

THE MARITIME TRANSPORT ACT, NO. 5 of 2006

THE SURVEYS AND CERTIFICATION REGULATIONS

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SCHEDULE

THE MARITIME TRANSPORT ACT, NO. 5 of 2006

THE SURVEYS AND CERTIFICATION REGULATIONS

(Made under section 189)

IN EXERCISE of the powers conferred upon me under section 189 of the Maritime Transport Act, No. 5 of 2006, **I, DR. SIRA UBWA MAMBOYA**, Minister responsible for Maritime Transport affairs, do hereby make the Surveys and Certification Regulations as follows:

**PART ONE
PRELIMINARY PROVISIONS**

Short title and commencement **1.** These regulations may be cited as the Surveys and Certification Regulations, 2019 and shall come into operation after being signed by the Minister and published in the 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;

“anniversary date” means the day and the month of each year which correspond to the date of expiry of the relevant certificate;

“cargo ship” means any ship that is not a-

- (a) passenger ship;
- (b) ship of war;
- (c) fishing vessel; or
- (d) pleasure vessel;

“Cargo Ship Safety Certificate”, “Cargo Ship Safety Construction Certificate”, “Cargo Ship Safety Equipment Certificate”, “Cargo Ship Safety Radio Certificate” and “Passenger Ship Safety Certificate” means

the certificates of those names issued pursuant to regulation 13;

“Convention Certificate” means a certificate issued in accordance with the requirements of the SOLAS Convention;

“Certifying Authority” means the Registrar of Ships or any person authorised by the Director General under regulation 3 of these Regulations;

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

“Exemption Certificate” means the certificate of that name issued pursuant to regulation 16 of these Regulations;

“gross tons” means gross tonnage ascertained under the Tonnage Regulations;

“international voyage” means a voyage from a port in one country to a port in another country, either of the countries being a country to which the SOLAS Convention applies;

“mile” means an international nautical mile of 1852 metres;

“passenger” means any person carried on a ship except-

- (a) a person employed or engaged in any capacity on the business of the ship,
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer (if any) could have prevented or forestalled, a child of under one year of age;

“Passenger Safety Certificate” means the certificate of that name issued pursuant to regulation 14 of these Regulations;

“passenger ship” means a ship carrying more than twelve passengers;

“pleasure vessel” means-

- (a) any vessel which at the time it is being used is-
- (i) in the case of a vessel wholly owned by an individual or individuals, used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or
 - (ii) in the case of a vessel owned by a body corporate, one on which the persons are employees or officers of the body corporate, or their immediate family or friends; and
 - (iii) on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as a contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion; or
- (b) any vessel wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of the club or their immediate family; and for the use of which any charges levied are paid into club funds and applied for the general use of the club; and
- (c) in the case of any vessel referred to in paragraph (a) or (b) no other payments are made by or on behalf of the users of the vessel, other than by the owner;

“immediate family” means, in relation to an individual, the spouse or civil partner of the individual, and a relative of the individual or the relative’s spouse or civil partner;

“relative” means brother, sister, ancestor or lineal descendant;

“radio installations” means any radio equipment other than radio navigational equipment on board a ship or provided in relation to the ship’s life-saving appliances;

“ship of war” has the same meaning as in the SOLAS Convention;

“short international voyage” means an international voyage in the course of which-

- (a) a ship is not more than 200 miles from a port or place in

which the passengers and crew could be placed in safety; and

- (b) the distance-
 - (i) between the last port of call in which the voyage begins and the final port of destination; or
 - (ii) of the return voyage does not exceed 600 miles, where the final port of destination is the last port of call in the scheduled voyage at which the ship commences its return voyage to the country in which the voyage began; and

“SOLAS Convention” means the International Convention for the Safety of Life at Sea 1974, as amended.

Application

3.-(1) These Regulations shall apply to Tanzania Zanzibar ships wherever they may be and to other ships while they are in Zanzibar waters.

(2) These Regulations shall not apply to-

- (a) fishing vessels;
- (b) pleasure vessels; and
- (c) high-speed craft which comply with the requirements of the High Speed Craft Regulations, 2019.

Exemptions

4. The Minister may grant exemptions from all or any of the provisions of these Regulations on such terms (if any) as he may specify and may, subject to giving reasonable notice, alter or cancel any such exemption.

**PART TWO
MANNER OF SURVEYS**

**Certifying
Authorities**

5.-(1) The Director General shall authorise a Registrar of Ship or any other person to be Certifying Authority.

(2) Authorisation under sub regulation (1) may be given conditionally or unconditionally and is subject to sub regulation (4) of this regulation.

