

THE ZANZIBAR MARITIME TRANSPORT ACT, No. 5 OF 2006

SAFE MANNING REGULATIONS

[Made under section 123]

IN EXERCISE of the powers conferred upon me under section 123 of the Maritime Transport Act, No. 5 of 2006, **I, RASHID S. SULEIMAN**, Minister of Infrastructures and Communication, do hereby make the Safe Manning Regulations as follows:-

**PART I
PRELIMINARY PROVISIONS**

Short title and commencement. **1.** These Regulations may be cited as the Safe Manning Regulations of 2014 and shall come into operation on such date as 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 as established under section 3 of the Act;

“chief engineer” means an officer holding a certificate of competency which contains an endorsement issued by a party to the STCW Convention 1978 as amended from time to time;

“chief mate” means the deck officer next in rank to the master and upon whom the command of the ship will fall in the event of the incapacity of the master;

“class notation” means an appropriate notation issued by a classification society authorized by the Authority;

“officer in charge of an engineering watch” includes a designated duty engineer officer for a periodically unmanned engine-room;

“IMO Principles of Safe Manning” means the principles set out in Annex 2 of Resolution A.481 (XII) of the International Maritime Organization;

“navigational watch rating” means the holder of a certificate as navigational watch rating issued in accordance with regulation 4 of these Regulations;

“near-coastal voyage” means a voyage made exclusively in land waters or port area;

“operational level” means the level of responsibility associated with:-

(a) serving as officer in charge of a navigational or engineering watch or as designated duty engineer officer for periodically unmanned machinery spaces or as radio operator on a trading ship; and

(b) maintaining direct control over the performance of all functions within the designated area of responsibility in accordance with proper procedures and under the direction of an individual serving in the management level for that area of responsibility.

“propulsion power” means the total maximum continuous rated output power in kilowatts of all a ship's main propulsion machinery appearing on the ship's certificate of registry or other official document;

“qualifying service”, in relation to a certificate or an endorsement, means approved sea service, sea service or port operations service, as the case may be;

“radio duties” include, as appropriate, watch keeping and technical maintenance and repairs conducted in accordance with the Radio Regulations and the International Conventions for the Safety of Life at Sea;

“radio officer” means a person holding an appropriate certificate employed as such and having responsibility for the operation of the radio installations on a ship;

“master” means the person, except the pilot, having command or charge of a ship;

“rating” means a seafarers other than a master or an officer;

“safe manning document” means a document that describes the minimum manning considered necessary to ensure that a ship is sufficiently and

efficiently manned, and that is issued:-

(a) in the case of a ship that is registered in Zanzibar, by the Registrar of Ships; and

(b) in the case of any other ship, by or under the authority of the flag State;

“safety convention” means the International Convention for the Safety of Life at Sea, 1974 as affected by any amendment made there under, and includes protocol 1978;

“seagoing ship” means a ship other than one that navigates exclusively in inland waters or in a port operations area;

“sea service” means service on seagoing ships;

“second engineer officer” means the engineer officer next in rank to the chief engineer officer and upon whom responsibility for the mechanical propulsion and the operation and maintenance of the mechanical and electrical installations of the ship will fall in the event of the incapacity of the chief engineer officer;

“STCW Code” means the Seafarers’ Training, Certification and Watch keeping (STCW) Code as adopted by the 1995 as it may be amended from time to time;

“STCW Convention” means the International Convention on Standards of Training, Certification and Watch keeping for Seafarers, 1978 as amended by the conference of 1995;

“support level” means the level of responsibility associated with performing assigned tasks, duties or responsibilities on a trading ship under the direction of an individual serving in the operational or management level;

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

“trading ship” means a seagoing ship engaged in trade and proceeding to sea on regular voyages, excluding:-

(a) warships, naval auxiliaries or other ships owned or operated by a state and engaged only on government non-commercial service;

- (b) fishing vessels;
- (c) ships used solely for sport or recreation; and
- (d) sailing ships of traditional build.

“unlimited voyage” means a voyage other than one contemplated in the definitions of near-coastal voyage and port operations;

“gross tonnage” means the gross tonnage stated on the ships international tonnage certificate issued in accordance with the International Tonnage Convention 1969;

“marine escape system” means any arrangement of slides and platforms intended to facilitate the rapid evacuation of persons from a vessel;

“operator” means the owner, manager, demise charterer or other person other than the master having immediate control over the day to day employment, and operation of the ship;

“Registrar of Ships” means the Registrar of Ships appointed under the provisions of section 7(2) of the Act;

“survival craft” means any lifeboat, liferaft, free fall lifeboat, rescue boat or davit launched liferaft or other craft capable of sustaining the lives of persons in distress from the time of abandoning the ship.

Application.

3. Except where provision is made to the contrary, these Regulations shall apply to all ships, except:-

- (a) ships of war and troopships;
- (b) pleasure craft and vessels manned, operated and certificated in compliance with the non commercial purposes;
- (c) fishing vessels; and
- (d) ships not propelled by mechanical means.

PART II
PROVISIONS RELATING TO SAFE MANNING

Safe Manning. 4. Every ship shall, whenever it proceeds to sea, be manned in accordance with the IMO Principles of Safe Manning and shall carry a safe manning certificate issued to it under the Maritime Transport (Registration and Licensing of Vessels) Regulations of 2007.

Responsibilities
of companies,
masters and
others.

5.(1) Every company shall ensure that: -

- (a) every seafarers assigned to any of its ships holds an appropriate certificate in respect of any function he is to perform on that ship;
- (b) every seafarers on any of its ships has acquired appropriate training in respect of any function he is to perform on that ship; and
- (c) documentation and data relevant to all seamen employed on its ships are maintained and readily available for inspection and include, without being limited to, documentation and data on their experience, training, medical fitness and competency in assigned duties.

