

**THE MARITIME TRANSPORT ACT, 2006**

---

**THE DECK CARGO REGULATIONS**

---

**ARRANGEMENT OF REGULATIONS**

**REGULATIONS**

**TITLE**

**PART ONE**

**PRELIMINARY PROVISIONS**

1. Short title and commencement date.
2. Interpretation.

**PART TWO**

**GENERAL REQUIREMENTS FOR ALL DECK CARGO**

3. Application of Part Two.
4. Cargo Information.
5. Stowage of Deck Cargo.
6. Securing Deck Cargo.
7. Access for crew.
8. Responsibility of a master when loading Cargo.
9. Offense and Penalty.
10. Compounding of offences.

# THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

---

## DECK CARGO REGULATIONS [Made under section 256(8)]

---

**IN EXERCISE** of the powers conferred upon me under section 256(8) of the Maritime Transport Act, No. 5 of 2006, **I, DR. SIRA UBWA MAMBOYA**, Minister responsible for Maritime Transport affairs do hereby make the Deck Cargo Regulations as follows:

### PART ONE PRELIMINARY PROVISIONS

Short title and commencement date.

1. These Regulations may be cited as the Deck Cargo Regulations, 2018, and shall come into operation after being signed by the Minister and published in the Official Gazette.

Interpretation.

2.-(1) In these Regulations unless the context requires otherwise:

“Act” means the Maritime Transport Act, No. 5 of 2006.

“deck cargo” means cargo carried in any uncovered space on the deck on the ship;

“Minister” means the Minister responsible for maritime transport affairs;

"shipper" means any person who offers goods for carriage by sea, and includes any person who arranges for the carriage of goods by sea on behalf of any other person;

“goods” means any type of goods to be carriage in the ship;

“weather deck” means the uppermost complete deck exposed to weather and sea, and for this purpose a deck which is stepped shall be considered to consist of the lowest line of the deck and the continuation of that line parallel to the upper part of the deck.

(2) In addition to the provision of sub-regulation (1) of this regulation if any other word or expression used in these regulations is defined in the Act such words or expression shall in these regulations, unless the context otherwise requires, have the meaning assigned to it in the Act.

## PART TWO

### GENERAL REQUIREMENTS FOR ALL DECK CARGO

- Application of Part II                    3. The requirements of this Part shall apply in respect of all deck cargo.
- Cargo Information                    4. The shipper of a cargo to be carried on a ship to which this part applies, shall be required to:
- (a) provide to the master or the master's representative information on the cargo including:
    - (i) a general description of the cargo;
    - (ii) the gross mass of the cargo or of the cargo units; and
    - (iii) any relevant special properties of the cargo; and
  - (b) ensure the information required under paragraph (a) -
    - (i) is provided sufficiently in advance of loading to enable the precautions that may be necessary for proper stowage and safe carriage of the cargo to be put into effect;
    - (ii) confirmed in writing; and
    - (iii) confirmed by appropriate shipping documents prior to loading on the ship.
- Stowage of Deck Cargo                    5. Deck cargo shall be distributed and stowed on a ship so:
- (a) as to avoid excessive loading having regard to the strength of the deck and integral supporting structure of the ship;
  - (b) as to ensure that the ship will retain adequate stability at all stages of a voyage having regard in particular to:
    - (i) the vertical distribution of the deck cargo;
    - (ii) wind moments which may normally be expected on the voyage;
    - (iii) losses of weight in the ship, including in particular those due to the consumption of fuel and stores; and
    - (iv) possible increases of weight of the ship or deck cargo, including in particular those due to the absorption of water.
  - (c) as not to impair the weather tight or watertight integrity of any part of the ship or its fittings or appliances, and as to ensure the proper protection of ventilators and air pipes;

- (d) that its height above the deck or any other part of the ship on which it stands will not interfere with the navigation or working of the ship;
- (e) that it will neither interfere with nor obstruct access to the ship's steering arrangements, including emergency steering arrangements;
- (f) that it will neither interfere with nor obstruct safe and efficient access by the crew to or between their quarters and any machinery space or other part of the ship used in the working of the ship; and
- (g) will not in particular obstruct any opening giving access to those parts of the ship nor impede its being readily secured weather tight.

Securing Deck  
Cargo

**6.** Deck cargo shall be secured so as to ensure, as far as practicable, that there will be no movement of such cargo relative to a ship in the worst sea and weather conditions which may normally be expected on the particular voyage, and for that purpose the lashings and all fittings used for their attachment shall be of adequate strength.

Access for crew

**7.-(1)** Except where access for the crew between their quarters and the machinery spaces and other parts of a ship used in the working of the ship is provided by means of a passage suitable for the purpose and situated on or under the deck carrying the deck cargo, such access shall be provided by means of a walkway which complies with the requirements of sub-regulation (2) to (4) of this regulation.

(2) The walkway mentioned in sub-regulation (1) of this regulation, shall be not less than one metre in width, and shall be fitted over the deck cargo and effectively secured so as to provide safe and efficient access for the crew between the parts of a ship mentioned in the said regulation.

(3) It shall be fitted on each side with a set of efficient guard rails or guard wires not less than one metre in height and consisting of not less than three courses of rails or wires supported by stanchions securely fitted to the walkway at intervals not exceeding 1.5 metres.

(4) No opening in the guard rails or guard wires below the lowest course shall exceed 230 millimetres in height and no opening above that course shall exceed 380 millimetres in height.

Responsibility of  
a Master when  
loading Deck

**8.-(1)** During loading of deck cargo the master should ensure that all tanks are maintained in such a condition that free surface effects are

Cargo

minimized.

(2) Ballast tanks should as far as practicable be either full or empty.

(3) Ballast movement during loading operations should be avoided.

Offence and  
Penalty

**9.** Any master of a ship who contravenes the provisions of these regulations commits an offence and upon conviction shall be liable to a fine not less than the equivalent of five thousand dollars in shillings or imprisonment of a term not less than six months.

Compounding  
of offences

**10.**-(1) Notwithstanding any other law, where a ship or master violates any provision of these Regulation, the Authority may serve on that ship or master a notice in the specified form, calling upon such ship or master to pay in respect of the offence, the amount of fines so specified with the offence alleged to have been committed.

(2) The notice under sub regulation (1) of this regulation, shall specify:

- (a) name and registration number of the ship;
- (b) the offence alleged to have been committed;
- (c) place and time upon which the offence has occurred;
- (d) actual amount of fine so specified for that offence;
- (e) time and manner in which the fine should be paid; and
- (f) any other particular or information relating to that offence when the Authority may think necessary.

(3) The ship or master served with a notice under sub regulation (1) of this regulation shall, within seven days from the date in which the notice has been delivered to him, pay the amount of fine to the Authority.

(4) Where a ship or master has been served with a notice under sub regulation (1) of this regulation, fails to pay such a fine within the time limit specified in the notice, the Authority shall proceed with criminal action against such a ship or master.

(5) When the ship or master pay the amount of fine so specified in the notice, no further criminal actions relating to the same offence shall be taken against the ship or master.

**SIGNED** on this 12 day of February, 2019.

**(DR. SIRA UBWA MAMBOYA)**  
**MINISTER OF INFRASTRUCTURE, COMMUNICATION**  
**AND**  
**TRANSPORTATION**