(3) Without prejudice to the generality of sub regulation (2) of this regulation, conditions may impose limitations on any person's authorisation relating to-

- (a) individual ships;
- (b) classes of ships; and
- (c) the extent of any survey to be carried out by that person.

(4) The Registrar of Ships may direct, in relation to an individual case or to a class of cases, that a survey or part of a survey, for the purpose of these Regulations is carried out by the Registrar of Ships and not by another Certifying Authority.

(5) A Certifying Authority other than the Registrar of Ships is not to be regarded as the servant or agent of the Authority or as enjoying any status, immunity or privilege granted under the provisions of the Act and its property is not to be regarded as property of, or held on behalf of, the Authority.

Surveys of
passenger ships

6.-(1) A Tanzania Zanzibar passenger ship shall be subject to the inspections and surveys in accordance with sub regulations (2) and (3) of this regulation.

(2) The inspection referred in sub regulation (1) of this regulation shall be an annual inspection of the ship's bottom, of which two inspections within any five year period are to take place out of the water at intervals not exceeding 36 months.

(3) The surveys under this regulation shall be-

- (a) before the ship is put in service, a passenger ship initial survey; and
- (b) before the end of every period of twelve months following the issue of the ship's Passenger Ship Safety Certificate, a passenger ship renewal survey.

Surveys of
cargo ship
safety
equipment

7. A Tanzania Zanzibar cargo ship of 500 gross tons or more engaged on international voyages shall be subject to the following surveys of its life-saving appliances and other equipment-

- (a) before the ship is put in service, a cargo ship safety equipment initial survey;
- (b) at the intervals specified in First Schedule to these Regulations a cargo ship safety equipment renewal survey;
- (c) within three months before or after the second or third anniversary date of a Cargo Ship Safety Equipment Certificate, a cargo ship safety equipment periodical survey; and
- (d) within three months before or after each anniversary date of the ship's Cargo Ship Safety Equipment Certificate, other than where a periodical survey is required to be carried out within that period, an annual survey.

Surveys of cargo ship radio installations

8. A Tanzania Zanzibar cargo ship of 300 gross tons or more engaged on international voyages shall be subject to the following surveys of its radio installations-

- (a) before the ship is put in service, a cargo ship radio installations initial survey;
- (b) at the intervals specified in First Schedule to these Regulations a cargo ship radio installations renewal survey; and
- (c) within three months before or after each anniversary date of the ship's Cargo Ship Safety Radio Certificate, a cargo ship radio installations periodical survey.

Surveys of cargo ship structure, machinery and equipment

9.-(1) A Tanzania Zanzibar cargo ship of 500 gross tons or more shall be subject to the following surveys of its structure, machinery and equipment, other than equipment to which regulations 7 and 8 of these Regulations apply-

- (a) before the ship is put in service, an initial survey;
- (b) at the intervals specified in the First Schedule to these Regulations a cargo ship structure renewal survey;
- (c) within three months before or after the second or third

anniversary date of a Cargo Ship Safety Construction Certificate, a cargo ship structure, intermediate survey;

- (d) within three months before or after each anniversary date of the ship's Cargo Ship Safety Construction Certificate, other than where a cargo ship structure, renewal or intermediate survey is required to be carried out within that period, a cargo ship structure, annual survey; and
- (e) subject to sub regulation (2), two inspections of the ship's bottom to take place out of the water within any five year period, and at intervals not exceeding thirty six months.

(2) For the purpose of sub regulation (1)(e) of this regulation, where a cargo ship structure, renewal survey takes place within three months after the end of the five year period of validity of a Convention Certificate, and that certificate has been extended in accordance with regulation 17(3) or (4), the period of extension of the certificate shall be deemed to be within the five year period.

Responsibilities
of owner and
master

10.-(1) The owner and master of every ship to which this regulation applies shall ensure that-

- (a) the ship and its equipment is maintained so as to ensure that the ship in all respects remains fit to proceed to sea without danger to the ship or persons on board;
- (b) after any survey of the ship required by these Regulations has been completed, no change shall be made in the structural arrangements, machinery, equipment and other items covered by the survey, without the approval of the Registrar of Ships, except by direct replacement; and
- (c) whenever an accident occurs to a ship or a defect is discovered, either of which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment-
 - (i) it is reported at the earliest opportunity to the Registrar of Ships; and
 - (ii) if a Tanzania Zanzibar ship is in such a case in a port

outside the United Republic of Tanzania it is also reported to the appropriate authorities of the country in which the port is situated.

(2) Where, a report is made under sub regulation (1)(c)(i) of this regulation, the Registrar of Ships shall determine whether a survey is necessary, and if so, require one to be carried out.

