



THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

THE PORT RECEPTION FACILITY FOR SHIP-GENERATED WASTES AND CARGO RESIDUES REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATIONS

TITLE

PART ONE PRELIMINARY PROVISIONS

1. Short title and commencement
2. Interpretation
3. Application
4. Control and enforcement
5. Appointment of Authorized Officers
6. Powers of the Authorized Officers

PART TWO INSTALLATION, FUNDING AND REQUIREMENTS OF PORT WASTE RECEPTION FACILITY

7. Installation of a port waste reception facility
8. Type of waste to be handled by waste reception facility
9. Funding and cost recovery for port waste reception facilities
10. Requirements regarding waste management plans
11. Submission and approval of waste management plan
12. Power of the Authority to prepare a waste management plan
13. Direction to implement a waste management plan



PART THREE

OPERATION OF WASTE RECEPTION FACILITY

- 14. Notification
- 15. Duties of ships carrying ship-generated waste
- 16. Duties of ships carrying cargo residues
- 17. Exemptions for certain ships
- 18. Investigation
- 19. Duty of Port or terminal operator to submit an annual report to the Authority

PART FOUR

PENALTIES

- 20. Penalties under Part One
- 21. Penalties under Part Two
- 22. Penalties under Part three
- 23. Compounding of offences

SCHEDULE



LEGALNOTICE NO. 21

THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

THE PORT RECEPTION FACILITY FOR SHIP-GENERATED WASTES AND CARGO RESIDUES REGULATIONS

[Made under section 286 and 287]

IN EXERCISE of powers conferred upon me under sections 286 and 287 of the Maritime Transport Act, No. 5 of 2006, **I, DR. SIRA UBWA MAMBOYA**, Minister responsible for maritime transport affairs, do hereby makes the Port Reception Facility for Ship-Generated Wastes and Cargo Residues Regulations as follows:

PART ONE PRELIMINARY PROVISIONS

Short title and
commencement

1. These Regulations may be cited as the Port Reception Facility for Ship-Generated Wastes and Cargo Residues Regulations 2019, and shall come into operation after being signed by Minister and published in Official Gazette.

Interpretation

2. In these Regulations, unless the context requires otherwise:

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

“Authority” means the Zanzibar Maritime Authority established under the Zanzibar Maritime Authority Act, No. 3 of 2009;

“bilge” means compartments where leaking water and oily wastewaters from machine and auxiliary under tanks, cofferdams, repositories and similar compartments of ships accumulate;

“bilge water” means liquids accumulating in the bilge;

“authorised officer” means the following:



(a) a person appointed under regulation 5(1) of these Regulations; and

(b) a member of the KMKM holding commissioned rank, while in uniform.

“cargo residues” means the remnants of any cargo material on board in cargo holds or tanks which remain after unloading and cleaning operations are completed;

“MARPOL 73/78 means the International Convention for the Prevention of Pollution from Ships as amended;

“Director General” means the Director General of the Authority as appointed under the Zanzibar Maritime Authority Act, No. 3 of 2009;

“dollar” means a currency of the United States of America;

“effluent” means wastes from toilets, urinals and toilet scuppers, liquid wastes from washbasins, scuppers and washing tubs in infirmaries, dispensaries and hospitals, flows from places where livestock is kept or other waste waters mixing therewith;

“fishing vessel” means a vessel for the time being used or intended to be used, for or in connection with fishing other than a vessel used or intended to be used for fishing otherwise than for profit or a vessel for the time being used or intended to be used wholly for the purpose of conveying persons wishing to fish for pleasure;

“garbage” means domestic and operational solid wastes produced as a result of the normal operation of ships and within the scope of MARPOL 73/78 ANNEX-V;

“master”, in relation to a ship, means the person (excluding, where appropriate, a pilot having, for the time being, the command or charge of the ship;

“Minister” means the Minister responsible for maritime affairs;

