

**MARITIME TRANSPORT ACT 2006
(ACT NO 5 OF 2006)**

REGULATIONS

Made under Sections 157 and 158

Maritime Transport (Seaman's record book and Identity Document) Regulations, 2008

The Minister of Communications and Transport in exercising his powers conferred on him by sections 157 and 158 of the Maritime Transport Act 2006 hereby makes the following regulations

**PART I
PRELIMINARY**

Short title and commencement

1. These regulations may be cited as the Maritime Transport (Seaman's Record Book and Identity Document) Regulations, 2008 and shall come into force on 1st April 2008.

Interpretation

2(1) In these regulations, unless the context indicates otherwise-

"Act" means the Maritime Transport Act, 2006 (Act No. 5 of 2006).

"approved" means approved by the Authority;

"approved sea training" means training under the International Convention for Standard of Training, Certification and Watchkeeping for Seafarers, 1978 as amended;

"contract of service" means a contract of service (other than an agreement with the crew) in terms of which a seaman undertakes to serve in a ship;

"contravene", in relation to a provision of these regulations, includes failing or refusing to comply with that provision;

“crew agreement” shall be construed in accordance with section 100 of the Act;

“new record book” means a record book issued in accordance with these Regulations;

“old record book” means any record book issued under the previous procedures;

"record book" means the Seaman's Record Book and Certificates of Discharge set out in Form SDR 301/2 as shown in the Schedule;

“Seafarers Disciplinary Body” has the same meaning as in section 135 of the Act

“State” means the Government of the United Republic of Tanzania or, and the Revolutionary Government of Zanzibar

“transitional period” in relation to a record book means the period commencing on 1st April 2008 and ending on 15th October 2008

(2) In these regulations—

- (a) a reference, however expressed, to employment in a ship shall be read as a reference to service in the ship in terms of the crew agreement or a contract of service; and
- (b) a reference to the holder of a record book or to holding a record book shall be read as a reference to the lawful holder of the record book or to lawfully holding the record book, as the case may be.

(3) In these regulations, any word or expression given a meaning in the Act shall have that meaning and, unless the context indicates otherwise—

PART II: APPLICATION AND MANNER OF ISSUE OF SEAMAN’S RECORD BOOK AND CERTIFICATE OF DISCHARGE

Persons entitled to record book

3. (1) Subject to subregulation (2), a person is entitled to apply for a record book if he is employed—

- (a) in a ship registered under the Act;
- (b) if the person is the citizen of the United Republic of Tanzania or is permanently resident in the United Republic of Tanzania, in a ship registered outside

the United Republic of Tanzania, and—

- (i) in respect of employment in a ship registered the Act, is not the holder of a document containing substantially the same information as a record book, issued by or under the authority of the government of another country; or
- (ii) in respect of employment in a ship registered outside the United Republic of Tanzania, is otherwise unable, for whatever reason, to obtain a document containing substantially the same information as a record book from or acceptable to the ship's flag state.

(2) Notwithstanding subregulation (1), the following persons are not entitled to a record book:

- (a) persons employed in vessels used solely for sport or recreation who receive no wages for their service;
- (b) persons employed in a ship engaged on a coastal voyage solely for the purpose of trials of the ship, its machinery or equipment, where such persons are not ordinarily employed as masters or seamen;
- (c) persons in the employment of the State who are not ordinarily employed as masters or seamen;
- (d) persons employed in a ship solely in connection with the construction, alteration, repair or testing of the ship, and not engaged in the navigation of the ship, unless such person is a member of the crew; and
- (e) persons employed in a native vessels or small crafts.

Application for record book

4. (1) Application for a record book shall be made to the Registrar of Ships in the form SDR 301/1 as shown in the Schedule, by the applicant in person or through his or her employer or a duly authorized agent either of the applicant or of the employer.

(2) An application referred in subregulation (1) shall be submitted to office of the Registrar of Ships during the working hours and accompanied by—

- (a) the appropriate fee;
- (b) the applicant's official identity document or valid

passport;

- (c) the applicant's original certificates of competency or qualification that are required to enable the Authority to make the relevant entries in the record book;
- (d) documentary proof of the applicant having successfully completed the relevant prescribed pre-sea training (if any); and
- (e) three recent photographs, of size 3.5 cm by 4.5 cm, of the applicant.

(3) Where application is made through an employer or agent, there shall be submitted in lieu of the original documents and certificates referred to in subregulation (2)(b) to (d), copies of such documents and certificates duly certified by a commissioner of oaths as being true copies of the originals, and the photographs referred to subregulation (2)(e) shall be so certified as being a true likeness of the applicant.