(3) If the survey referred to in paragraph (2) shows that repairs are required, or if any important repairs or renewals are otherwise made to the ship or its equipment, a further survey shall be carried out on the completion of those repairs or renewals.

(4) This regulation applies to-

- (a) Tanzania Zanzibar ships, and
- (b) except as regards regulation (1)(a) of this regulation, other ships which have been surveyed pursuant to these Regulations.

Surveys and inspections general

11. References in regulations 6(1) and 7 to 10 of these Regulations to surveys or inspections of a particular description which are required to be carried out on a ship are to the surveys or inspections, as the case may be, of those descriptions as set out in in the First Schedule to these Regulations.

Procedure to be adopted when the ship is deficient

12.-(1) Where a surveyor determines that the condition of a ship to which this regulation applies does not correspond substantially with the particulars on one or more of the certificates referred to in these Regulations or is such that the ship is not fit to proceed to sea without danger to the ship or persons on board, the surveyor shall advise the owner or master of the corrective action which in the surveyor's opinion is required, and shall notify the Certifying Authority.

(2) If such corrective action is not taken within such reasonable period as a surveyor may specify, the surveyor, or Certifying Authority, shall notify the Registrar of Ships who may suspend the validity of the particular certificate issued to the ship.

(3) The Registrar of Ships shall give notice of any such suspension to the owner, to the surveyor, and to the Certifying Authority who in turn

shall notify the master.

(4) This regulation applies to Tanzania Zanzibar ships and other ships which have been surveyed pursuant to these Regulations

PART THREE CERTIFICATION

Issue of certificates to Tanzania Zanzibar ships engaged on international or short international voyages

13. When a survey to meet the requirements set out in these Regulations has been satisfactorily completed in respect of a ship engaged on international voyages, the Certifying Authority shall issue-

- (a) in the case of a passenger ship, a Passenger Ship Safety Certificate, unless the ship is only engaged on short international voyages when a short international voyage Passenger Ship Safety Certificate shall be issued;
- (b) in the case of a cargo ship of 300 gross tons or more, a Cargo Ship Safety Radio Certificate; and
- (c) in the case of a cargo ship of 500 gross tons or more-
 - (i) a Cargo Ship Safety Equipment Certificate or, as the case may be, a Cargo Ship Safety Construction Certificate; or
 - (ii) after an initial or renewal survey in accordance with regulations 7 to 9 a Cargo Ship Safety Certificate.

Issue of certificates to Tanzania Zanzibar ships not engaged on international voyages

14. When a survey of a Tanzania Zanzibar passenger ship to meet the requirements set out in these Regulations has been satisfactorily completed in respect of a ship not engaged on international voyages, the Certifying Authority shall issue a Passenger Ship Safety Certificate appropriate to its domestic voyage.

Duration and validity of certificates

15.-(1) Subject to sub regulation (2) of this regulation, a Convention Certificate shall be issued from the date of the completion of the relevant survey and shall be issued for a period of validity as follows-

- (a) a Passenger Ship Safety Certificate and a short

international voyage Passenger Ship Safety Certificate shall be issued for a period of validity not exceeding 12 months; and

- (b) a Cargo Ship Safety Construction Certificate, Cargo Ship Safety Equipment Certificate, Cargo Ship Safety Radio Certificate or Cargo Ship Safety Certificate shall be issued for a period of validity not exceeding five years.

(2) Where a renewal survey has been completed within a period of three months before the expiry of the relevant Convention Certificate, the new certificate may be issued-

- (a) in the case of a Passenger Ship Safety Certificate, for a period of validity not exceeding twelve months from the date of expiry of the existing certificate; and
- (b) in the case of any other certificate, for a period of validity not exceeding five years from the date of expiry of the existing certificate.

(3) Except in special circumstances as determined by the Authority, where a renewal survey has been completed after the expiry of the relevant Convention Certificate, the new certificate shall be issued-

- (a) in the case of a Passenger Ship Safety Certificate, for a period of validity not exceeding twelve months from the date of expiry of the existing certificate; and
- (b) in the case of any other certificate, for a period of validity not exceeding five years from the date of expiry of the existing certificate.

(4) Where an annual, intermediate or periodical survey is completed before the period prescribed as respects such a survey in regulations 6 to 9 of these Regulations-

- (a) the anniversary date shown on the relevant certificate shall be amended by endorsement to a date which shall not be more than three months later than the date on which the survey was completed;

- (b) subsequent annual, intermediate or periodical surveys required under regulations 6 to 9 of these Regulations shall be completed at the intervals prescribed by those regulations using the new anniversary date, and
- (c) the expiry date may remain unchanged provided one or more annual, intermediate or periodical surveys, as appropriate, are carried out so that the maximum intervals between the surveys prescribed by regulations 6 to 9 of these Regulations are not exceeded.