(2) Nothing in sub regulation (1) shall prohibit the allocation of tasks for training under supervision or in case of force majeure.

(3) The company shall provide written instructions to the master of its ships setting out the policies and the procedures to be followed to ensure that all seamen who are newly employed on board the ship are given a reasonable opportunity to become familiar with the shipboard equipment, operating procedures and other arrangements needed for the proper performance of their duties, before being assigned to those duties.

(4) The policies and procedures referred to in sub regulation (3) shall include:

- (a) allocation of a reasonable period of time during which each newly employed seafarers will have an opportunity to become acquainted with:-
 - (i) the specific equipment the seafarers will be using or operating; and

(ii) ship-specific watch keeping, safety, environmental protection and emergency procedures and arrangements the seafarer needs to know to perform the assigned duties properly; and

(b) designation of a knowledgeable crew member who will be responsible for ensuring that an opportunity is provided to each newly employed seafarers to receive essential information in a language the seafarers understands.

(5) It shall be the duty of any master and any member of a crew designated with an obligation under sub regulation (4) to carry out that obligation.

Safe manning document.

6.(1) It shall be the duty of the company in relation to every ship of 500 GT or more to ensure that:

(a) a safe manning document is in force in respect of the ship and the manning of the ship;

(b) the safe manning document is kept on board the ship at all times; and

(c) the manning of the ship is maintained at all times to at least the levels specified in the safe manning document.

(2) The master of any ship shall ensure that the ship does not proceed to sea unless there is on board a valid safe manning document issued in respect of the ship and the manning of the ship complies with that document.

(3) It shall be the duty of a company applying for a safe manning document in respect of any Tanzanian ship to submit to the Registrar of Ships proposals as to the numbers and grade of personnel it considers should be carried so that the ship would be safely manned if it proceeded to sea on any intended voyages.

(4) In preparing such proposals the company shall take into account any guidance issued by the Registrar of Ships.

(5) It shall be the duty of the company after the issue of a safe manning document to inform the Registrar of Ships as soon as any of the circumstances which are pertinent to that safe manning document change, for the purpose of enabling the Registrar of Ships to review the document's continuing validity or approve fresh proposals from the company.

(6) Any Company or master who contravenes sub-regulation (1) commits an offence and upon convictions shall be liable to a fine of not less than five million shillings or to imprisonment for a period not exceeding 12 months.

Safe Manning
Certificates.

7. Upon receipt of any application for a Safe Manning Certificate made by the Master or an operator of a ship, and accompanied by such information as the Authority may specify, the Authority shall assess the safe manning requirements for the ship and shall issue to the ship a Safe Manning Certificate.

Validity of Safe
Manning
Certificates.

8.(1) A safe manning certificate shall be valid until cancelled by the Authority or until, with the exception of changes made by the direct replacement of existing equipment:-

- (a) changes are made to the mooring equipment of the ship;
- (b) changes are made to the number, disposition or type of life saving appliances on the ship;
- (c) significant changes are made to the structure or layout of the ship; and
- (d) change is made to the class notation of the machinery spaces.

(2) Whenever changes are made which serve to invalidate the safe manning certificate initially issued, the Operator of the ship shall inform the Authority and shall make application for a new safe manning certificate.

(3) In the case of a passenger ship there shall be carried a safe manning certificate for each mode of operation and the passenger numbers applicable to that mode.

Operational
areas.

9.(1) The Authority may, upon application of an Operator, accept a defined geographical area as a limited operational area and may specify such an area on the Safe Manning Certificate in which case the manning requirements stated on the certificate shall be the manning appropriate only to that area.

(2) In any case where a vessel is issued with a Safe Manning Certificate on which is indicated the manning requirements for a designated limited operational area, the vessel may also on the application of the operator be issued with a further Safe Manning Certificate showing the manning requirements for unlimited trading.

Category 1 deck
ratings or able
seafarers.

10. In this Part a Category 1 deck rating or engine room rating specified in a Ship's Safe Manning Certificate is a person who has:-

- (a) reached the age of 18 years;
- (b) acquired at least 12 months sea service in either the deck department or the engine department as appropriate;

- (c) undertaken the appropriate training; and
- (d) been issued with a navigational watch rating certificate or an engine room watch rating certificate as appropriate.

Trainee Ratings.

11. A trainee rating specified in a Safe Manning Certificate shall be a person who is employed in either the Deck Department or the Engine Room Department and who has received the appropriate training but who does not otherwise qualify as a Category 1 deck rating.

Exceptional circumstances.

12. In any case where a member of the crew who is required to be carried by the Safe Manning Certificate is incapacitated through accident or illness or is unable to sail in the ship due to disciplinary action or any other unforeseen circumstance, the ship may sail without that crew member for a maximum period of 21 days provided that:-

- (a) all reasonable efforts are made to provide a replacement before the ship sails and in any case at the earliest possible opportunity notwithstanding the provisions of this regulation;
- (b) no more than two crew members specified in the safe manning certificate are absent at any time when the ship sails;
- (c) not more than one of the deck officers specified on the safe manning certificate, and not more than one of the engineer officers specified on the safe manning certificate are absent at any time when the ship sails;
- (d) the minimum number of qualified deck officers in addition to a master when a ship sails in accordance with the provisions of this regulation with fewer than the number of officers specified in the safe manning certificate is never less than:-
 - (i) in the case of ships of less than 500 Gross tonnage, one Officer in charge of a navigational watch;
 - (ii) in the case of Ships of 500 gross tonnage or more (operating in limited operational area which is defined in the ship's Safe Manning Certificate), one Officer in charge of a Navigational watch;
 - (i) in the case of Ships of 500 gross tonnage or more (unlimited trading), Chief mate and one Officer in charge of a Navigational watch.
- (e) the minimum number of qualified engineer officers in addition to a Chief Engineer when a ship sails in accordance with the provisions of this regulation with fewer officers than the number specified in the Safe Manning Certificate is never less than:-