(4) Upon receipt of an application for a record book the Registrar of Ships shall grant the applicant with a record book after satisfying himself that-

- (a) the application fully complies with the requirements of the subregulation (2) or (3);
- (b) the applicant is not disqualified, under any provisions of the Act, from obtaining a record book
- (c) the applicant has paid appropriate charges for the grant of record book.

(5) Every record book shall be in the form SDR 301/2 as shown in the Schedule which shall be printed with a photograph affixed thereto, a signature and finger print of the holder.

First issue of record book

5. The Registrar of Ships shall, after satisfying himself that the applicant is entitled to a record book and that the particulars appearing in the application form are correct, transcribe the particulars into the record book to be issued to the applicant. The applicant shall sign the book and insert his finger print in the spaces provided on page 4 before the Registrar of Ships or, in the case of an application referred in regulation 4(3), before a commissioner of oaths.

Certificate of

6. (1) When a seaman who has signed the crew agreement or

discharge

who has entered into a contract of service is discharged from a Tanzania Zanzibar Ship, the master shall complete a certificate of discharge in one of the spaces provided in the record book issued to the seaman, and shall enter in such discharge all the particulars for the recording of which spaces are provided.

(2) (a) Where a seaman is, for whatever reason, not in possession of a record book, the master shall issue to the seaman an interim certificate of discharge in the form SDR 301/3 as shown in the Schedule.

(b) The particulars appearing in an interim certificate of discharge shall, as soon as conveniently possible, be entered in the seaman's record book by the Registrar of Ships, whereupon the interim certificate shall be surrendered to the Registrar of Ships.

(3) In subregulations (1) and (2), reference to a record book shall, in relation to a seaman holding a document containing substantially the same information as a record book, issued by or under the authority of the government of another country, be taken to include reference to such a document.

Report on conduct, character and ability of discharged seaman

7. When a seaman who has signed the crew agreement or who has entered into a contract of service is discharged from a Tanzania Zanzibar ship and the master declines to express an opinion on the conduct, character and ability of the seaman, the master shall furnish to the Registrar of Ships before whom the discharge is made a report in the form SDR 301/4 as shown in the Schedule, stating therein that he so declines.

Lost, mutilated, damaged or full record book

8. (1) Application for a new record book to replace one that has been lost, mutilated or damaged, or that is full, shall be made in the approved form. In the case of loss, mutilation or destruction, a declaration concerning the circumstances thereof shall be made before the Registrar of Ships or, before a commissioner of oaths.

(2) An application referred in subregulation (1), together with the appropriate fee and accompanied by two recent photographs of the applicant complying with the requirement of regulation 4(2)(e), duly certified by the proper officer or a commissioner of oaths as being a true likeness of the applicant, shall be submitted to the Registrar of Ships.

(3) The Registrar of Ships if he is satisfied that the applicant is entitled to a record book and (as the case may be) that—

(a) the applicant has lost his or her record book; or

- (b) the applicant is the rightful owner of the record book and that the record book is mutilated or damaged to such an extent that it can no longer be used; or
- (c) the applicant's record book is full,

issue to the applicant a new record book.

(4) A record book issued pursuant to subregulation (3) (a) or (b) shall have the same force and effect as the original.

Duty of owner and master of Tanzania Zanzibar ship

9. It shall be the duty of the owner and the master of every Tanzania Zanzibar ship to ensure that every person entitled to a record book who, after the date of commencement of these regulations, has signed the crew agreement of the ship or who has entered into a contract of service to serve in the ship, and to whom a record book has not been issued, makes application for such a book before being allowed to assume his or her duties in the ship.

PART III: APPLICATION AND MANNER OF ISSUE OF SEAFARER'S IDENTITY CARD

Persons entitled to seafarers identity cards

10. (1) Subject to subregulation (2), a person is entitled to apply for a seafarer's identity card if he is—

- (a) the citizen of the United Republic of Tanzania; and
- (b) foreign seafarer who has been granted the status of permanent resident in the United Republic of Tanzania and is not the holder of a document or card containing substantially the same information as a seafarer's identity card, issued by or under the authority of the government of another country.

(2) Notwithstanding subregulation (1), the following persons who have not attained approved sea training are not entitled to a seafarer's identity card:

- (a) persons employed in vessels used solely for sport or recreation who receive no wages for their service;
- (b) persons employed in a ship engaged on a coastal voyage solely for the purpose of trials of the ship, its machinery or equipment, where such persons are not ordinarily employed as masters or seamen;
- (c) persons in the employment of the State who are not ordinarily employed as masters or seamen;

(f) persons employed in a ship solely in connection with the construction, alteration, repair or testing of the ship, and not engaged in the navigation of the ship, unless such person is a member of the crew; and

(g) persons employed in a native vessels or small crafts.