“Organization” means the International Maritime Organization;



“passenger ship” means a ship which carries more than twelve passengers;

“port authority” means-

- (a) in the case of a port to which the Zanzibar Port Corporation Act 1997 apply, a port within the meaning of that Act; and
- (b) in the case of any other port, the owner or operator of that port;

“recreational craft” means a ship of any type, regardless of the means of propulsion, intended for sports or leisure purposes;

“sewage” means one or more of the following:

- (a) drainage and other wastes from any form of toilets and urinals;
- (b) drainage from medical premises including dispensary and sick bay via wash basins, wash tubs, and scuppers located in such premises;
- (c) drainage from spaces containing living animals; and
- (d) other waste waters when mixed with the drainages to which subparagraphs (a), (b) and (c) or any of them relate;

“Shipyard” means locations where the ships are maintained and repaired and pooled;

“Slop” means oily water residues accumulating in the slop tanks, including tank washing waters, as a result of washing of the cargo tanks in ships;

“Sludge” means mud formed from deposits and/or oil sediments in the engine rooms, fuel tanks of ships or cargo tanks of petroleum tankers;

“terminal” means a place where ships are moored, berthed or docked to obtain services such as handling of cargo or passengers, repairs, waste removal, bunkering, laid-up and any other services related to ships and maritime activities;

“Toxic Liquid Substance” means, as described and listed in MARPOL 73/78



ANNEX-II, toxic liquid substances which fall into one of the categories A, B, C or D;

“Toxic Liquid Substance Waste” means liquid smeared through toxic liquid substances, as a result of washing of tanks after discharging of these substances from the ship;

“Waste” means petroleum and petroleum-derived solid and liquid wastes within the scope of MARPOL 73/78 ANNEX-I which are produced as a result of regular activities of ships (bilge water, polluted ballast, sludge, slop, oil, etc.), toxic liquid substance wastes within the scope of MARPOL 73/78 ANNEX-II, effluents within the scope of MARPOL 73/78 ANNEX-IV and garbage wastes within the scope of MARPOL 73/78 ANNEX-V;

“Waste Reception Facility” means waste reception facilities established for the purposes of receiving and temporary storage of ship-generated wastes and wastes carried by waste reception ships.

Application

3.-(1) These Regulations shall apply to –

- (a) Zanzibar port;
- (b) all ships including fishing vessels and recreational craft, irrespective of their flag, calling at Zanzibar port.

(2) These Regulations shall not apply to the following vessels calling at Zanzibar port;

- (a) war ships and Naval auxiliaries;
- (b) Government ships not engaged in commercial services;
- (c) native vessels propelled by non-mechanical means; and
- (d) any other vessel that may be exempted by the Minister.

(3) Masters of ships that is exempted from the application of these Regulations under sub regulation (2) of this regulation shall deliver their ship-generated waste and cargo residues in a manner consistent, in so far as is reasonable and practicable with these Regulations.



Control and
enforcement

4.-(1) The Authority shall ensure that all ships are inspected in order to verify that they comply with the provisions of these Regulations.

(2) Where the Authority becomes aware or has reasons to believe that the master or owner of a ship has not complied with the provisions of regulations 13, 14 and 15, or considers that there are reasons of believing that the declaration made under the Second Schedule to these Regulations does not correspond substantially with the state of the ship, shall order inspection of the ship by an Authorised Officers.

(3) The Authority may detain a ship in the port if the master or owner failed to deliver the ship-generated wastes or cargo residues in accordance with these Regulations until the ship properly comply with the provisions of these Regulations.

(4) Where there is clear evidence that a ship has proceeded to sea without having complied with 14(1) or 15 of these Regulations, the Authority shall, if the next port of call of the ship is a port of another member State, inform the competent authority of the State in which the port is situated about the ship and the evidence.

