

**THE MARITIME TRANSPORT ACT, NO. 5 OF 2006**

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**THE MARINE NAVIGATIONAL AIDS REGULATIONS**

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**THE MARITIME TRANSPORT ACT, NO. 5 OF 2006**

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**THE MARINE NAVIGATIONAL AIDS REGULATIONS**  
**[Made under section 177]**

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**IN EXERCISE** of the powers conferred upon me under section 177 of the Maritime Transport Act, No. 5 of 2006, **I, DR. SIRA UBWA MAMBOYA**, Minister responsible for maritime transport affairs, do hereby make the Marine Navigational Aids Regulations as follows:

**PART ONE**  
**PRELIMINARY PROVISIONS**

Short title and commencement            **1.** These Regulations may be cited as the Marine Navigational Aids Regulations of 2018 and shall come into operation after being signed by the Minister and published in the Official Gazette.

Application                                **2.** These Regulations shall apply to all ships or traditional vessels which enter or leave the Zanzibar territorial water.

Interpretation.                            **3.** In these Regulations, unless the context requires otherwise:

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

“Authority” means the Zanzibar Maritime Authority as established by section 3(1) of the Zanzibar Maritime Transport Act No. 3 of 2009;

“marine navigational aids” include lighthouse, buoys, beacons and any other aids which enable the safe navigation of marine vessel;

“Minister” means the Minister responsible for maritime affairs in Zanzibar;

“port” includes place whether proclaimed a harbor or not, and whether natural or artificial to which ships may resort for shelter to ship or unship goods or passengers or related port services;

“Registrar of Ships” means the Register of Ships as prescribed under section 7(2) of the Act;

“ship owner” means, in respect of a registered ship, the registered owner and includes a demise charterer and a managing owner or a managing agent.

Purpose.

4. The purpose of these Regulations is to ensure all navigational aids are kept properly in a manner that facilitates safe navigation of ships within Zanzibar territorial water.

## **PART TWO**

### **ADMINISTRATION OF MARINE NAVIGATIONAL AIDS**

Marine  
Navigational  
Aids.

5.-(1) The Registrar of Ships shall have power to control all marine navigational aids within Zanzibar water.

(2) Subject to sub regulation (1) of this regulation, the Registrar of Ships shall ensure that:

- (a) marine navigational aids are safely provided in Zanzibar territorial water;
- (b) marine navigational aids are maintained and operated in an efficient manner;
- (c) marine navigational charges are payable for any ship entering Zanzibar territorial water; and
- (d) marine navigational aids general affairs are administered.

Issuance of  
directive.

6.-(1) The Authority, in discharging regulatory duties, shall issue directives to the management of Zanzibar port as deems necessary when the ports require to:

- (a) place marine navigation aids;
- (b) remove or discontinue marine navigation aid; or
- (c) improve marine navigation aids.

(2) For proper implementation of functions provided under sub regulation (1) of this regulation, the port management shall notify the Authority in writing at least three days before assuming its function unless the task is carried out under an emergency situation.

(3) When the port management carried out its function under the emergence situation in relation to sub regulation (2) of this regulation, shall be

obliged to inform the Authority in writing at least three days after execution of such emergence situation occurred.

Written approval

**7.**-(1) A person shall not conduct any activity involving establishment or installation of marine navigational aids without prior written approval of the Authority.

(2) The Authority, upon being satisfied with the written information given from a person who desires to establish or install marine navigation aids, shall order such person to proceed in accordance to his information submitted to the Authority.

(3) The written information submitted to the Authority shall include:

- (a) particular of equipment installed;
- (b) position proposed for erecting the marine navigational aids;
- (c) names of vessel and staff who shall be engaged in the task; and
- (d) any other information as the Authority may think necessary.

(4) Any person who contravenes this regulation, commits an offence.

Marine  
navigational  
warning

**8.**-(1) The Authority shall collect and disseminate marine navigation warning to the public for ensuring safe operation of vessels and prevent vessel accident.

(2) Without prejudice to sub regulation (1) of this regulation, a person shall not disseminate marine navigation warning without approval of the Authority.

(3) For the purpose of implementing the provision of sub regulation (1) of this regulation, the Authority may use local or international mass media, press conferences or any electronic means of communications.

### **PART THREE APPOINTMENT OF INSPECTOR**

Appointment of  
inspectors

**9.**-(1) The Director General in the course of conducting regulatory power, may appoint any person to be marine navigation aids inspector.

(2) A person shall be appointed as the inspector if he:

- (a) is a Zanzibarian;
- (b) possesses marine knowledge;
- (c) have at least three years working experience in the field of marine navigational aids or any other related field thereof.

(3) Subject to sub regulation (2) of this regulation, in appointing the inspector under this regulation, the Authority shall consider competency and good character.