Application for Seafarer's identity card

11.(1) Application for a seafarer's identity card shall be made to the Registrar of Ships in the form SDR 301/1 as shown in the Schedule, by the applicant in person or through his or her employer or a duly authorized agent either of the applicant or of the employer in the manner provided under regulation 4.

(2) Every seafarer's identity card shall be in the form SDR 301/5 as shown in the Schedule which shall be printed with a photograph affixed thereto, a signature and finger print of the holder.

Quality and material of seafarer's identity card

12. The seafarers' identity card shall

(a) be designed in a simple manner;

(b) be machine-readable

(c) be made with security features

(d) contains biometric template

(e) be made of durable material with special regard to conditions at sea. The materials used shall:

(i) prevent tampering with the document or falsification, as far as possible; and

(ii) enable easy detection of alterations; and

Validity of seafarer's identity card

13. The validity of seafarer's identity card shall be five years and after that period shall be subjected for renewal.

PART IV: OFFENCES AND PENALTIES

Offences and penalties

14. (1) Every master who contravenes regulation 6 or 7 shall be guilty of an offence and liable to a summary fine of three hundred dollars.

(2) Every owner or master who contravenes regulation 9 or

19(7) shall be guilty of an offence and liable to a summary fine of five hundred dollars.

(3) Any master who commits a second or subsequent offence under regulations 6 or 7 or 9 shall be liable on conviction to a fine of one thousand dollars or to imprisonment for a period not exceeding one year.

(4) Any person who commits an offence under regulation 15 shall be guilty of an offence and liable to a penalty under Section 157 (2) or (3) of the Act.

(5) It shall be a defence for a person charged in terms of these regulations to show that he took all reasonable steps and used all due diligence to avoid commission of the offence.

PART V: MISCELLANEOUS

Forging of documents and false reporting

15. Any person who-

- (a) makes a false report of character under these regulations knowing the same to be false;
- (b) forges or fraudulently alters any certificate of discharge or report of character;
- (c) fraudulently uses any certificate of discharge or report of character, or copy of a report of character which is forged or altered, or does not belong to him; and
- (d) assists in committing or procures to be committed any such offences as aforesaid;

shall be guilty of an offence.

Exemptions

16. The Authority may grant exemption, on such terms (if any) as it may specify, from all or any of the provisions of these regulations (as may be specified in the exemption) for classes of cases or individual cases and may, after reasonable notice, alter or cancel any such exemption.

Transitional arrangements

17. (1) Where—

- (a) before the commencement of these regulations, an application for a record book was made pursuant to the previous procedures in force, but not finally dealt with; and

- (b) the Registrar of Ships is satisfied that the requirements of these regulations in respect of an application of the same kind are substantially the same as the requirements of the previous procedures.

the Registrar of Ships shall treat that application as if it had been made pursuant to these regulations.

(2) The record books issued under the previous procedures shall be valid until 1st October 2008

Continuation in force of old record books

18. Notwithstanding regulation 17(2), an old record book shall remain in force beyond the transitional period if-

- (a) an application to renew the record book has been correctly made in accordance with regulation 4; and
- (b) the Registrar has not issued a new record book by the date of expiry of the transitional period;
- (c) the applicant shows the proof that at that time he has been in service abroad.

Suspension and cancellation of seaman's record book or seafarer's identity cards

19.(1) The Seafarers Disciplinary Body appointed under section 135 of the Act if it thinks fit may suspend or cancel any record book or seafarer's identity card upon receiving from master the report stating the wrongful acts committed by the seaman at sea.

(2) The wrongful acts referred under the preceding subregulation shall be any of the following acts-

- (a) cause a strike or participate in strike onboard which has resulted the vessel to be undermanned;
- (b) commit criminal offence on board under the Penal Code of the Laws of Zanzibar;
- (c) disobeying master's order that was necessary for the safety of life and property at sea protection of marine environment; and
- (d) any other acts according to master's professional judgment are wrong and accepted by the Seafarers Disciplinary Body

(3) The period for suspension or cancellation of the record

book or identity card shall be determined by the Seafarers Disciplinary Body and shall commence from the date of issue of suspension or cancellation note by the Registrar of Ships.

(4) It shall be the duty of the holder of the suspended or cancelled record book or identity card to surrender his record book or identity card to the Registrar of Ships or proper officer within the period of three weeks from the date of issue of the note referred under the preceding subregulation.

(5) Any person whose record book or identity card is suspended shall not be allowed to work onboard for the period of suspension from the date of suspension note was issued.

(6) Any person whose record book or identity card is cancelled shall not be allowed to apply for a record book or identity card or work onboard for the period of one year from the date of cancellation

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

Hon. Burhan Saadat Haji
Acting Minister of Communications and Transport

SCHEDULE