(5) Where the Authority has been informed by the competent authority of another State of a ship in respect of which there is clear evidence of the type mentioned in sub regulation (2) of this regulation, the Authority shall order inspection of the ship by an Authorised Officers at the earliest opportunity.

(6) The Authority shall not in the exercise of its power under this regulation detain or delay the ship without any justifiable reason.

Appointment of
Authorized
Officers

5. The Authority shall appoint Authorised Officers for the purpose of verifying compliance of a ship with the provisions of these Regulations.

Powers of the
Authorized
Officers

6.-(1) Subject to sub regulation (1) of this regulation an Authorised Officer may, at any time by any ship to which these Regulations apply, have the following powers:

- (a) stop and board any ship in port or otherwise within territorial waters and carry out such examination and inspection of the entire ship as he or she thinks fit;



- (b) take away samples of anything found on board which in the opinion of the authorised officer, is ship-generated waste for the purpose of analysis;
- (c) require a person on the ship to provide information regarding the ship's waste or cargo residues;
- (d) cause to be recorded by any means any part of or thing on the ship;
- (e) inspect and take away documents or copies of electronic information.

(3) A person who-

- (a) without reasonable excuse fails to comply with any request or requirement made by an Authorised Officer under this regulation;
- (b) obstructs or interferes an Authorised Officer in the exercise of his powers under this regulation; or
- (c) gives an authorised officer false or misleading information,

commits an offence.

PART TWO

INSTALLATION, FUNDING AND REQUIREMENTS OF PORT WASTE RECEPTION FACILITY

Installation of a
port waste
reception
facility

7.-(1) A person shall not build, install or operate any facility in any place in Zanzibar for the purpose of the port waste reception facility required under the Convention or for the purpose to meet national requirements unless obtain written permission from the Authority.

(2) The Authority shall not permit any person to build or install any facility unless the person possess an environmental assessment report from Zanzibar Environmental Management Authority.

(3) Port Authority shall provide waste reception facilities adequate to meet the needs of ships normally using the port or terminal in question without causing undue delay to ships.



(4) Port authority for the purpose of these regulations shall allocate a land easily accessible and securable in the port area for the instalment of the port waste reception facility.

(5) The port waste reception facility shall be owned wholly by port authority and may be installed and operated by competent individual person or company on contractual basis.

(6) For the purpose of this regulation "adequate" means capable of receiving the types and quantities of prescribed wastes from ships normally using that port or terminal taking into account the operational needs of the users of the port or terminal, its size and geographical location, the types of ships calling there and any exemptions provided for under regulation 16 of these Regulations.

(7) Subject to Sub regulation (1) of this regulation, in every port there shall be only one authorised operator for the operation of waste reception facility or for the purpose of collection, treatment transportation and disposing generated ship wastes.

(8) Any person who contravenes with the provisions of this regulation shall be guilty of an offence.

Type of waste to
be handled by
waste reception
facility

8.-(1) The port waste reception facilities installed under regulation 7 of these Regulations shall be capable to receive at least the following type of waste-

- (a) oils, oil mixtures and ship bilges;
- (b) cargo residues;
- (c) plastics and glasses materials;
- (d) garbage;
- (e) sewage and effluents;
- (f) toxic liquid substance waste; and
- (g) any other type of waste of the relating to any of the above nature.



(2) It is prohibited to deliver and receive to ports any waste other than the wastes specified in this regulation, without the prior permit of the Authority.

(3) Any person who contravene with the provisions of this regulation commits an offence.

Funding and
cost recovery
for port waste
reception
facilities

9.-(1) A port or terminal operator shall ensure that establishment and daily running costs of waste reception facilities are covered by means of a due collection of a fee from ships.

Requirements
regarding waste
management
plans

10.-(1) A port or terminal operator shall prepare a waste management plan with respect to the provision and use of port reception facilities in consultation with all stakeholders and submit to the Authority for approval.

(2) A waste management plan prepared under this regulation shall comply with the requirements as prescribed in the First Schedule to these Regulations.