(5) A Passenger Certificate issued under regulation 14 of these Regulations shall be issued for a period of validity not exceeding twelve months.

(6) A Convention Certificate and a certificate issued under regulation 14 of these Regulations shall cease to be valid-

- (a) if its period of validity has been exceeded and the certificate has not been extended by the appropriate Certifying Authority in accordance with regulation 17 of these Regulations or otherwise in accordance with the 1988 Protocol by the government of a country to which the 1974 SOLAS Convention applies;
- (b) if the relevant surveys and inspections have not been completed within the periods specified under regulations 6 to 9 or otherwise in accordance with the 1988 Protocol by the government of a country to which the 1974 SOLAS Convention applies, and the certificate has either not been extended in accordance with regulation 17 of these Regulations or otherwise in accordance with the 1988 Protocol by the government of a country to which the 1974 SOLAS Convention applies, or the period of any such extension has expired;
- (c) upon transfer of the ship to the flag of another State; or
- (d) if the vessel no longer substantially complies with the requirements of the certificate.

Issue and duration of Exemption Certificates

16.-(1) When an exemption is granted to a ship in accordance with the relevant regulations applicable to the ship, an Exemption Certificate shall be issued in addition to any Certificate issued under regulation 13 or 14 of these Regulations.

(2) The period of validity of an Exemption Certificate shall not be longer than the period of validity of the certificate to which it refers.

(3) An Exemption Certificate shall be subject to the same extension and other provisions as the certificate to which it refers.

Extension and other provisions

17.-(1) Where a Convention Certificate other than a Passenger Ship Safety Certificate has been issued for a period of validity of less than five years and the surveys required under regulations 6(1) and 7 to 9 of these Regulations have been satisfactorily completed, the Certifying Authority may extend the validity of that Certificate so that the certificate is valid for a maximum period of five years.

(2) Where a renewal survey required under regulations 6(1) and 7 to 9 of these Regulations has been satisfactorily completed before the expiry of the relevant Convention Certificate but the new certificate cannot be issued or placed on board the ship before the expiry of the existing certificate, the Certifying Authority may endorse the existing certificate as valid for a period not exceeding five months from the expiry date.

(3) Where a renewal survey required under regulations 6(1) and 7 to 9 of these Regulations has not been satisfactorily completed before the expiry of the relevant Convention Certificate and at the time of expiry the ship is not in a port in which it is to be surveyed, the Certifying Authority may, where it appears to it proper and reasonable to do so, extend the validity of the certificate solely for the purpose of allowing the ship to complete its voyage to its port of survey.

(4) Where no other extension has been granted, the Certifying Authority may extend the validity of a Convention Certificate of ships engaged on short voyages for a period of no more than one month.

(5) An extension of validity under sub regulation (1) or (2), and, except in special circumstances as determined by the Authority, an extension of validity under sub regulation (3) or (4), shall be disregarded for the purposes of determining the date of expiry of an existing Convention Certificate under regulation 15(2) or (3) of these Regulations.

Issue and endorsement of Certificates by another Government

18.-(1) The Registrar of Ships may request the Government of a country to which the SOLAS Convention applies to survey a Tanzania Zanzibar ship and, if satisfied that the requirements of the Convention are complied with, to issue or authorise the issue to the ship the certificates referred to in regulation 13 of these Regulations.

(2) A certificate issued in accordance with such a request shall contain a statement that it has been so issued and shall have the same effect as if it was issued by the Registrar of Ships.

Requests made by other SOLAS Governments

19.-(1) The Registrar of Ships may, at the request of a government of a country to which the SOLAS Convention applies, survey a ship registered in that country.

(2) If the Registrar of Ships is satisfied that the requirements of the Convention are complied with and that a survey has been satisfactorily completed in accordance with these Regulations, the Registrar of Ships may issue to the ship one or more of the certificates referred to in regulation 13 of these Regulations, and, where appropriate, endorse such certificates in accordance with the requirements of the Convention.

(3) A certificate issued in accordance with a request mentioned in sub regulation (1) of this regulation shall contain a statement that it has been so issued and shall have the same effect as if it was issued by that government and not by the Registrar of Ships.

(4) Where a memorandum, issued by or under the authority of the government concerned, is attached to a valid Passenger Ship Safety Certificate or a valid short international voyage Passenger Ship Safety Certificate, in respect of a ship to which the SOLAS Convention applies, which modifies the certificate in respect of the persons that may be carried for a particular voyage, the certificate shall have effect for the purpose of the voyage as if it was modified in accordance with the memorandum.