- (i) in the case of ships with main propulsion machinery of less than 750 kW, none;
in the case of ships with main propulsion machinery of 750 kW or more but less than 3000 kW, one Officer in Charge of an Engineering Watch;
 - (ii) in the case of ships with main propulsion machinery of 3000 kW or more (unlimited trading), one Second Engineer;
 - (iii) in the case of ships with main propulsion machinery of 3000 kW or more operating in a limited operational area as defined in the ships Safe Manning Certificate), one Officer in Charge of an Engineering Watch.
- (f) no more than one of either the deck ratings or the engine room ratings or two members of a general purpose crew, are absent at any time when the ship sails;
 - (g) the Authority is informed at the first reasonable opportunity that the ship is required to sail with a number of crew less than that specified on the safe manning certificate and the reasons for the shortage; and
 - (h) the Authority is informed when the number of crew is restored to the number specified on the safe manning certificate.

Duties of Operator.

- 13.**(1) It shall be the duty of the operator of every ship to ensure that:-
- (a) a safe manning certificate is in force in respect of the ship whenever the ship proceeds to sea;
 - (b) the manning of the ship, subject to the provisions of regulation 10, is maintained to at least the levels specified in the safe manning certificate; and
 - (c) whenever any person required to be on board by the safe manning certificate, is unable to sail in the ship through incapacity, disciplinary action or through any other unforeseen circumstance, all reasonable efforts are made to provide a qualified replacement before the ship sails.
- (2) Without prejudice to the provisions of regulation 10, it shall be the duty of the master of any ship to ensure that the ship does not proceed to sea unless:-
- (a) there is on board a valid safe manning certificate for the ship; and
 - (b) the manning of the ship is in compliance with the requirements specified in the safe manning certificate.

**PART III
MASTERS AND OFFICERS**

Carriage of Masters and Officers.

14. Every ship shall carry a qualified master and the qualified officers specified on the ship's safe manning certificate.

Qualifications of Masters and Officers.

15.(1) A master and any officer is qualified if he holds a valid certificate of competency issued by any recognized institution and endorsement issued by the Authority specifying:-

- (a) the date;
- (b) the function that he is to perform on the ship;
- (c) the ship size or registered power of the ship in which he is to serve; and
- (d) the area in which the ship in which he is to serve will operate.

(2) A master or officer on whose behalf an operator has made application for an endorsement to the Authority shall be considered to be qualified master or officer as the case may be, on such date as endorsement is issued by the Authority.

Validity of Certificates.

16. A certificate of competency issued by the recognized institution shall be considered to be valid if:-

- (a) it contains an endorsement by the Authority confirming that it is issued or revalidated in compliance with either the STCW Convention 1978 or with the 1995 amendments to that Convention;
- (b) the certificate has been revalidated within the preceding five years.

Endorsements to Certificates of Competency.

17.(1) The Authority may issue an endorsement to any certificate of competency which it considers to be acceptable for service in a ship on application by the operator for that ship and on the provision of such information about the seafarer as the Authority may specify.

(2) An endorsement shall be valid only for the service in the ships identified on it and shall show an expiry date which shall be a date not later than the next revalidation date of the master or officer's certificate of competency.

(3) In the case of Masters, Chief Engineers, Chief Mates, and Second Engineers every candidate for an endorsement shall be competent and the operator shall ensure that the officer is so competent and shall provide a declaration to that effect at the time of making the application.

(4) An endorsement under this regulation may be issued for a maximum period of five years not exceeding the date of next revalidation of the Certificate of Competency.

Validity of endorsements and letters of authorization.

18. An endorsement issued under these Regulations shall be valid only when accompanied by the holders certificate of competency and shall be kept available for inspection at any time on the ship in which the holder is serving.

Withdrawal of endorsements.

19. An endorsement remains the property of, and may be withdrawn at any time by, the Authority and if withdrawn it shall be returned to the Authority within seven days after notification of its withdrawal.

Investigation of misconduct.

20.(1) Should it come to the attention of the Authority that a Master or officer may be guilty of any misconduct or incompetence in relation to any of his duties on board a ship, the Authority shall cause such an investigation as it deems necessary to be made.

(2) Following any investigation conducted by virtue of sub regulation (1) of this regulation which concludes that the master or officer is guilty of the misconduct or is incompetent, the Authority shall withdraw its endorsement that such a Master or officer holds.

(3) When an endorsement is withdrawn the Authority shall inform the operator of a Ship that endorsement to the certificate of competency of that master or officer is withdrawn.

Dual qualified officers.

21. An officer who holds a certificate of competency or an endorsement which states that the officer is qualified under both Chapter II and Chapter III of the STCW Convention may serve on board a ship in any capacity for which he is qualified, but he shall not serve in two positions on board at the same time, except that in ships of less than 350 kW main propulsion machinery power dual qualified officer may undertake the control and management of the machinery installation when the machinery arrangements are such that continuous machinery space watch keeping is not required.

General duty of company, employers and masters.

22.(1) Subject to the provisions of these Regulations, it shall be the duty of every company in respect of a ship, and of every employer, to ensure, so far as is reasonably practicable, that the master and seamen do not work more hours than is safe in relation to the safety of the ship and the master's and the seamen's performance of their duties.