Function of the inspector

**10.**-(1) The functions of marine navigational aids inspector shall be to:

- (a) inspect any locality where marine navigational aids are erected;
- (b) examine whether the marine navigational aids are installed in accordance with these Regulations;
- (c) submit quarterly report to the Director General on the status of marine navigational aids;
- (d) enter any premises where marine navigational aids are stored for inspection; and
- (e) do any other function as he may be assigned by the Director General.

(2) Without prejudice sub regulation (1) of this regulation, in exercising inspection powers, the inspector shall be under the supervision and control of the Director General.

(3) Any person who hinders or obstructs the inspector to perform his functions commits an offence.

Particulars of inspection report

**11.** The quarterly inspection report shall be submitted to the Director General and such report shall contain the following particulars:

- (a) general marine navigational aids status;
- (b) proposal on suitable ways for improvement and maintenance of the marine navigational aids;
- (c) any challenge that may endanger safety of the vessel; and
- (d) any other information seems to be necessary.

Issuing Marine  
Navigational  
warning

**12.**-(1) The Authority shall be custodian on collection and dissemination of marine navigation warning to the mariner and to public at large.

(2) Subject to sub regulation (1) of this regulation, the Authority may use radio communication services, local or international mass media or any electronic means of communication for disseminating marine navigational warning.

(3) The master of a ship or any person responsible for operation of any vessel or traditional vessel, once the navigational warning is communicated against him, shall be required to take any precaution measure to avoid danger which might occur.

(4) At any time before or during the announcement of navigational warning, the Authority may provide any addition information as it may deem necessary to the mariner in relation to safe navigation.

(6) Any person to whom the notice has been issued, without any justifiable reason, refused to take precaution measure or consider with the announcement given under this regulation, commits an offence.

Removal of  
marine  
navigation aids

**13.**-(1) Without prejudice to the provisions of the Act and these Regulations, the Authority upon consultation with the ports management may remove any marine navigational aids which seem its erection did not consider the SOLAS Convention requirements.

(2) When the removal of marine navigational aids takes place, the cost of removal shall be born to the ports management.

(3) Subject to provisions of this regulation, the port management shall be required to re-install the marine navigational aids within four working days in order to avoid vessel accident.

(4) Where the ports management is incapable to implement the provisions of sub regulation (3) of this regulation, shall be obliged to inform the Authority in writing with reasons thereof.

(5) The Authority upon receiving such information provided under sub regulation (4) of this regulation shall find other alternative and direct the port management to implement such alternative directive.

**PART FOUR**  
**MARINE NAVIGATIONAL AIDS EQUIPMENT**

Importation of  
marine  
navigational aids  
equipment

**14.**-(1) A person shall not import marine navigational aids until he makes an application in the form as prescribed in the Schedule of these Regulations.

(2) Where the Authority is satisfied with the information filled in the form by the applicant and upon payment of prescribed fees, the Director General shall grant importation permit.

(3) The Director General, before granting importation permit for marine navigational aids, may order the applicant to submit any information as he may think necessary.

(4) The Director General may, at any reasonable time, inspect or cause to be inspected any ocean going vessel or traditional vessel which does not comply with the provision of these Regulation or Act.

(5) Notwithstanding to the provisions of this regulation, all marine navigational aids imported or intend to be imported in Zanzibar shall be required to comply with IMO standards.

Fees

**15.**-(1) Subject to regulation 14 of these Regulations, there shall be importation fees to be paid for any person who imports any marine navigational aids in Zanzibar for such amount as may be determined by the Board.

(2) Without prejudice sub regulation (1) of this regulation, the Board shall have power to review the amount of fees from time to time when it deemed fit so to do.

**PART FIVE**  
**MISCELLANEOUS PROVISIONS**

Publication of  
list of marine  
navigational aids

**16.**-(1) The Minister shall prepare list of marine navigational aids and publish in the Official Gazette as he thinks appropriate.



(2) Subject to sub regulation (1) of this regulation, the Minister may add, alter or make any changes to the list of marine navigation aids based on IMO standards and publish in the Official Gazette.

Offence

**17.** Any person who contravenes any provision of these Regulations and its remedies specified in the Act shall be liable in accordance with the Act in relation to offence committed.

Role of the master

**18.** Where it appears that operation of the vessel or any traditional vessel destroy marine navigation aids or having knowledge that such marine navigational aids are being destroyed, the master or person in charge or owner of the vessel or traditional vessel shall notify the Authority.

General penalty

**19.** Any person who contravenes any provision of these Regulations and no penalty has been specifically provided for, upon conviction shall be liable to a fine of not less than to equivalent of five thousand dollars in shillings.

Compounding of offences

**20.**-(1) Notwithstanding any other law, where a ship or master violates any provision of these Regulation, the Director General 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 Director General 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,  
COMMUNICATIONS  
AND  
TRANSPORTATION**

**SCHEDULE**

**APPLICATION FORM**  
**[Made under regulation 14(1)]**

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