(5) A surveyor may go on board a ship to which the SOLAS Convention applies for the purpose of verifying that there is in force any certificate required by these Regulations, that the hull, machinery and equipment correspond substantially with the particulars shown on the certificate and that the provisions of regulation 10 are being complied with.

Passenger ships which are not Tanzania Zanzibar ships **20.**-(1) When a survey of a passenger ship which is not a Tanzania Zanzibar ship, and which is not engaged on international voyages, is completed in accordance with these Regulations, the Certifying Authority shall issue a Passenger Ship Safety Certificate appropriate to its Class.

(2) Such certificates shall be subject to the requirements of these Regulations as though they were issued under regulation 14 of these Regulations.

Cancellation of a certificate **21.**-(1) The Registrar of Ships may cancel a certificate issued to a Tanzania Zanzibar ship where there is reason to believe that-

- (a) the certificate was issued on false or erroneous information; or
- (b) since any survey required by these Regulations, the structure, equipment or machinery has sustained damage or is otherwise deficient.

(2) The Registrar of Ships may require that a certificate issued to a Tanzania Zanzibar ship which has expired or has been cancelled be surrendered.

(3) A person shall not-

- (a) intentionally alter a certificate referred to in these Regulations;
- (b) intentionally make a false certificate referred to in these Regulations;
- (c) in connection with any survey required by these Regulations, knowingly or recklessly furnish false information;
- (d) with intent to deceive, use, lend, or allow to be used by another, a certificate referred to in these Regulations; or
- (e) fail to surrender a certificate required to be surrendered under sub regulation (2) of this regulation.

Availability of certificates **22.** The owner and master of every ship issued with a Convention Certificate shall ensure that it is readily available on board for examination at all times.

Forms of certificates

23. The certificates referred in these Regulations shall be in the forms as prescribed in the Convention.

PART FOUR PROHIBITIONS

Prohibition on proceeding to sea without the appropriate documentation

24.-(1) Any Tanzania Zanzibar ship engaged on international voyages shall not proceed to sea unless it has been surveyed and there is in force the following certificate or certificates-

- (a) in the case of a passenger ship, a Passenger Ship Safety Certificate, or, if the ship is only engaged on short international voyages, a short international voyage Passenger Ship Safety Certificate;
- (b) in the case of a cargo ship of 300 gross tons or more, a Cargo Ship Safety Radio Certificate; and
- (c) in the case of a cargo ship of 500 gross tons or more-
 - (i) a Cargo Ship Safety Radio Certificate, a Cargo Ship Safety Equipment Certificate and a Cargo Ship Safety Construction Certificate; or
 - (ii) a Cargo Ship Safety Certificate.

(2) A ship registered in a country to which the SOLAS Convention applies shall not proceed to sea from a port in Zanzibar unless there is in force such Convention Certificates that would be required if the ship were a Tanzania Zanzibar ship.

(3) Regulation 17 of these Regulations applies to the Convention Certificates mentioned in sub regulation (2) of this regulation as if the ship were a Tanzania Zanzibar ship.

(4) A cargo ship of 500 gross tons or more not engaged on international voyages shall not proceed to sea from any port in Zanzibar unless it has been surveyed and there is in force a Cargo Ship Safety Construction Certificate.

(5) A ship registered in a country to which the SOLAS Convention does not apply shall not proceed to sea from any port in Zanzibar unless the ship is in possession of documentation which shows that the ship has been surveyed for compliance with regulations 6 to 9 of these Regulations as if it were a Tanzania Zanzibar ship.

(6) If a certificate is issued subject to conditions, or specifies sea areas in which the ship is certified to operate, the owner and master shall ensure that all conditions are complied with, or, as the case may be, that the ship only operates in the specified sea areas.

Prohibition on proceeding on a voyage or excursion without the appropriate certificate

25.-(1) A passenger ship shall not proceed from any port in Zanzibar on a voyage or excursion unless it has been surveyed and there is in force a Passenger Ship Safety Certificate appropriate to the ship's Class and applicable to that voyage or excursion.

(2) Where a certificate is issued subject to conditions, the ship shall not proceed on a voyage or excursion unless all the conditions are complied with.

Limit on the number of passengers on passenger ships

26. The owner and master of a passenger ship shall ensure that there is not on board a greater number of passengers than that stated on the ship's Passenger Ship Safety Certificate.

PART FIVE MISCELLANEOUS PROVISIONS

Penalties

27.-(1) If a ship to which these Regulations apply proceeds or attempts to proceed to sea or on a voyage or excursion without complying with the requirements of regulations 6 to 9 of these Regulations, the owner and master of the ship commits an offence and upon conviction shall be liable to fine of not less ten thousand dollars or its equivalent in shillings or on indictment, to imprisonment for a term not exceeding two years, or a fine, or both.

