

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

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**REGULATIONS**

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

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**DISTRESS SIGNALS REGULATIONS**  
**[Made under section173]**

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**IN EXERCISE** of the powers conferred upon me under section 173of the Maritime Transport Act, No. 5 of 2006, **I,DR.SIRA UBWA MAMBOYA**, Minister responsible for Maritime Transport Affairs, do hereby make the Distress Signals Regulations as follows:

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

Short title and commencement                    **1.**These Regulations may be cited as the Marine Distress Signal Regulations of 2018 and shall come into operation after being signed by the 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;

“International collision Regulations” means the International Regulations for Preventing Collisions At Sea, 1972;

“signal” means an international distress signals used a distressed ship to request help;

“master” means as prescribed in the Act;

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

“Registrar of Ships” means the Registrar of Ship as appointed under section 6(1) of the Act;

“ship” includes every description of vessel used in navigation;

Application                                        **3.** These Regulations shall apply to-

(a) to all Tanzania Zanzibar ships wherever they may be; and

(b) all ship within the Zanzibar territorial water; and

Exemption 4.-(1) The Authority may exempt, on such terms (if any) as it may specify, any vessel or class of vessels from all or any of the provisions of these regulations that relate to the number, position, range or arc of visibility of lights or shapes, or to the disposition or characteristics of sound-signalling appliances, if the Authority is satisfied that compliance with that provision is either impractical or unreasonable in the case of the vessel or class of vessels concerned.

(2) The Authority may, after reasonable notice, alter or cancel any exemption granted under sub-regulation (1).

## **PART TWO PREVENTION OF COLLISION**

Prevention of Collision 5. Vessels to which these Regulations apply must comply with all relevant provisions of the International Collisions Regulations as stipulated under Regulation 6 of these Regulations.

International Collisions Regulations to 6.-(1) Unless expressly provided otherwise in these Regulations, all provisions of the International Collisions Regulations, shall form part of and be enforceable as part of these Regulations.

have force of law (2) Without prejudice to the generality of sub regulation (1) of this regulation, any articles of the International Collisions Regulations becomes inconsistency with the provision of these Regulations, the provision of these Regulations shall prevail.

## **PART THREE SIGNALS OF DISTRESS**

Signals of distress 7. When a ship is in distress situation and requires assistance shall use the signals as prescribed in these Regulations.

Signals of distress 8.-(1) The signals of distress which shall be used by vessels to which these Regulations apply are those set out in the schedule to these Regulations.

(2) Signals of distress shall not be used by any vessel unless the master of the vessel or any qualified person so orders.

(3) The master or qualified person of a vessel shall not order, any signal of distress to be used by his vessel unless he is satisfied that:

(a) his vessel is in serious and imminent danger, or that another ship or an aircraft is in serious and imminent danger and cannot of itself send that signal; and

(b) the vessel in danger, whether his own vessel or another vessel, or the aircraft in danger, as the case may be, requires immediate assistance in addition to any assistance then available to her.

(4) The master or qualified person of a vessel which has sent any signal of distress by means of radio or otherwise, shall cause that signal to be revoked, by all appropriate means as soon as he is satisfied that the vessel or aircraft to which the signal relates is no longer in need of assistance.

Compliance with International code of Signals

**9.-(1)** The master of ship is obliged to comply with International Code of Signals when indicating distress circumstance and need of assistance.

(2) Without prejudice the provision under sub regulation (1) of this regulation, the master may use either together or separately signals as provided under these Regulations.

Role of master

**10.-(1)** The signals of distress shall not be used unless the master or any person in charge who responsible to operate such ship order to do so.

(2) Subject to the provision under sub regulation (1) of this regulation, before ordering to use the signals of distress the followings circumstance shall be considered, that ship-

(a) is in serious and imminent danger and cannot itself send that signal; or

(b) is in danger, whether his own ship or another ship as the case may be require need immediate help

Revoke of signals

**11.-(1)** The master of a ship who has sent out any signals of distress by means of radio or any means of communication, shall cause that signals to be revoked as soon as practicable as he satisfied that the ship is no longer in danger and does not need any assistance whatever.

(2) The master of ship shall be required to fill such information in relation to sub regulation (1) of this regulation in the official Logbook.

Uses of signals

**12.-(1)** The signals shall be used for the purpose of indicating distress

thereof and using of signals for another purpose is prohibited.

(2) Where a master of a ship or any person who contravenes sub regulation (1) of this regulation shall be subject to an enquiry and upon conviction is liable in accordance to the Enquiry Regulations.

Notification of signals

**13.** Minister may publish the list of signals in the Official Gazette and disseminate to the respective Authority.

List of signals

**14. Prior to publish** in the Official Gazette by the Minister, the Registrar of Ships, upon approval of the signals by IMO may add any signal in the list published under regulation 13 of these Regulations for immediate use in international shipping.

#### **PART FOUR MISCELLANEOUS PROVISIONS**

Power to detain

**15.** Where the ship does not comply with the requirements of these Regulations, the ship is liable to be detained in accordance with the procedures provided under the Act.

Offences

**16.**-(1) Where any of these Regulations is contravened, the owner of the vessel, the master and any person for the time being responsible for the conduct of the vessel are each commits an offence and liable to a fine of the equivalence of seven thousand dollars or imprisonment for a term not exceeding six months or both such fine and imprisonment

(2) Where a master of a ship uses or displays or causes or permits any person under his authority to use or display:

- (a) any signal except in the circumstances and for the purposes prescribed; and
- (b) any signal that is liable to be mistaken for any prescribed signal, he is guilty of an offence and, in addition to any penalty imposed upon him on conviction, is liable to pay compensation for any work undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency and such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

(3) Where the master who contravenes sub regulation (2) is an officer certificated or licensed under the Act, he shall be subject to an enquiry into his conduct as provided in section 139 and 141 of the Act.

(4) It shall be a defence for any person charged under these Regulations to show that he took all reasonable precautions to avoid the commission of the offence.

Compounding  
of offences

**17.**-(1) Notwithstanding any other law, where a ship or master violates any provision of these Regulation, the Registrar of Ships 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 Registrar of Ships 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 proceeds 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.

**SCHEDULE**

**SIGNALS**

**[Made under regulation 8(1)]**

| S/No. | SIGNALS  |
|-------|--|
| 1.    | a gun or other explosive signal fired at intervals of about a minute   |
| 2.    | a continuous sounding with any fog-signaling apparatus   |
| 3.    | rocket or shells, throwing red stars fired one at a time at short intervals  |
| 4.    | a signal made by radiotelegraphy or by any other signaling method consisting of the group....(SOS) in the Morse Code |
| 5.    | a signal sent by radiotelephony consisting of the spoken word "May day"  |
| 6.    | the International Code Signal of distress indicated by N.C   |
| 7.    | a signal consisting of a square flag having above or below it a ball or anything resembling a ball                   |
| 8.    | flames on the vessel(as from a burning tar barrel, oil barrel etc)   |
| 9.    | a rocket parachute flare or a hand-flare showing a red light   |
| 10.   | a smoke signal giving off orange-coloured smoke  |
| 11.   | slowly and repeated raising and lowering arms outstretched to each side  |
| 12.   | the radiotelegraphy alarm signals  |
| 13.   | the radiotelephone alarm signal  |
| 14.   | signals transmitted by emergency position-indicating radio beacons   |
| 15.   | Approved signals transmitted by radiocommunication system, including survival craft radar transponder                |

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

**(DR. SIRA UBWA MAMBOYA)**

**MINISTER OF INFRASTRUCTURE, COMMUNICATION**

**AND**

**TRANSPORTATION**



