



THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

THE BULK CARGO REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATIONS

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LEGAL NOTICE NO. 13

THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

THE BULK CARGO REGULATIONS

[Made under section 253]

IN EXERCISE of the powers conferred upon me under section 253 of the Maritime Transport Act, No. 5 of 2006, **I, DR. SIRA UBWA MAMBOYA**, Minister responsible for maritime transport affairs, do hereby make the Bulk Cargo Regulations as follows:

PART ONE PRELIMINARY PROVISIONS

Short title and
commencement
date.

1. These Regulations may be cited as the Bulk Cargo Regulations, 2019, and shall come into operation on such date 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 Zanzibar Maritime Transport Act, No. 5 of 2006.

"Authority" means the Zanzibar Maritime Authority established under the Zanzibar Maritime Authority Act, No. 3 of 2009;

"appropriate cargo information" means information relevant to the cargo and its stowage and securing, and specifying, in particular, the precautions necessary for the safe carriage of that cargo by sea;

"bulk cargo" means cargo carried in bulk;

"cargo" means any cargo, except liquids in bulk and gases in bulk, that may require special precautions owing to its particular hazard to ships or persons on board;

"cargo space" means any hold, tank or space in a ship appropriated for the carriage of cargo;



"cargo unit" means a vehicle, container, flat, pallet, portable tank, packaged unit, or any other cargo, and loading equipment, or any part thereof, that belongs to a ship and is not fixed to it, and includes wheeled cargo and any cargo transport unit;

"grain" includes wheat, maize (corn), oats, rye, barley, rice, pulses, seeds and processed forms thereof, whose behaviour is similar to that of grain in its natural state.

"terminal representative" means an individual who represents the terminal or other facility where the ship is loading or unloading and who has responsibility for operations conducted by that terminal or facility with regard to the particular ship.

PART TWO

REQUIRMENTS FOR BULK CARGOES OTHER THAN GRAIN

Application of
Part Two.

3. This Part of these regulations shall apply only to bulk cargoes other than grain.

Acceptability
for loading.

4.-(1) Before loading a bulk cargo, the master must be in possession of comprehensive information, to the satisfaction of the Authority, on the ship's stability and on the distribution of cargo and ballast for the standard loading conditions.

(2) The master must not accept for loading concentrates or other cargoes that may liquefy unless-

(a) the moisture content of the cargo is less than its transportable moisture limit; or

(b) if the moisture content is above that limit, appropriate safety arrangements are made to the satisfaction of the Authority to ensure adequate stability in the case of cargo shifting, and the ship has adequate structural integrity.

(3) Before loading a bulk cargo referred to in sub regulation (1)(b) of this regulation appropriate special precautions for its safe carriage must be taken.



(4) The owner must ensure that the master is furnished with the information referred to in sub-regulation (1) of this regulation.

(5) The master must not accept cargo for loading unless he is-

- (a) in possession of the information required by sub-regulation (1) of this regulation;
- (b) satisfied by calculations that the proposed loading arrangements would ensure sufficient stability in accordance with the stability information provided pursuant to sub-regulation (1) of this regulation; and
- (c) satisfied that, in the case of a cargo to which sub-regulation (3) of this regulation applies, the precautions required by that sub-regulation have been taken.

Loading,
unloading and
stowage of bulk
cargoes.

5.-(1) To enable the master to prevent excessive stresses in the ship's structure, the owner must ensure that the ship is provided with a cargo loading manual in a language with which the ship's officers responsible for cargo operations are familiar.

(2) The manual may consist of one or more booklets and must, as a minimum, include:

- (a) stability data;
- (b) ballasting and deballasting rates and capacities;
- (c) maximum allowable load per unit surface area of the tank top plating;
- (d) maximum allowable load per hold;
- (e) general loading and unloading instructions with regard to the strength of the ship's structure, including any limitations on the most adverse operating conditions during loading, unloading, ballasting operations and the voyage;
- (f) any special restrictions, such as limitations on the most adverse operating conditions, imposed by the Authority(if applicable); and
- (g) where strength calculations are required, maximum permissible forces and moments on the ship's hull during loading, unloading and the voyage.