(2) Any contravention of regulation 10(1), 23(1) to (5) or 24 of these Regulations shall be an offence by both the owner and master and shall be punishable on summary conviction by a fine not less than fifteen thousand dollars or its equivalent in shillings or, on conviction on indictment, by imprisonment for a term not exceeding two years, or a fine,

or both.

(3) Any contravention of regulation 21(3) of these Regulations shall be an offence, punishable on summary conviction by a fine not less than five thousand dollars or its equivalent in shillings or, or conviction on indictment by imprisonment for a term not exceeding six months, or a fine, or both.

(4) If a ship proceeds to sea without regulation 22 of these Regulations being complied with, the owner and master commits an offence and shall be punishable on summary conviction by a fine not less than five thousand dollars or its equivalent in shillings.

(5) Any contravention of regulation 25 of these Regulations shall be an offence by both the owner and master and shall be punishable on summary conviction to a fine not less than twenty five thousand dollars or its equivalent in shillings, or on conviction on indictment, by imprisonment for a term not exceeding two years or a fine, or both.

(6) It shall be a defence for a person charged with an offence under these Regulations to prove that he took all reasonable steps to ensure that the Regulations were complied with.

Powers to
detain

28.-(1) In any case where a ship does not comply with the requirements of these Regulations, the ship shall liable to be detained in accordance with the provisions of the Act.

(2) Where a ship is liable to be detained under these Regulations the detaining officer shall serve on the master a detention notice which shall-

- (a) state that a surveyor of ships is of the opinion that in relation to that vessel there is a failure to comply with the requirements of these Regulations;
- (b) specify the matters which, in the opinion of the surveyor of ships, have the effect that in relation to that vessel those requirements are not met; and
- (c) require the terms of the notice to be complied with before the vessel is released by any person mentioned in section 471(1) of the Act.

(3) Sections 451 and 452 of the Act (which relate to arbitration and

compensation) apply in relation to a detention notice under this regulation as those sections apply in relation to a detention notice under section 451 of the Act, with the following modifications-

- (a) the arbitrator shall have regard in coming to a decision to any other matters not specified in the detention notice which appear to be relevant to whether or not the ship was in breach of a requirement of these Regulations; and
- (b) the arbitrator shall include in the decision a finding whether there was or was not a valid basis for the detention of the ship as not complying with the requirements of these Regulations.

Arbitration

29.-(1) If an applicant is dissatisfied for any reason with the outcome of a survey carried out in respect of a Tanzania Zanzibar ship, that person may serve a written notice on the responsible person within 21 days of receiving notice of that outcome-

- (a) stating that there is a dispute in relation to the survey, and
- (b) requesting that the dispute be referred to a single arbitrator.

(2) Subject to sub regulations (3), (4) and (6) of this regulation, an arbitrator referred to in sub regulation (1) shall be appointed by agreement between the parties.

(3) A person shall not be an arbitrator under this regulation unless that person is-

- (a) a person who holds a certificate of competency as a Class 1 Deck Officer or Class 1 Marine Engineer Officer, or a certificate of competency which is equivalent to such a certificate;
- (b) a naval architect;
- (c) a qualified person;
- (d) a person with experience of shipping matters, or
- (e) a person with experience in Arbitrations.

(4) An arbitrator appointed under this regulation has the powers of an inspector conferred under the provisions of the Act.

(5) The rules for arbitration set out in the Second Schedule to these Regulations shall apply unless alternative arrangements agreed between the applicant and the Registrar of Ships before the commencement of arbitration proceedings.

(6) In this regulation-

- (a) “applicant” means a person who makes an application for a survey required by these Regulations;
- (b) “the parties” means the applicant and the responsible person, and “party” is to be construed accordingly;
- (c) “qualified person” means-
 - (i) a person who is judge or magistrate of the court with experience of not less than five years in court proceedings; and
 - (ii) a person who is an advocate or solicitor in Zanzibar or Mainland Tanzania of at least seven years’ standing.
- (d) “responsible person” means the Certifying Authority responsible for the issue of the certificate in connection with which a survey required by these Regulations is carried out.

Compounding
of offences

30.-(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.

SCHEDULE

FIRST SCHEDULE

HARMONISED SYSTEM OF SURVEY AND CERTIFICATION (HSSC)

[Made under regulations 8, 9 and 11]

1. BACKGROUND

1.1 The Survey and Certification Regulations apply the Harmonised System of Survey and Certification (HSSC) to implement the Protocol of 1988 relating to the International Convention for the Safety of Life at Sea 1974, which harmonises the periods of validity and intervals between surveys for the nine main convention certificates.