(2) It shall be the duty of every master of a ship to ensure, so far as is reasonably practicable, that seamen do not work more hours than is safe in relation to the safety of the ship and seamen's performance of their duties.

Duties of master and seamen.

23. Every master and seafarers shall, so far as is reasonably practicable, ensure that he is properly rested when commencing duty on a ship and that he obtains adequate rest during periods when he is off duty.

Radio personnel - minimum number to be carried.

24.(1) Vessels of over 300 Gross tonnage which operate with a GMDSS radio system shall carry not less than one person who is qualified in accordance with the requirements of these Regulations and when only one such person is carried that person shall not be the master.

Rest periods for watch keeping personnel

25.(1) The owner and master of a ship shall ensure that no officer or rating keeps or forms part of a navigational or engineering watch unless he has had a minimum of 10 hours rest in any 24 hour period, subject to the following conditions:

- (a) rest periods may be divided into no more than two periods, one of which shall be of at least six hours duration;
- (b) rest periods need not be maintained in cases of emergency or drill or in other overriding operational circumstances; and
- (c) the minimum period of 10 hours may be reduced to not less than six consecutive hours,

Provided that such a reduction shall not extend beyond two days and not less than 70 hours of rest shall be provided in each seven-day period.

(2) Every officer and rating designated to keep or form part of a navigational or engineering watch shall ensure that he is adequately rested before keeping or forming part of any such watch.

(3) The master shall cause to be recorded in the ship's official logbook every occasion when the prescribed rest periods cannot be met, the entry shall include:-

- (a) the watch keeper's name;
- (b) the date and time of the watch concerned; and
- (c) a brief explanation of the emergency, drill or operational circumstances affecting each rest period.

Schedules of duties, and need to record.

26.(1) It shall be the duty of the company to produce a schedule of duties complying with this regulation.

(2) Where the company is not also the employer of the master and all the seamen, it shall consult any other person who is an employer of the master or of any of the seamen before production of the schedule.

(3) The company may arrange with any such employer that the employer is to produce a schedule of duties complying with this regulation, in such a case that employer shall also be subject to the duties of the company under this regulation.

(4) Before producing a schedule the company shall seek the views of the master, and the master shall seek, and convey to the company, the views of:-

- (a) the ship's safety committee; or
- (b) the seamen or their representatives; or
- (c) a trade union with one or more members on board ship.

(5) A Schedule shall comply with this regulation if:-

- (a) it sets out the hours of work for:-
 - (i) masters and seamen whose work includes regular watch keeping duties or ship handling; and
 - (ii) the ship's chief engineer, chief officer and second engineer officers are not required to work more hours than is safe in relation to the safety of the ship and the master's and seamen's performance of their duties;
- (b) it specifies the maximum period of continuous watch keeping, the minimum rest period between watches, and the total daily, weekly and monthly hours of work; and
- (c) it provides a minimum of ten hours of rest in any 24-hour period, which may be divided into no more than two periods, one of which shall be at least six hours in length.

Provided that the minimum period of ten hours may be reduced to not less than six consecutive hours on condition that any such reduction shall not extend beyond two days and not less than seventy hours of rest are provided in each seven day period.

(6) The company shall give consideration to the category of shipping operation undertaken with a view in arranging the hours of work.

(7) The Schedule may be changed by the company, or by an employer who by virtue of sub regulation (3) is subject to the duties of the company, on condition that:-

- (a) other employers and the company as the case may be have been consulted;
- (b) the company or the employer has sought the views of the Master on the proposed changes and the Master has sought and conveyed to the company the views of persons mentioned in sub-regulations (4) and
- (c) the schedule as changed complies with sub regulation (5).

(8) The company shall ensure that the Schedule is displayed prominently in the crew accommodation for the information of all the seamen.

(9) It shall be the duty of the master to ensure, as far as reasonably practicable, that the hours of work specified in the schedule are not exceeded.

(10) The company and the master shall maintain on the ship a copy of the schedule, and a record of all deviations from its requirements.

(11) The company for the time being shall ensure that a copy of the schedule and of the record of all deviations from its requirements are preserved for five years from the date the schedule was introduced, and that they are available for inspection by the Registrar of Ships, if during the five year period there ceases to be a company in relation to the ship, the duty to preserve the copies of the schedule and of the record shall remain with the last such company.

Exception for emergencies.

27.(1) The requirements for rest periods specified in regulation 25 need not be maintained in case of any emergency or drill or in other overriding operational conditions.

(2) Without prejudice to the generality of sub-regulation (1), a Master of a ship or seafarers may participate in a navigational, engine room or machinery watch although he has not had the rest period and the Master may exceed, and a seafarers may be required to exceed, the schedule's work or duty periods, when in the opinion of the master it is necessary to meet one of the following situations:-

- (a) an emergency threatening the safety of the ship or the life of any person or threatening damage to the environment;
- (b) employment of the ship in the service of the armed forces or the police force at a time when the ship is operating in direct support of the armed forces, or in direct support of the forces of any foreign power to which the United Republic of Tanzania is bound by any Treaty to provide operational support.

(3) When in pursuance of sub-regulation (1) the Master or a seafarers has worked within a rest period provided for by the Schedule, his name shall be entered in the record required to be maintained together with the reason why he so worked.

Watch keeping arrangements.

28.(1) The Master of any ship shall ensure that the watch keeping arrangements for the ship are at all times adequate for maintaining safe navigational and engineering watches having regard to Chapter VIII of section A of the STCW Code.

(2) Without prejudice to sub-regulation (1) the Master shall give directions to the deck Watch keeping officers responsible for navigating the ship safely during their periods of duty, in accordance with Part 3 – 1 of Section A VIII/2 of the STCW Code and any requirements specified by the Registrar of Ships.

