

ZANZIBAR MARITIME AUTHORITY

STANDARD OPERATING PROCEDURES ON FOLLOW UP OF DETENTIONS OF TANZANIA ZANZIBAR SHIPS IN FOREIGN PORTS

1. TITLE

Standard operating procedure on follow up detentions of Tanzania Zanzibar Ships in foreign ports

2. PURPOSE

(a) Provides Procedure for making follow up of Tanzania Zanzibar ships detained foreign ports.

(b) Provides measures to enhance flag state control on safety standards to ships flying Tanzania Zanzibar Ships

3. AUTHORITY:

This procedure is based on the authorities granted in the *Maritime Transport Act, 2006*,

This procedure is authorized by Zanzibar Maritime Authority

4.0BACKGROUND

4.1 As provided in the United Nations Conventions on the Law of the Sea (UNCLOS) 1982 and IMO Conventions, each flag state is responsible to put in place adequate and effective system to exercise control to ships flying its flag, and to ensure they comply with relevant International Regulations and Rules in respect to marine safety, security and protection of marine environment.

4.2 In its efforts to ensure flag states are fulfilling their obligations, IMO has recently developed IMO III Code, the instrument which requires flag states to evaluate performance of vessels flying their flags. The instrument has proposed a number of measures for that evaluation, which include port State detention rates, flag state inspection results, casualty statistics, communication and information processes, annual logistics statistics.

Follow up of detained Tanzania Zanzibar ships is among the control measures pursued by ZMA to ensure its ships are in compliance with national and international standards in maritime safety, security and prevention of marine environmental damage.

The measure, though started before 2010, was officially introduced in ship-owners, ROs and other concerned stakeholders by Circular **FSI/08/2017 (APPENDIX 1)**.

5.0 SCOPE:

This procedure applies to all Tanzania Zanzibar Ships calling at foreign ports.

6.0 RESPONSIBILITY

6.1. Director General has to ensure the application, implementation, development and improvement of this Procedure.

6.2. Directorate of Maritime Safety and Security is responsible to supervise all follow up arrangements of detained ships.

6.3. The Port State Control Section is responsible for the handling of detentions, including the investigation, reporting, analysis and determination of deficiencies root-cause, recommendations including preventive/corrective actions and follow up actions to avoid future occurrence of major detentions within their geographical area.

7.0 PROCEDURE

7.1 Notification of Ship Detention

7.1.1 DG receives notification/information of detention of Tanzania Zanzibar ship from the ship owners/master, the RO, PSC or a search of Port State Control staff on MoU websites.

7.1.2 In addition, the company invites the RO on board to assist in clearing up the deficiencies, unless otherwise advised by the DG.

7.1.3 Notification to DG are sent through email: info@zma.go.tz/tzirs2@zma.go.tz or facsimile and that notification is accompanied with following :-

- full copy of the PSC report (Form A and B);
- A copy of the detention notice;
- Confirmation of notification to Classification Society and Recognized Organizations as appropriate;
- Advice of actions taken or planned to rectify all deficiencies at the earliest opportunity.

7.1.4 If a Tanzania Zanzibar ship sails without complying with the above, DG issues a prohibition to sail to the ship upon arrival at the next port of call. The ship

cannot sail until all required surveys/ audits/verifications/ inspections are completed.

7.1.5 When a DMSS finds information of ship detention from MoU website, reports to Director General and DMSS requests a confirmation of such PSC detention from ship RO and subsequently requests RO to submit PSCO detention report and report of actions taken to rectify PSCO deficiencies.

7.1.6 On receipt of notification, the Recognized Organization (RO) sends surveyor to go on board to assist in clearing the deficiencies, and upon DMSS request, performs surveys /verification/ audits/ required by the present circular. ROs survey on boards the ship and provide support to solve identified deficiencies.

7.1.7 When a Tanzania Zanzibar ship has been released from a detention, the master of the ship or the company managing the ship must immediately notify the DMSS communicating a copy of the release notice and any restrictions imposed to the ship (if any).

7.2. Analysis of Detention/Information

7.2.1 Upon receipt of notification of PSC regarding detained ship or identified deficiencies, DMSS analyses the reports and correspondence related to the vessel's PSC and ships inspection performance in the 12 months prior to the detention.

7.2.2 DMSS carries out an analysis of the type and nature of the deficiencies prompted to detention of ship or other identified deficiencies in PSCO and all available information about the ship, including the state of the surveys/relevant certificates, all recommendations/conditions of class issued against the ship and the results of the previous PSCO inspections.

7.2.3 In light of the analysis, DMSS determines as to whether to conduct special flag inspections, and additional surveys or audits of shipboard and shore based safety management systems of a company when significant proportion of the identified deficiencies are related to RO.

7.3 Appointment and authorization of flag Inspector

7.3.1 On completion of analysis, DMSS may advise RO to inform ship-owner regarding flag intention to conduct special (flag state) inspection of detained ship and asks to cooperate with authorized flag Inspector.

7.3.2 DMSS contacts an Inspector located at a port where the ship is detained and subsequently issues to such Inspector the authorization letter to perform special inspection of detained ship.