Submission and
approval of
waste
management
plan

11.-(1) Subject to sub regulation (5) of this regulation, a port or terminal operator shall submit its first waste management plan to the Authority for approval in accordance with sub regulation (1) within six months from the coming into force of these regulations.

(2) A port operator for a new port or a terminal shall submit a waste management plan to the Authority for approval in accordance with sub regulation (1), within three months from its first day of operation.

(3) A port or terminal operator shall submit subsequent waste management plans to the Authority for approval in accordance with sub regulation (1)-

(a) within nine months of any significant change to the operation of the port or terminal since the most recent waste management plan was approved by the Authority pursuant to sub regulation (8) or prepared by him pursuant to sub regulation (6); or



- (b) no later than three years after the most recent plan was approved by the Authority pursuant to sub regulation (7) or prepared by him pursuant to sub regulation (6), whichever is the sooner.

(4) The Authority may approve the waste management plan or request modifications thereto and a modified plan to be submitted within a date as directed by the Authority.

(5) A waste management plan that has been approved by the Authority shall be implemented by the port or the terminal operator for the port or terminal to which the plan relates.

Power of the Authority to prepare a waste management plan

12. If the Authority is satisfied that a person who is required to prepare a waste management plan is not taking any steps necessary in connection with the preparation of the plan the Authority may, in consultation with all stakeholders, prepare such a plan.

Direction to implement a waste management plan

13.-(1) The Authority may direct a port or terminal operator to take such steps as are specified for the purposes of ensuring the implementation of a waste management plan.

(2) If a port or terminal operator fails to implement an approved waste management plan as directed by the authority under these regulation shall be guilty on offence.

PART THREE

OPERATION OF WASTE RECEPTION FACILITY

Notification

14.-(1) A master of a ship that is bound for a port located in Zanzibar shall complete the form set out as shown in the Second Schedule to these regulations and notify that information to authority—

- (a) at least 24 hours prior to arrival, if the port of call is known;
- (b) as soon as the port of call is known, if this information is available less than 24 hours prior to arrival; or
- (c) at the latest upon departure from the previous port, if the duration of the voyage is less than 24 hours.



(2) A master of the ship shall keep on board the information referred to in sub regulation (2) of this regulation at least until the next port of call and shall upon request by a port authority or terminal operator give the form duly completed to the port authority or terminal operator.

(3) A master of a ship who fails to comply with sub regulation (2) or (3) of this regulation shall be guilty of an offence.

(4) The authority shall keep the information received by it under this Regulation –

- (a) in such format as the Minister may from time to time direct; and
- (b) for at least three years or for such longer period as the Minister may from time to time specify,

and shall forward a copy thereof and furnish information in relation thereto to the Authority on request.

Duties of ships
carrying ship-
generated
waste.

15.-(1) The master of a ship calling at a port or terminal within Zanzibar shall be required to deliver all ship-generated waste to the waste reception facility before leaving the port.

(2) Notwithstanding with sub regulation (1) of this regulation, a ship may proceed to the next port of call without delivering the ship-generated waste, if there is sufficient dedicated storage capacity for all ship-generated waste that has accumulated and will accumulate during the intended voyage of the ship until the intended port of delivery.

(3) If in the opinion of the port or terminal operator there is a risk that the waste will be discharged at sea because-

- (a) adequate facilities are not available at the intended port of delivery of the ship; or
- (b) the intended port of delivery is unknown to the authority,

the port or terminal operator, having consulted with the Authority, shall take all necessary measures to prevent marine pollution, including by requiring the master of the ship to deliver its waste to the relevant waste reception facility before its departure from the port, but if the ship is at sea the requirement may be made to proceed to a designated port to deliver its waste.



(4) A master of a ship who contravene with the provisions of this Regulation commits an offence.