(3) The chief engineer officer of any ship shall ensure that the engineering watch keeping arrangements for the ship are at all times adequate for maintaining a safe watch, in accordance with Part 3-2 of section A- VIII/2 of the STCW Code, and when deciding the composition of the watch the chief engineer officer shall observe the principles set out in Part 3-2 of that section and the requirements specified by the Registrar of Ships.

Watch keeping arrangements in port.

29.(1) The Master of any ship which is safely moored or safely at anchor under normal circumstances in port shall arrange for an appropriate and effective watch to be maintained for the purposes of safety.

(2) Such arrangements shall be in accordance with Part 4 of section A-VIII/2 of the STCW Code and any operational guidance specified by the Registrar of Ships.

Watch keeping arrangements in port for ships carrying hazardous cargo.

30.(1) The Master of any ship carrying hazardous cargo in bulk is in port, even when safely moored or safely at anchor, shall in addition to any watch keeping arrangements, be required:-

- (a) ensure that a safe deck watch and safe engineering watch are maintained by the a duly qualified officer or officers, and where appropriate ratings; and
- (b) ensure that in organising safe watch keeping arrangements he takes account of the nature, quantity, packing and stowage of the hazardous cargo other than in bulk and of any special conditions on board, afloat and ashore.

(2) Watch keeping arrangements shall take full account of the principles and requirements specified by the Registrar of Ships.

Carriage of documents.

31. Without prejudice to any provision of these Regulations, the company and the master shall ensure that there are carried at all times on board ship all original certificates and other documents issued pursuant to the STCW Convention indicating the qualification of any member of the crew to perform functions which they are required to perform aboard ship in the course of their designated duties.

Inspection of non-Tanzanian ships.

32.(1) An authorized person may inspect any ship which is not Tanzanian ship for the purposes of-

- (a) verifying that all seamen serving on board who are required to be certificated hold valid appropriate certificates; and
- (b) assessing the ability of the seamen in the ship to maintain the watch keeping standards required by these Regulations where there are grounds for believing that such standards are not being maintained because, while in a port in the United Republic of Tanzania or in the approaches to that port, any of the following have occurred:-
 - (i) the ship has been involved in a collision, grounding or stranding;
 - (ii) there has been an unlawful discharge of substances from the ship when underway, at anchor or at a berth;
 - (iii) the ship has been manoeuvred in an erratic or unsafe manner, or navigational course markers or traffic separation schemes have not been followed; or
 - (iv) the ship has otherwise been operated in such a manner as to pose a danger to persons, property or the environment.

(2) If an authorised person finds on inspection any deficiency of a kind specified in sub regulation (3) he shall notify in writing the Master of the ship and in the case of a ship registered outside the United Republic of Tanzania, the nearest maritime, consular or diplomatic representative of the flag State.

(3) The deficiencies referred to in sub-regulation (2) are:-

- (a) a failure of any seafarers, required to hold an appropriate certificate, to have a valid appropriate certificate or a valid exemption from that requirement;
- (b) a failure to comply with the safe manning document;
- (c) a failure of navigational or engineering watch arrangements to conform to the requirements specified for the ship by the competent authority of the country in which the ship is registered;
- (d) an absence on a watch of a person qualified to operate equipment essential to safe navigation, safety radio communications or the prevention of marine pollution; or
- (e) an inability of the master to provide adequately rested persons for the first watch at the commencement of a voyage and for subsequent relieving watches.

Power to detain

33.(1) In any case where it is found:-

- (a) in relation to a ship which is a Tanzanian ship, that there is any contravention of these Regulations; or
- (b) in relation to a ship which is not a Tanzanian ship, that there is:-
 - (i) any contravention of any provision of these Regulations
 - (ii) a failure to correct a deficiency of a kind after notification to the master; and
 - (iii) there is in consequence a danger to persons, property or the environment,

the ship may be detained.

Employment of qualified personnel on tankers and passenger ships.

34.(1) The owner and master of every tanker shall ensure that:-

- (a) every officer and rating assigned specific duties and responsibilities related to cargo or cargo equipment on the ship; and
- (b) the master, chief engineer officer, chief mate, second engineer officer and every other person with immediate responsibility for loading, discharging and care in transit or handling of cargo on the ship, holds either:-

- (i) the appropriate certificate or endorsement evidencing compliance with the provisions of these Regulations relative to his capacity, duties and responsibilities on the ship; or
- (ii) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of Regulation VIII of that Convention relative to his capacity, duties and responsibilities on the ship.

(2) The owner and master of every ro-ro passenger ship shall ensure that:-

(a) the master, officers and ratings serving on the ship hold either:-

- (i) the appropriate certificate or endorsement evidencing compliance with the provisions of these Regulation relative to their capacity, duties and responsibilities on the ship; or
- (ii) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing compliance with the provisions of regulation V/2 of that Convention relative to their capacity, duties and responsibilities on the ship; and

(b) the other personnel serving on the ship hold either:-

- (i) documentary evidence of compliance with the provisions of these Regulations relative to their capacity, duties and responsibilities on the ship; or
- (ii) documentary evidence, issued by or on behalf of another party to the STCW Convention, of compliance with the provisions of regulation V/2 of that Convention relative to their capacity, duties and responsibilities on the ship.

