revision of delivery order fee ; or
 - propose an alternative increase of the delivery order fee which he deems reasonable, after persual and where deemed necessary having made inquiry.
- (4) The decision of the Director shall be communicated to the relevant licensed service provider within forty-five (45) working days from the date of receipt of the application referred to in paragraph (2), with reasons for such decision which shall be binding on such licensed service provider.

6. No licensed service provider shall charge from an exporter in Sri Lanka, any charge other than the all-inclusive freight, where the exporter is contractually liable to pay, subject to regulations 3(1) for the carriage of goods from the origin to destination as specified in the Bill of Lading or Forwarder's Cargo Receipt.

7. (1) Any structure of charges levied by a licensed service provider in accordance with any existing contractual obligation entered prior to the date of operation of these regulations and binding on such licensed service provider which is contrary to the structure of charges on containerized cargo referred to in these regulations may be implemented until the date on which such contract expires or until April 30, 2014 which ever date is the earlier.
- (2) A copy of the contract referred to in paragraph (1) shall be filed with the Director by the licensed service provider, within two (2) weeks from the date of these regulations.
- (3) Any such existing contract which is operative beyond April 30, 2014 which contains a structure of charges contrary to the charges on containerized cargo referred to in regulation 3, shall be revised to ensure complinace with these regulations.
- (4) Any such existing contract not so revised shall be deemed to be null and void to the extent of the application of these regulations, with effect from April 30, 2014.