1.2 The Harmonised System of Survey and Certification (HSSC) seeks to standardise the period of validity and the intervals between surveys for the nine main convention certificates to a maximum period of validity for all certificates except a passenger ship safety certificate to five years. In so doing it aims to simplify the survey and certification process. Following a period of transition, the streamlined format of the HSSC will bring benefits to the industry in terms of flexibility of survey schedule.

2. SURVEY TYPES

2.1 Under the HSSC, there are seven types of survey:

- (a) Initial Survey;
- (b) Renewal Survey;
- (c) Periodical Survey;
- (d) Intermediate Survey;
- (e) Annual Survey;
- (f) Inspection of the Outside of the Ships Bottom; and
- (g) Additional Survey.

3. SCOPE OF SURVEYS

3.1 Passenger Ships

3.1.1 An initial survey of a passenger ship shall consist of a complete inspection of the ship's structure, machinery and equipment, including the outside of the ship's bottom and the inside and outside of the boilers, such as to ensure that the arrangements, materials and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations including those used in lifesaving appliances, fire protection, fire safety systems and appliances, life-saving appliances and arrangements, shipborne navigational equipment, nautical

publications, means of embarkation for pilots, lights, shapes, means of making sound and distress signals and other equipment fully comply with the requirements of the relevant regulations, and that the workmanship of all parts of the ship and its equipment is in all respects satisfactory.

3.1.2 A renewal survey of a passenger ship shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, including the outside the ship's bottom, such as to ensure that the arrangements, materials and scantlings of the structure, boilers and other pressure vessels and their appurtenances, main and auxiliary machinery, electrical installation, radio installations including those used in life-saving appliances, fire protection, fire safety systems and appliances, life-saving appliances and arrangements, shipborne navigational equipment, nautical publications, means of embarkation for pilots, lights, shapes, means of making sound and distress signals and other equipment is in satisfactory condition and is fit for the service for which it is intended, and fully complies with the requirements of the relevant regulations.

3.1.3 An additional survey, either general or partial, according to the circumstances, shall be made following a repair or renewal. The survey shall be such as to ensure that the necessary repairs or renewals have been effectively carried out, that the material and workmanship are in all respects satisfactory, and that the ship complies with the provisions of the relevant regulations.

3.2 Cargo Ships

3.2.1 Cargo Ship Safety Equipment

An initial survey of cargo ship safety equipment shall include an inspection of the fire safety systems and appliances, life-saving appliances and arrangements except radio installations, the shipborne navigational equipment, means of embarkation for pilots and other equipment to which Chapters II-1, II-2, III and V of the 1974 SOLAS Convention apply, to ensure that they comply with the requirements of the relevant regulations, and they are in satisfactory condition and are fit for the service for which the ship is intended. In addition the fire control plans, nautical publications, lights, shapes, means of making sound signals and distress signals shall also be subject to this survey.

3.2.2 Cargo ship radio installations

An initial survey of cargo ship radio installation equipment shall include a complete inspection of the radio installations of cargo ships, including those used in life-saving appliances, to ensure that they comply with the requirements of the relevant regulations.

A **renewal survey** and a periodical survey will include an inspection of the radio installations of cargo ships, including those used in life-saving appliances, to ensure that they comply with the requirements of the relevant regulations.

3.2.3 Cargo ship structure, machinery and equipment

An **initial survey** shall include a complete inspection of the structure, machinery and equipment, including an inspection of the outside of the ship's bottom, before the ship enters service. The survey shall be such as to ensure that the arrangements, materials, scantling and workmanship of the structure, boilers and other pressure vessels, their appurtenances, main and auxiliary machinery including steering gear and associated control systems, electrical installation and other equipment, and in the case of tankers, the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices comply with the requirements of the relevant regulations, are in satisfactory condition and are fit for the service for which the ship is intended and that the required stability information is provided. In the case of tankers such a survey shall also include an inspection of the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices.

A **renewal survey** will include an inspection of the ship's structure, machinery and equipment such as to ensure that they comply with the requirements of the relevant regulations, are in satisfactory condition and are fit for the service for which they are intended.

An **intermediate survey** will include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, the steering gear and the associated control systems and electrical installations, and in the case of tankers, the pump-rooms, cargo, bunker and ventilation piping systems and associated safety devices and the testing of insulation resistance of electrical installations in dangerous zones to ensure that they remain satisfactory for the service for which the ship is intended.

An **annual survey** will include a general inspection of the structure, machinery and equipment referred to above to ensure that they have been maintained to conform with the provisions of the relevant regulations to ensure that the ship in all respects will remain fit to proceed to sea without danger to the ship or persons on board, and that they remain satisfactory for the service for which the ship is intended.