(3) The owner and master of every passenger ship, other than a ro-ro passenger ship, engaged on unlimited voyages shall ensure that:-

(a) the master, officers and ratings serving on the ship hold either:-

- (i) the appropriate certificate or endorsement evidencing compliance with the provisions of these Regulations relative to their capacity, duties and responsibilities on the ship; or
- (ii) the appropriate certificate or endorsement, issued by or on behalf of another party to the STCW Convention, evidencing

compliance with the provisions of regulation V/3 of that Convention relative to their capacity, duties and responsibilities on the ship; and

(b) the other personnel serving on the ship hold either:-

- (i) documentary evidence of compliance with the provisions of these Regulations relative to their capacity, duties and responsibilities on the ship; or
- (ii) documentary evidence, issued by or on behalf of another party to the STCW Convention, of compliance with the provisions of regulation V/3 of that Convention relative to their capacity, duties and responsibilities on the ship.

Employment of persons holding foreign certificates.

35.(1) The owner of a ship shall not employ on the ship, as master or ship's officer, any person who holds a certificate issued by or on behalf of the government of another country, unless:-

- (a) that person's certificate has been endorsed in accordance with regulation 15; or
- (b) in the absence of such an endorsement, the certificate was issued and is valid in accordance with the STCW Convention, the period of employment does not exceed three months and the owner makes application to the Authority within that period for an endorsement in accordance with regulation 15.

(2) The owner of a ship to which the STCW Convention does not apply shall not employ on the ship, as master or ship's officer, any person who holds a certificate of competency issued by or on behalf of the government of another country, unless the Registrar of Ships has authorized that person's employment on the ship.

(3) Application for an authorization under sub regulation (1), shall be made by the owner of the ship and shall be directed to the proper officer nearest to the ship's intended port of departure, the application shall:-

- (a) be made before the person assumes duty on the ship; and
- (b) be accompanied by the person's original certificate (together with a certified translation into the English language where the certificate is in a language other than English), a medical examination report complying with the requirements specified by marine notice and attesting to the person's medical fitness and, in the case of a deck officer, a valid eyesight test certificate.

(4) The proper officer may require the person to appear before an examiner, who shall satisfy himself that the person is adequately qualified and that he or she has the ability to converse, issue and understand orders and written instructions in the English language.

(5) An authorization granted under this regulation shall be in writing and shall specify the period, not exceeding six months, for which it is to remain in force.

(6) The Authority may revoke an authorization granted under this regulation, if:-

- (a) the person in question shows, through any inability, that he or she is not adequately qualified or that he is not able to converse, issue and understand orders and written instructions in the English language;
- (b) the person's certificate expires or is cancelled or suspended by or on behalf of the government under whose authority the certificate was originally issued;
- (c) the person fails to comply with any condition on which the authorization was granted;
- (d) a court or marine enquiry or a disciplinary hearing recommends the revocation of the authorization; or
- (e) the person is convicted of an offence in terms of the Act or any other law administered by the Authority;
- (f) prompt notification will be given to the Registrar of Ships of any significant change in the arrangements for training and certification provided in compliance with the STCW Convention.

(7) Every endorsement issued under sub-regulation (3) shall be a separate document and shall state, with reference to these Regulations and the STCW Convention, the capacity in which the holder is entitled to serve.

(8) The Registrar of Ships may cancel an endorsement issued under sub-regulation (3) if:-

- (a) the holder shows, through any inability, that he or she does not meet the level of competency or knowledge required for the equivalent certificate of competency, or that his or her level of proficiency in the English language does not meet the relevant requirements of the STCW Convention;
- (b) the holder's certificate expires or is cancelled or suspended by or on

behalf of the government under whose authority the certificate was originally issued;

- (c) a court of marine enquiry or a disciplinary hearing recommends the cancellation of the endorsement: or
- (d) the holder is convicted of an offence in terms of the provisions of the Act or any other law administered by the Registrar of Ships.

(9) Where the Registrar of Ships cancels an endorsement under sub-regulation (5), it shall inform the government under whose authority the certificate was originally issued of the cancellation.

Employment of certificated deck officers on ships of 50 GT or more.

36.(1) The owner and master of every ship of 50 GT or more other than a fishing vessel or a ship shall ensure that there is employed on the ship, in their appropriate capacities, the number of certificated deck officers specified in the schedule to these Regulations.

(2) The owner and master of every ship of 50 GT or more, other than a fishing vessel or a ship shall ensure that there is employed on the ship, in their appropriate capacities, the number of certificated engineer officers specified in the schedule to these Regulations.

Employment of certificated radio operators.

37. The owner and master of every ship shall ensure that there is employed on the ship the number of certificated radio operators specified in the schedule to these Regulations.

Provided that:-

- (a) if the ship is of 300 GT or more and is engaged on a near-coastal voyage and is not equipped in accordance with GMDSS requirements of the radio regulations, there shall be employed on the ship at least two radio operators who are appropriately certificated for the type of radio installation on the ship;
- (b) if the ship is equipped in accordance with the GMDSS requirements of the radio regulations and at sea maintenance of radio equipment is to be conducted to ensure availability, at least one radio operator on the ship shall hold a valid Radio Electronic Certificate (First Class), or a recognized equivalent certificate;
- (c) if the ship is fitted with radio equipment capable of operating within the GMDSS (whether or not so fitted in compliance with statutory requirements), there shall be employed on the ship at least one radio operator who holding a valid GMDSS General Operators Certificate,

or a recognized equivalent certificate; or

- (d) when the radio equipment on the ship is being used for general communications, other than distress, urgency or safety communications, such general communications shall not be conducted by the deck officer on watch.

Employment of certificated ratings on ships of 50 GT or more.

38. The owner and master of every ship of 50 GT or more other than a fishing vessel shall ensure that there is employed on the ship, in their appropriate capacities, the number of certificated ratings specified in the schedule to these Regulations.