Loading Plan.

6.-(1) Before loading or unloading a bulk cargo, the master and the terminal representative must agree on a cargo loading plan that-



- (a) ensures that the permissible forces and moments on the ship are not exceeded during loading or unloading; and
- (b) includes the sequence, quantity and rate of loading or unloading, taking into account the intended speed of loading or unloading, intended number of pours and the deballasting or ballasting capability of the ship.

(2) The plan and any subsequent amendment to it must be lodged with the appropriate authority of the port State.

(3) The master and terminal representative must ensure that loading and unloading operations are carried out in accordance with the cargo loading plan.

(4) When unloading cargo, the master and terminal representative must ensure that the unloading method does not damage the ship's structure.

Stability
throughout the
voyage.

7.-(1) The master must ensure that bulk cargoes are loaded and trimmed reasonably level, as necessary, to the boundaries of the cargo space so as to minimise the risk of shifting and to ensure that adequate stability will be maintained throughout the voyage.

(2) Where bulk cargoes are carried in 'tween-decks, the master must ensure that-

- (a) the hatchways of the 'tween-decks are closed in those cases where the loading information indicates an unacceptable level of stress of the bottom structure if the hatchways are left open;
- (b) the cargo is trimmed reasonably level and either extends from side to side or is secured by additional longitudinal divisions of sufficient strength; and
- (c) the safe load-carrying capacity of the 'tween-decks is observed to ensure that the deck-structure is not overloaded.



Suspension of the loading or unloading.

8.-(1) If during loading or unloading any of the limits of the ship referred to in regulation (4) are exceeded or are likely to become so if the loading or unloading continues, the master has the right to suspend operation.

(2) If the master suspends the operation referred to in sub-regulation (1) of this regulation, he shall notify accordingly the appropriate authority of the port State with which the cargo loading plan has been lodged.

(3) Where sub-regulation (1) of this regulation applies, the master and terminal representative must ensure that corrective action is taken.

Duty of the Master during loading or unloading.

9. The master must ensure-

- (a) that ship's personnel continuously monitor cargo operations;
- (b) where practicable, that the ship's draught is checked regularly during loading or unloading to confirm the tonnage figures supplied, and that each draught and tonnage observation is recorded in a cargo log-book; and
- (c) if significant deviations from the cargo loading plan are detected, that cargo or ballast operations, or both, are adjusted to correct the deviations.

PART THREE

REQUIRMENTS FOR BULK GRAIN CARGOES

Application of Part three.

10. This Part of these regulations shall apply only to bulk grain cargoes.

Document of Authorization.

11.-(1) The Authority shall issue a document of authorization for every ship loaded in accordance with these regulations.

(2) The document shall be accepted as evidence that the ship is capable of complying with the requirements of these regulations.

(3) The Master shall place on board a copy of such a document, grain loading stability data and associated plans in order that the master, if so required, shall produce them for the inspection.



(4) A ship without such a document of authorization shall not load grain until the master demonstrates to the satisfaction of the Authority, or of the Contracting Government of the port of loading acting on behalf of the Administration, that, in its loaded condition for the intended voyage, the ship complies with the requirements of these regulations or the International Code for Safe Carriage of Grain in Bulk in case of international voyage, as the case may be.

Grain Cargo
Information.

12.-(1) The shipper shall provide to the master information in printed booklet to enable the master to ensure that the ship complies with these Regulations when carrying grain in bulk.

(2) Information which shall be acceptable to the Authority shall include:

- (a) ship's particulars;
- (b) light-ship displacement and the vertical distance from the intersection of the moulded baseline and midship section to the centre of gravity (KG);
- (c) table of liquid free surface corrections; .
- (d) capacities and centres of gravity;
- (e) curve or table of angle of flooding, where less than 40° , at all permissible displacements;
- (f) curves or tables of hydrostatic properties suitable for the range of operating draughts; and
- (g) Cross curves of stability which include curves at 12° and 40° .

Stability
requirements.