3.2.4 Inspection of the outside of the ship's bottom

The inspection of the outside of the ship's bottom is a separate survey.

(i) Passenger ships

For passenger ships the inspection is required every year. On the years in which the out of water inspection does not take place, an in water inspection of the ship's bottom shall be carried out. As a minimum, two of these surveys in any five year period, at intervals not exceeding 36 months, shall be conducted with the ship out of the water.

(ii) Cargo ships

For cargo ships there shall be a minimum of two inspections during any five year period at intervals not exceeding 36 months. Inspections should normally be carried out with the ship out of the water; however consideration may be given to alternate inspections being carried out with the ship afloat.

4. Outline of HSSC

4.1 The main points of the Harmonised System of Survey and Certification are as follows-

- (a) The maximum period of validity of all certificates except the passenger ship safety certificate is five years. The passenger ship safety certificate shall be renewed annually;
- (b) Each full term of five years (or one year) will follow directly on from the previous one (unless a ship is laid up or undergoing major repairs); each certificate will be dated from the expiry date of the previous one;
- (c) In order to provide the necessary flexibility, the renewal survey may be carried out up to three months before the expiry of the existing certificate. The new certificate will still be dated from the expiry date of the old certificate;
- (d) A certificate may also be extended by a period of up to three months (or for ships engaged on short voyages there is a period of grace of one month) in order that the renewal survey may be carried out. However, the new certificate will still be dated from the expiry date of the old certificate before the extension was granted;
- (e) Where a renewal survey has been completed and a certificate cannot be issued or placed aboard the ship before the expiry date of the existing certificate, the existing certificate may be endorsed and shall be accepted as the new certificate for a period of up to five months from the expiry date;

- (f) A certificate (other than a passenger certificate) that has been issued initially for a period of less than five years may be extended to the maximum period of five years provided that the minimum pattern of surveys is maintained;
- (g) Every certificate will be subject to an Annual, Intermediate or Periodical survey each year within three months of its anniversary date (the day and month of each year corresponding to the date of expiry) as follows-
 - (i) The Passenger Certificate (PC) requires a Renewal survey each year;
 - (ii) The Cargo Ship Safety Radio Certificate (RADIO) requires a Periodical survey each year;
 - (iii) The International Load Line Certificate (LOADLINE) requires an Annual survey each year; and
 - (iv) The Cargo Ship Safety Equipment Certificate (SEC) requires an Annual survey every year. On either the second or third year this is replaced with a Periodical survey; and
 - (v) The Cargo Ship Safety Construction Certificate (SAFCON), the International Certificate of Fitness for the Carriage of Liquefied Gases in Bulk (IGC/GC), the International Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk (IBC/BCH), the International Oil Pollution Prevention Certificate (IOPPC) and the International Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk all require Annual surveys each year. On either the second or third year this is replaced with an Intermediate survey.
- (h) If an Annual, Intermediate or Periodical Survey is completed more than three months before the anniversary date, the anniversary date may be amended to suit and the expiry date of the certificate brought forward by a corresponding period or, if the expiry date is to remain unchanged, additional surveys, as appropriate, carried out so that the pattern of surveys remains the same and the maximum intervals between the various types of surveys are not exceeded;
- (i) A new Cargo Ship Safety Certificate (CSSC), which includes provision for recording all the surveys required for the Cargo Ship Safety Equipment Certificate, the Cargo Ship Safety Radio Certificate and the Cargo Ship Safety Construction Certificate, may be issued as an alternative to the existing cargo ship safety certificates. The Certifying

Authority should ensure that they have in their possession declarations of satisfactory radio survey before the issue of the CSSC; and

- (j) In general the Authority provides its instructions for guidance of surveyors on the Survey Guidelines under the Harmonised System of Survey and Certification (IMO Resolution A.1053 (27)).

SECOND SCHEDULE

ARBITRATION PROCEDURES

[Made under regulation 26(6)]

Rules of Arbitration

1. Unless other arrangements are agreed beforehand, the arbitration and the responsibility for its costs will be as given below.
 2. The arbitration procedures will follow those used in a Court of Law that is both parties will argue their case in turn, may call witnesses and question other witnesses.
 3. Lawyers need not be used to represent the parties and submissions may be made to the arbitrator in writing in lieu of attending the arbitration hearing.
 4. If both parties agree, the arbitrator may consult an expert, or call for an expert's report, upon any matter relevant to the dispute, or invite an expert to attend the hearing as an assessor.
 5. The arbitrator may visit the ship, or any establishment, in connection with the hearing if this is considered to be necessary.
 6. The arbitrator's decision, and the reasons for the decision, shall be made in writing and will be binding on both parties.
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SIGNED on this day of, 2019.

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