Provided that:-

- (a) where a combination of ratings qualified as ordinary seamen and as able seamen are employed in the deck department, at least half shall be qualified as able seamen;
- (b) where a combination of ratings qualified as wipers and as oilers are employed in the engine-room department, at least one shall be qualified as an oiler;
- (c) on passenger ships the required number of ratings qualified as proficient in survival craft and as proficient in fast rescue boats shall be in addition to the ratings qualified as able seamen and as oilers;
- (d) on ships having only liferafts as survival craft there may be employed, in lieu of the ratings qualified as proficient in survival craft, ratings qualified as proficient in liferafts only;
- (e) owners and masters shall have regard to the requirements of this regulation; and
- (c) when determining the appropriate manning.

Employment of qualified medical practitioners on ships of 50 GT or more

39.(1) The owner and master of every ship of 50 GT or more shall ensure that at least one qualified medical practitioner is employed on the ship when the ship carries 100 or more persons on an unlimited voyage.

(2) The owner and master of every ship of 50 GT or more to which the STCW Convention applies shall ensure that:-

- (a) every crew member designated to take charge of medical care on the ship in the absence of a qualified medical practitioner holds:-

- (i) a valid Ship Captain's Medical Training Certificate; or
 - (ii) a valid certificate in medical care issued in accordance with regulation VI/4, paragraph 2 of the STCW Convention by or on behalf of another party to that Convention; and
- (b) every crew member designated to provide medical first aid on the ship holds:-
- (i) a valid First Aid at Sea Certificate; or
 - (ii) a valid certificate in medical first aid issued in accordance with regulation VI/4, paragraph 1 of the STCW Convention by or on behalf of another party to that Convention.

(3) Every person who is designated the duties referred to sub-regulation (2) (a) or (b) shall undertake approved refresher training at intervals not exceeding five years.

Employment of qualified fire-fighting personnel on ships of 50 GT or more.

40.(1) The owner and master of every ship of 50 GT or more shall ensure that every crew member designated to take charge of a fire-fighting party on the ship holds:-

- (a) in the case of a ship of 100 GT or more, a valid Fire-Fighting Certificate;
- (b) in the case of a tanker of 100 GT or more, a valid Tanker Fire-Fighting Certificate; and
- (c) in the case of a ship of less than 100 GT, a valid Fire-Fighting (Small Vessels) Certificate.

(2) The owner and master of every ship of 50 GT or more to which the STCW Convention applies shall ensure that every crew member designated to control fire-fighting operations on the ship holds:-

- (a) a valid Advanced Fire-Fighting Certificate; or
- (b) a valid certificate in advanced fire-fighting issued in accordance with regulation VI/3, paragraph 1 of the STCW Convention by or on behalf of another party to that Convention.

(3) Every person who is designated the duties referred to in sub-regulation (1) or (2) shall undertake approved refresher training at intervals not exceeding five years.

Employment of qualified personnel on ships equipped with fast rescue boats.

41. The owner and master of every ship that is equipped with one or more fast rescue boats shall ensure that there are employed on the ship at least two persons per boat who hold:-

- (a) a valid certificate of qualification as proficient in fast rescue boats issued in accordance with regulation 49 of Part A - Training and Certification; or
- (b) a valid certificate of proficiency in fast rescue boats issued in accordance with regulation VI/2, paragraph 2 of the STCW Convention by or on behalf of another party to that Convention.

Exemption in respect of certain ships.

42.(1) Subject to sub-regulations (2) and (3), the Authority may in special circumstances, if in its opinion no danger would result to persons, property or the environment, grant an exemption permitting a seafarers to serve in a particular ship for the shortest possible time not exceeding six months, in any capacity other than that of radio officer, or master of a passenger ship, for which he is not certificated.

(2) Exemption shall not be granted under sub-regulation (1) unless the seafarers is certificated to serve in the next lower capacity, provided that where the next lower capacity is not required by these regulations to be filled by a certificated person.

(3) Exemption may be granted only if in the option of the Registrar of Ships, the seafarers's qualification and experience meet the requirements for the certificated capacity to be filled.

(4) Subject to the provisions of sub-regulations (3), if such a seafarers is un-certificated he shall be required to satisfy an examiner that he possesses the minimum knowledge and experience required to save in the certificated capacity.

(5) No master or chief engineer officer of a ship to which the STCW Convention applies shall be granted an exemption under sub-regulation (1) except in the case of force majeure, and then only for the shortest possible time.

Equivalence of certificates and endorsements.

43.(1) The certificates specified in the second and third columns of an item in the schedule to these Regulations, subject to sub-regulation (2), to be taken to be equivalent to the certificate or endorsement, as the case may be, specified in the fourth column of that item.

(2) If the certificate specified in the fourth column of an item in the table is subject to additional qualification as provided in these Regulations, documentary evidence of compliance with those requirements, may be produced as the Registrar of Ships of may direct.

(3) A certificate of qualification issued under the Act, before the commencement of these regulations, shall be deemed to be equivalent to the certificate of qualification referred to in the Training and Certification Regulations, as indicated in the table below.

Provided that, where the last mentioned certificate has an additional knowledge or service requirement in accordance with the STCW Convention, proof of having acquired such knowledge or such service, as the case may be, shall be produced.

(4) Where the holder of a certificate of competency issued under the Act before the commencement of these regulations has served in a certificated capacity for at least 12 months in the preceding five years but is prohibited from continued employment in that capacity owing to the tonnage, propulsion power or area of operation of the ship exceeding the applicable tonnage, propulsion power or area of operation limitation, the Authority may endorse the certificate, or the equivalent certificate in terms of this regulation, as the case may be, so as to entitle the holder to continued employment in the capacity concerned on a ship having an appropriately greater tonnage, propulsion power or area of operation.