13.-(1) The intact stability characteristics of any ship carrying bulk grain shall be shown to meet, throughout the voyage, at least the following criteria after taking into account the heeling moments due to grain shift:

- (a) the angle of heel due to the shift of grain shall not be greater than 12° or in the case of ships constructed on or after 1 January 1994 the angle at which the deck edge is immersed, whichever is the lesser;
- (b) in the statical stability diagram, the net or residual area between the heeling arm curve and the righting arm curve up to the angle of heel of maximum difference between the ordinates of the two curves, or 40° or the angle of flooding (01)' whichever is the least, shall in all conditions of loading be not less than 0.075 metre radians; and



(c) the initial meta centric height, after correction for the free surface effects of liquids in tanks, shall be not less than 0.30 m.

(2) Before loading bulk grain the master shall, if so required by the port of loading, demonstrate the ability of the ship at all stages of any voyage to comply with the stability criteria required by this regulation.

(3) After loading, the master shall ensure that the ship is upright before proceeding to sea.

Stowage of Bulk Grain.

14.-(1) During stowage of grain, all necessary and reasonable trimming shall be performed to level all free grain surfaces and to minimize the effect of grain shifting.

(2) In any filled compartment, trimmed, the bulk grain shall be trimmed so as to fill all spaces under the decks and hatch covers to the maximum extent possible.

(3) In any filled compartment, untrimmed, the bulk grain shall be filled to the maximum extent possible in way of the hatch opening but may be at its natural angle of repose outside the periphery of the hatch opening.

(4) If there is no bulk grain or other cargo above a lower cargo space containing grain, the hatch covers shall be secured in an approved manner having regard to the mass and permanent arrangements provided for securing such covers.

(5) When bulk grain is stowed on top of closed 'tween-deck hatch covers which are not grain-tight, such covers shall be made grain tight by taping the joints, covering the entire hatchway with tarpaulins or separation cloths, or other suitable means.

(6) After loading, all free grain surfaces in partly filled compartments shall be level.

(7) Unless account is taken of the adverse heeling effect due to the grain shift according to these regulations, the surface of the bulk grain in any partly filled compartment shall be secured so as to prevent a grain shift by over stowing.



(8) In partly filled compartments, the bulk grain surface may be secured by strapping or lashing.

(9) Lower cargo spaces and 'tween-deck spaces in way thereof may be loaded as one compartment provided that, in calculating transverse heeling moments, proper account is taken of the flow of grain into the lower spaces.

(10) In filled compartments, trimmed, filled compartments, untrimmed; and partly filled compartments, longitudinal divisions may be installed as a device to reduce the adverse heeling effect of grain shift.

Strength of
grain fittings.

15.-(1) All timber used for grain fittings shall be of good sound quality and of a type and grade which has been proved to be satisfactory for this purpose.

(2) Materials other than wood or steel may be approved for such divisions provided that proper regard has been paid to their mechanical properties.

PART FOUR OFFENSES AND PENALTIES

Owner
Contravention of
regulation 5.

16. Every owner who contravenes sub-regulation (1) of regulation 5 commits an offence and upon conviction he shall be liable to a fine not less than the equivalence of fifteen thousand dollars.

Master
Contravention of
regulations 6,7,8
or 9.

17. Every master who contravenes regulation (6), (7), (8), or (9) commits an offence and upon conviction he shall be liable to a fine not less than the equivalence of fifteen thousand dollars.

Terminal
representative
contravention of
regulation 6 or 8.

18. Every terminal representative who contravenes regulation 6, or 8(3) commits an offence and upon conviction he shall be liable to a fine not less than the equivalence of fifteen thousand dollars.

Owner.
Contravention of
Regulation 4.

19. Every owner who contravenes sub-regulation (4) of regulation 4 commits an offence and upon conviction he shall be liable to a fine not less than the equivalence of fifteen thousand dollars.



Master
Contravention of
Regulation 4.

20. Every master who contravenes sub-regulation (2) or (5) of regulation 4 commits an offence and upon conviction he shall be liable to a fine not less than the equivalence of fifteen thousand dollars.

Contravention of
other provisions.

21. Every person who contravenes any other provisions of these regulations commits an offense and upon conviction shall be liable to a fine not less than the equivalence of fifteen thousand dollars.

Compounding of
offences.

22.-(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.



SIGNED on this 12 day of 02, 2019.

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