(5) Subject to the provisions of this regulation, any person who -

- (a) without reasonable excuse fails to comply with any request or requirement made by an Authorised officer; or
- (b) obstructs or interferes with an Authorised officer in the exercise of his duties; or
- (c) gives an authorised officer false or misleading information,

commits an offence.

Duties of ships
carrying cargo
residues.

16.-(1) A master of a ship calling at a port or terminal within Zanzibar shall deliver all cargo residues to a waste reception facility in accordance with the provisions of the Convention

(2) A master of a Non-Convention ship calling at a port or terminal within Zanzibar shall deliver all cargo residues to a waste reception facility in accordance with the provisions of the port regulations or national requirements.

(3) A master of a ship who contravene with the provisions of this Regulation commits an offence.

(4) Subject to the provisions of this regulation, any person who-

- (a) without reasonable excuse fails to comply with any request or requirement made by an Authorised Officer; or
- (b) obstructs or interferes with an Authorised Officer in the exercise of his duties; or
- (c) gives an authorised officer false or misleading information,

commits an offence.



Exemptions for
certain ships.

17. Where a Port Authority or terminal is satisfied that a ship-

- (a) is engaged in scheduled traffic with frequent and regular port calls; and
- (b) has an arrangement to-
 - (i) deliver its ship generated waste; and
 - (ii) pay its fees in a port along its route,

the port or terminal operator may, with the approval of the Minister, grant an exemption to that ship from the obligations contained in regulations 8(3), 14(1), and 15, or any of them, on such terms as the port or terminal operator may consider appropriate.

(2) The port or terminal operator shall ensure that the request of approval for the proposed exemption under sub regulation (1) shall be made in consultation with the Authority.

Investigation.

18.-(1) The Authority shall appoint any person to examine, investigate or inspect a port or terminal, or an authorized port reception facility or any relevant document.

(2) A person appointed by the Authority to carry out such functions shall have power to -

- (a) board freely, and without previous notice, a ship at any place and at any time of day or night;
- (b) enter into freely, and without previous notice, any port or terminal operator's premises or building at any place and at any time of day or night;
- (c) request the assistance of a member of the Police force in the execution of his duties;
- (d) question any person connected with the execution of these regulations;
- (e) inspect any document the keeping of which is prescribed by these regulations.



(3) Any person who shall hinder or obstruct a person appointed by the Authority from allowing him to carry out his duties under these regulations or refuses to comply with the directions which he may give shall be guilty of an offence.

Duty of Port or terminal operator to submit an annual report to the Authority

19.-(1) It shall be the duty of Port or terminal operator to submit an annual report regarding the operation of port waste reception facility to the Authority on the first day of June every year.

(2) The report shall include the following information;-

- (a) number and types of ships handled;
- (b) amount of waste delivered and incinerated or cleaned;
- (c) number of violations by ships with their flags;
- (d) performance of facility comparing the amount handled and the actual capacity of the facility; and
- (e) any other information that may be useful and best interest for the protection of marine environment.

PART FOUR PENALTIES

Penalties under Part One

20. Any person who is guilty of an offence under Regulation 5(3) shall be liable on summary conviction to a fine not exceeding three thousand dollars or to imprisonment for a term not exceeding six months, or to both.

Penalties under Part Two

21.-(1) Any person who is guilty of an offence under Regulation 6(7) shall be liable on summary conviction to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding six months, or to both.

(2) Any person who is guilty of an offence under Regulation 7(4) shall be liable on summary conviction to a fine not exceeding six thousand dollars or to imprisonment for a term not exceeding nine months, or to both.

(3) Any port or terminal operator that found guilty of an offence under Regulation 12(2) shall be liable on summary conviction to a fine not less than twenty thousand dollars.



Penalties under
Part three

22. A Master of a ship who is guilty of an offence under regulation 13(4), 14(4), 15(3), 15(5) and 17(3) is liable on summary conviction to a fine not less than three thousand dollars or to imprisonment for a term not less than six months, or to both.

