

M.S. Notice 01 of 2010

No:ENG/MISC-29(1)/2010

Dated: 08.02.2010

Subject: "License for the carriage of Petroleum in Bulk by water",

(i) MMDs, under the authority delegated by the Department of Explosives, Government of India are authorized to issue "License for the carriage of Petroleum in Bulk by water", under Rule 33 of the Petroleum Rules, 2002, subsequent to verification of compliance of relevant sections of the Petroleum Rules, 2002 by vessels registered under the I.V.Act, 1917, as amended.

(ii) "Verification" as stated in "(i)" above, constitute, inter alia, the examining of such vessels being water-worthy for their intended operations. Even though the special requirements, as per the Petroleum Rules 2002 as needed to be fulfilled for carriage of Petroleum products, are duly examined by the MMDs, fundamental water-worthiness requirements of these vessels as mentioned in Rule 34 of the Petroleum Rules, 2002, are usually accepted to be adequate as long as the Certificate of Survey issued by the Registering authority remains valid.

(iii) "Certificate of Survey" as stated in "(ii)" above is usually issued by the registering authority under whose inland-water-jurisdiction the vessel is normally expected to ply. Even though broadly, all inland waters throughout the country are expected to be endowed with similar behavioural features, consequent upon the recent amendments to the definition of "inland water", such a presumption need not necessarily hold good. The amended definition of "inland water" is shown below.(*)

However, at times it is seen that an Inland vessel plies in Inland waters which are under the jurisdiction of a port authority which is other than the port authority which issued the Certificate of Survey. Since, in such cases it is expected that the port authority under whose inland-water-jurisdiction the vessel plies, is more conversant with the inland waters within its jurisdiction as compared to the port authority which may have issued the Certificate of Survey, it is considered prudent that the port authority under whose inland water jurisdiction the vessel plies, satisfies itself as regards the compliance of Rule 34 of the Petroleum Rules, 2002, particularly in view of the recent amendments to the definition of "inland water" as stated above.

(iv) Considering (iii) above and that the DGS has delegated substantial survey / inspection activities to various competent authorities, it has now been decided that the issue of Petroleum License by the MMDs shall be subject to the following:-

(a) the survey / inspection by the MMDs shall be ordinarily restricted to verifying compliance of Rule 33,35,36,37,46 & 48 of the Petroleum Rules, 2002, on satisfactory completion of which the Petroleum License may be issued .

(b) The Petroleum License (vide Form III, Rule 33 of the Petroleum Rules 2002)as issued subsequent to the inspection as stated at (i) above, shall be valid **provided**, the vessel plies within the "inland waters" {as notified by the Government (under the advice of the concerned port authorities)} in accordance with the

definition contained at Section 3 of the I.V.(Amendt.) Bill, 2005.

(c) Verification of Rule 34 of the Petroleum Rules, 2002 of the subject vessels shall be certified by the concerned port authority (by way of their Harbour Craft Rules, or, by accepting certificates / documents issued by the IRS as commensurate to Rule 34, or by any other means such port authority deems proper) under whose inland-water-jurisdiction the vessel shall ply.

(d) MMDs shall undertake survey / inspection for issuance of Petroleum License as referred to at "a" above, after the vessel's operator / owner (i.e. who applies for the issuance of the Petroleum License) produces the certificate as stated at "c" above.

(v) On satisfactory completion of "(iv)d" above, MMDs may issue

Petroleum Licenses under Rule 33 of the Petroleum Rules. The validity of the Petroleum License shall not exceed the validity of the certificate as stated at "iv(c)" above.

In order to give adequate time to the concerned authorities, this notice shall take effect on expiry of two months from the date of its issue. During this period of two months, the MMDs may promptly undertake inspections and issue Petroleum Licenses for applications pending on the date of issue of this notice as per erstwhile practice and for this purpose the Principal Officers may, inter alia, satisfy themselves with respect to compliance of Rule 34 of The Petroleum Rules, 2002, either on the basis of the Certificate of Survey as issued by the registering authority, or, any commensurate certificate/ document as issued by the IRS, as may be furnished by the shipowner /operator.

(vi) Rules 38 to 45, 47, 49 and 50 of the Petroleum Rules, 2002 pertain to operational issues and are therefore required to be ensured for compliance by the said vessel's Master. Issuance of the License is not to be construed as the vessel to be complying with these rules.

(*) - Amended definition of "inland waters" (pl see "iii" above).

(a) "inland vessel" or "inland mechanically propelled vessel" means a mechanically propelled vessel, which ordinarily plies on inland water, but does not include fishing vessel and a ship registered under the Merchant Shipping Act, 1958;

(b) "inland water" means:-

(i) any canal, river, lake or other navigable water within a State,

(ii) any area of any tidal water deemed to be the inland water as defined by the Central

Government under section 70,

(iii) waters declared by the Central Government to be smooth and partially smooth waters under clause (41) of section 3 of the Merchant Shipping Act, 1958.

This is issued with the approval of the Director-General of Shipping & ex-officio Addlt. Secretary to the Govt. of India.

Sd/-

(S. Barik)

Engineer & Ship Surveyor-cum-DDG (Tech.)