7.3.3 The authorization letter is copied to both the owner and office of PSC of detained ship, and if the ship has been released and sailed, the authorization letter is issued and sent to next port of call. The Inspector authorization is valid until all deficiencies have been rectified and ship released.

7.3.4 The authorization of flag inspector is issued from the date of authorization, until satisfactory completion of inspection. The owner or company is obliged to pay cost of special inspection which includes inspectors travel costs, accommodation and daily allowance depending the rates of each particular area.

7.3.5 The authorized flag Inspector, upon completion of special inspection, submits a report to Port State Control Section, DMSS for further review and acceptance before a ship is released.

7.3.6 When DMSS is satisfied from the review/analysis that the ship had no bad record within 12 months before the detention, he requires from the ship RO a report of actions taken to rectify deficiencies identified by PSC detention reports.

7.3.7 On completion of rectification of deficiencies and release of the ship by PSC, RO submits a Statement of Facts to DMSS confirming the actions taken.

7.4 Outstanding Recommendations

7.4.1 When it is found from RO or flag Inspector that the ship, though released from detention, is imposed with recommendations, DMSS communicates with both the company and ship RO that such recommendations are rectified according to the set schedule.

7.4.2 PSCO determines the actions taken with respect to the class and statutory deficiencies identified having regards the instructions delivered by the Chief Inspector and the requirements established by each PSA for correction of deficiencies found in PSCO inspection.

7.4.3 The actions that should be taken for correction of deficiencies found in PSC inspections are the following:

1. Additional Surveys, as per *RO Survey Report* for correction of deficiencies of ship inspected by PSC.
2. Additional verification for SMC &DOC to be carried out by surveyor who will be authorized by PSC Section.

7.5. Actions after Detention

7.5.1 In case a ship has one or two detentions in a 12 month period, RO surveyor in addition to clearing PSCO deficiencies, will perform the following statutory surveys:-

7.5.1.1 If the date of the detention falls within the ± 3 month's for annual survey, RO surveyor must conduct survey before ship departure.

7.5.1.2 If the date of the detention falls within the window for renewal / periodical / intermediate surveys, it must be conducted at the earliest opportunity.

7.5.1.3 If the date of the detention does not fall within appropriate windows, the RO surveyor, within three months after ship release, conducts a general examination of the vessel as to whether the ship needs additional survey. If RO surveyor finds that a more thorough survey is needed, the annual survey is conducted.

7.5.2 If the ship is classed and audited by separate companies/organizations and during detention it was apparent that the SMS on board is not properly implemented, and then the RO surveyor notifies both ship's auditing organization and the DMSS.

7.5.3 When Audit Company finds that an additional audit is necessary, he notifies DMSS and proceeds as soon as possible to conduct the additional audit of the SMS of the ship and informs DMSS and the ship RO the results.

7.5.4 If a ship is detained three times within a period of 12 months (as from the date of the last detention counting backwards), DMSS suspends all statutory certificates. The certificates cannot be re-instated unless renewal surveys are

conducted with no outstanding items or recommendations, and an additional audit to the extent of an initial is performed.

7.5.5 DMSS deletes a ship from Tanzania Zanzibar ship registry if such ship is detained more than three times within a period of 12 (as from the date of the last detention counting backwards),

7.6. Postponement of Special Surveys

7.6.1 Applications for postponement of the special survey will be considered by DMSS only in cases where special circumstances warrant them.

7.6.2 No postponement of the special survey shall be given unless all surveys have commenced and proceeded to the extent possible. The DMSS may decide to deviate from this course of action only in cases of force majeure.

8.0 DEFINITIONS.

8.1 Deficiency: A condition found not to be in compliance with the requirements of the relevant Convention.

8.2 Detainable deficiency: Deficiency which is considered to endanger the people Onboard, the stability or integrity of the vessel and the cargo or is likely to cause Environmental damage

8.3 Detention: Intervention action taken by the Port State when the condition of the ship or its crew does not correspond substantially with the applicable conventions to ensure that the ship will not sail until it can proceed to sea without presenting a danger to the ship or persons on board, or without presenting an unreasonable threat of harm to the marine environment, whether or not such action will affect the normal schedule of the departure of the ship.

8.4 Inspection: A visit on board a ship to check both the validity of the relevant certificates and other documents, and the overall condition of the ship, its equipment and its crew.

8.5 More detailed inspection: An inspection conducted when there are clear grounds for believing that the condition of the ship, its equipment or its crew does not correspond substantially to the particulars of the certificates.

8.6 Port State Control Officer (PSCO): A person duly authorized by the Zanzibar Maritime Authority competent to carry out PSC inspections.

8.7 Additional Survey: It is an inspection, either general or partial to be made resulting from investigations

9.0 Date of Review

This procedure shall be reviewed every twelve (12) months after its approval by Board of Director.

Approved by the Board on thisday of.....2019

**Signature.....
Chairman
Zanzibar Maritime Authority**

**Signature.....
Director General
Zanzibar Maritime Authority**