SCHEDULES

Table 1: TITLE OF CERTIFICATE AND NUMBER OF CERTIFICATED DECK

OFFICERS TO BE EMPLOYED

[Made under regulation 36(1)]

Item	Type of voyage	Gross tonnage of ship	Deck Officer Class 5	Deck Officer Class 4	Master (Near - Coastal	Officer in Charge of Nav. Watch	Master 500 – 3000 GT	Master 500 – 3000 GT	Chief Mate >3000 GT	Master >3000 GT
1	Near-coastal	50 or more, but less than 100	1	-	1	-	-	-	-	-
2	Unlimited	50 or more, but less than 100	1	-	1	-	-	-	-	-
3	Near-coastal	100 or more, but less than 500	1	-	1	1	1	-	-	-
4	Unlimited	100 or more, but less than 500	-	1	1	-	-	-	-	-
5	Unlimited	500 or more, but less than 3 000	-	-	-	-	1	1	-	-
6	Unlimited	3 000 or more	-	-	-	2	-	-	1	1

Table 2: TITLE OF CERTIFICATE AND NUMBER OF CERTIFICATED ENGINEER OFFICERS AND CERTIFICATED MARINE MOTORMEN TO BE EMPLOYED

[Made under regulation 36(2)]

Item	type of voyage	Registered propulsion power of ship (kW)	Engineer Officer Class 4	Officer in charge of an engineering watch	Second Engineer Officer (□□3000 kW)	Second Engineer Officer (□□3000 kW)	Chief Engineer Officer (□□3000 kW)	Chief Engineer Officer (□□3000 kW)
1	Near-Coastal	Less than 350	1	-	-	-	-	-
2	Near-Coastal	350 or more, but less than 750	-	1	-	-	-	-
3	Near Coastal	750 or more, but less than 3000	-	2	-	-	1	-
4	Near-Coastal	3000 or more	-	-	-	1	-	1
5	Unlimited	Less than 750	1	-	1	-	-	-
6	Unlimited	750 or more, but less than 3000	-	1	1	-	1	-
7	Unlimited	3000 or more	-	2	-	1	-	1

Table 3: TITLE OF CERTIFICATE AND NUMBER OF CERTIFICATED RADIO OPERATORS TO BE EMPLOYED

[Made under regulation 37]

Item	Type of voyage	Gross tonnage or length of ship	Restricted Radiotelephone Operators Certificate VHF Only	Restricted Radiotelephone Operators Certificate	GMDSS General Operators Certificate
2	Near-coastal	50 GT or more,	-	2	-

		but less than 300 GT			
3	Near-coastal	300 GT or more	-	-	2
8	Unlimited	100 GT or more, but less than 300 GT	-	2	-
9	Unlimited	300 GT or more	-	-	2

TITLE OF CERTIFICATE AND NUMBER OF CERTIFICATED RATINGS

[Made under regulation 38]

Description of ship	Type of Voyage	Ordinary seafarers or Able seafarers	Wiper or Oiler	Proficient in Survival Craft	Efficient Cook
Passenger	Unlimited or near-coastal	Sufficient to man each 4 hour watch in a 12 hour period with a rating plus one (e.g. 4)	Sufficient to man each 4 hour watch in a 12 hour period with a rating (e.g. 3)	One for every 50 passengers or part of such number on board	1
Other	Unlimited	Sufficient to man each 4 hour watch in a 12 hour period with a rating plus one (e.g. 4)	Sufficient to man each 4 hour watch in a 12 hour period with a rating (e.g. 3)		1
	Near-coastal	Sufficient to man each 6 hour watch in a 12 hour period with a rating plus one (e.g. 3)	Sufficient to man each 6 hour watch in a 12 hour period with a rating (e.g. 2)		

Table 4: EQUIVALENT CERTIFICATE AND ENDORSEMENT
[Made under regulation 43]

Item	Title of certificate	Equivalent certificate	Equivalent certificate under Training and certification
1	Master of a foreign-going ship	Deck Officer Class 1	Master
2	Chief Officer of a foreign going ship	Deck Officer Class 2	Chief mate
3	Deck Officer Class 3	Officer in charge of a navigational watch Class 3	Officer in charge of a navigational watch
4	Deck Officer Class 3 with command endorsement	Master of a ship of less than 500 GT on near coastal voyages	Master 500 GT – 3000 GT
5	Deck Officer Class 4	Officer in charge of a navigational watch	
		Class 4	Deck Officer Class 4
6	Deck Officer Class 4 with command endorsement	Master of a ship of less than 500 GT on near coastal voyages	Master near-coastal
7	Deck Officer Class 5	Deck Officer Class 5	Deck Officer Class 5
8	Chief Engineer-Officer of a foreign going ship	Chief Engineer Class 1	Chief Engineer
9	Second Engineer-Officer of a foreign going ship	Second Engineer Class 2	Second Engineer
10	Marine Engineer Class 3	Officer in charge of an engineering watch Class 3	Officer in charge of an engineering watch
11	Marine engineer Class 4	Officer in charge of an engineering watch class 4	Marine Engineer Officer Class 4

Table 5: EQUIVALENT CERTIFICATE

[Made under regulation 41(1)]

Item	Title of certificate	Equivalent certificate	Equivalent certificate and endorsement
1	Efficient Deck Hand	Efficient Deck Hand	Rating forming part of a navigational watch
2	-	Proficiency in survival craft	Proficiency in survival craft
3		-	Rating forming part of an engineering watch
4		-	Efficient cook
5		Dual purpose rating	Dual purpose rating

SIGNED on this day of April, 2014

**RASHID S. SULEIMAN
MINISTER OF INFRASTRUCTURE
AND
COMMUNICATION**