Compounding
of offences

23.-(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.



FIRST SCHEDULE
[Made under regulation 9(2)]

REQUIREMENTS FOR WASTE MANAGEMENT PLANS

1. Waste management plans shall cover all types of prescribed wastes originating from ships normally visiting the harbour or terminal and shall be developed according to the size of the harbour or terminal and the types of ship calling at that harbour or terminal.

2. A waste management plan shall address the following elements-

- (a) an assessment of the need for waste reception facilities, in the light of the need of the ships normally visiting the harbour or terminal;
- (b) a description of the type and capacity of waste reception facilities;
- (c) a detailed description of the procedures for the reception and collection of prescribed wastes;
- (d) a description of the charging system;
- (e) procedures for reporting alleged inadequacies of waste reception facilities;
- (f) procedures for on-going consultations with persons using the harbour or terminal, waste contractors and other interested parties; and
- (g) the type and quantities of prescribed wastes received and handled.

3. A waste management plan shall also include-

- (a) a summary of relevant legislation and formalities for delivery;
- (b) identification of a person or persons to be responsible for the implementation of the waste management plan;
- (c) a description of the pre-treatment equipment and processes in the harbour or terminal, if any;
- (d) a description of methods of recording actual use of the waste reception facilities;
- (e) a description of methods of recording amounts of prescribed wastes received;
- (f) a description of how the prescribed wastes are disposed of.

4. The procedures for reception, collection, storage, treatment and disposal should conform in all respects to an environmental management scheme suitable for the progressive reduction of the environmental impact of these activities.

5. The waste management plan shall provide for the following information to be made available to persons using harbour or terminal-



- (a) brief reference to fundamental importance of proper delivery of prescribed wastes;
- (b) location of waste reception facilities applicable to each berth, with a diagram or map;
- (c) list of prescribed wastes normally dealt with;
- (d) list of contact points, the operators and the services offered;
- (e) description of procedures for delivery;
- (f) description of charging system; and
- (g) procedures for reporting alleged inadequacies of waste reception facilities.



SECOND SCHEDULE
[Made under regulation 13(2)]

INFORMATION TO BE NOTIFIED BEFORE ENTRY INTO

THE PORT OF _____
(Port of destination)

1. Name, call sign and, where appropriate, IMO identification number of the ship:
2. Flag State:
3. Estimated time of arrival (ETA):
4. Estimated time of departure (ETD):
5. Previous port of call:
6. Next port of call:
7. Last port and date where ship-generated waste was delivered:
8. Are you delivering
All ☐ Some ☐ None ☐
of your waste into the waste reception facilities?
9. Type and amount of waste and residues to be delivered and/or remaining on board, and percentage of maximum storage capacity:

Notes:

1. This information may be used for Port State Control and other inspection purposes
2. Authority will determine which bodies will receive copies of this notification
3. This form shall be completed unless the ship is covered by an exemption in accordance with regulation 15.



Type	Waste to be delivered m ³	Maximum dedicated storage capacity m ³	Amount of waste retained on board m ³	Port at which remaining waste will be delivered	Estimated amount of waste to be generated between notification and next port of call m ³
1. Waste Oils					
Sludge					
Bilge waters					
Others (specify)					
2. Garbage					
Food Waste					
Plastic					
Others					
3. Cargo Associated Waste (specify)					
4. Cargo Residues (specify)					
5. Sewage					

I confirm that:

- (a) the above details are accurate and correct, and
- (b) there is sufficient dedicated onboard capacity on our ship to store all waste generated between notification and the next port at which waste will be delivered.

Date: _____

Time: _____

Signature: _____

Official stamp

SIGNED on 12 this day of 02, 2019.

(DR. SIRA UBWA MAMBOYA)

MINISTER OF INFRASTRUCTURE, COMMUNICATION
AND TRANSPORTATION
ZANZIBAR