

THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

THE CREW LIST REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATIONS

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THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

THE CREW LIST REGULATIONS
[Made under section 156]

IN EXERCISE of the powers conferred upon me under section 156 of the Maritime Transport Act, No. 5 of 2006, **I, DR. SIRA UBWA MAMBOYA**, Minister responsible for Maritime transport, do hereby make the Crew List Regulations as follows:

PART ONE
PRELIMINARY PROVISIONS

Short title and commencement

1. These Regulation may be cited as the Crew List Regulations of 2018 and shall come into operation after being signed by the Minister and published in the Official Gazette.

Interpretation

2. In these Regulations unless the context requires otherwise-

“Act” means the Maritime Transport Act, No. 5 of 2006;

“Authority” means the Zanzibar Maritime Authority;

“fishing vessel” means a boat or other aquatic or amphibious craft or vehicle used, outfitted or design for the purpose of fishing, processing or transporting fish or fish product;

“Government ship” means any ship owned by the Government or held by any person on behalf of or for the benefit of the Government but not for profit or reward;

“IMO” means the International Maritime Organisation;

“master” includes every person, except a pilot, having command or charge of a ship, or sea aircraft;

“Minister” means the minister responsible for maritime transport affairs;

“pleasure vessel” means as ascribed under section 2 of the Act;

“Registrar of Ships” means the Registrar of ship appointed under the provisions of the Act;

“seafarer’s employment agreement” means the agreement between seafarer and ship owner to work on-board a ship for a specified terms and conditions in that agreement;

“seafarer” means any person who is employed or engaged or works in any capacity on-board a ship to which these Regulations apply;

“ship-owner” means the owner of the ship or another organisation or person, such as the manager, agent or bareboat charterer, who has assumed responsibility for the operation of the ship from the owner.

Application
and exemption

3. These Regulations shall all apply to all ship registered in Zanzibar, except-

- (a) ship which navigates exclusively within 60 nautical miles of the Zanzibar’s coast;
- (b) ship which is owned and operated by the Government and used only on Government non-commercial service;
- (c) ship of traditional build such as a dhow or junk;
- (d) warship or naval auxiliary; or
- (e) fishing vessels or pleasure vessels.

PART TWO REQUIREMENT OF LIST OF CREW

Responsibility
of ship-owner
and master

4.-(1) Every ship-owner and master of a ship shall be responsible to ensure a list of crew employed on board the vessel containing the details of each crew members as specified in regulation 5 of these Regulations.

(2) The crew lists shall remain in force for periods of beginning with the date when the first entry relating to a crew is made in the list.

(3) As soon as is practicable after a list of crew relating to a vessel to which these Regulations apply has ceased to be in force, the master shall deliver the list to the Authority.

(4) A ship-owner or master who fails to comply with sub regulation (1) of this regulation shall be liable for administrative actions to be taken subject with these Regulations.

Particulars to be contained in a list of crew

5.-(1) A list of crew must contain the following particulars of the ship-

- (a) name of the crew;
- (b) port of registry; and
- (c) IMO number or for ships which do not have an IMO number the ships official number.

(2) Subject to sub regulation (3) of this regulation, a list of crew must contain the following particulars for each seafarer on board the ship-

- (a) name and address;
- (b) date of joining the ship;
- (c) name and relationship of next of kin and address of next of kin if different from the seafarer;
- (d) capacity on board the ship;
- (e) date and place the seafarer left the ship and the reason for leaving;
- (f) age;
- (g) Nationality; and
- (h) Seafarer's book or Passport.

(3) A passenger ship which has regular crew changes with rotational crew, may record the date and place when the seafarer's employment agreement is terminated instead of the information specified in paragraph (e) of sub regulation (2) of this regulation.

Crew list to be kept up to date

6.-(1) The list of crew shall be maintained in either electronic or paper form, and shall be kept up to date regularly.

(2) The detail particulars of non-seafarers who are sailing with the vessel such as superintendents and security personnel shall be listed separately in a record and of their next of kin in the case of an emergency.

Seafarer's capacity

7.-(1) The seafarer's capacity on board shall be included on the crew list as separate particular of crew list.

(2) A copy of every list of crew shall be maintained by the ship-owner or master to the ship and the master shall, as soon as practicable and within

three days of any change being made in the list of crew, notify the change to the Authority.

Format,
opening and
closing of a
list of crew

8.-(1) A list of crew may be made in the format specified in the Schedule to these Regulations or using any other good format contains the information specified in the regulation 5 of these Regulations.

(2) Only one list of crew may be open at any time.

(3) A list of crew must be opened, closed and returned to the Authority at the same time as the official log book.

(4) It is the responsibility of the ship-owner and master to produce a list of crew upon demand to the Authority, Customs officer, Registrar or any other officer.

PART THREE OFFENCES AND PENALTIES

General
offences

9.-(1) Any ship-owner or master who fails to comply with the provisions of these Regulations commits an offence and shall upon conviction, is liable to a fine of not less than two thousand and more than five thousand dollar or equivalent to Tanzania shillings or imprisonment for a term of not less three months or to both such fine and imprisonment.

(2) It shall not be a defence for a person charged under these Regulations to show that he took all reasonable steps to avoid the commission of the offence.

(3) If the commission by any person of an offence under these Regulations is due to the act or default of some other person, that other person shall become liable for the offence and a person may be charged with and convicted of the offence by virtue of this regulation whether or not proceedings are taken against the first-mentioned person.

Offence
committed by
body
corporate

10.-(1) If the offence under these Regulation committed by a body corporate, a director, manager, secretary or other similar officer of that body corporate, or any person who was purporting to act in any such capacity, shall become liable for offence and upon conviction, be punished accordingly.

(2) If the affairs of a body corporate are managed by its members, the provisions of sub regulation (1) of this regulation, shall apply in relation to the acts and defaults of a member in connection with his functions of management as if the member were a director of the body corporate.

(3) For the purposes of this regulation, “body corporate” includes a limited liability company constituted under the Companies Act of the laws of Zanzibar, and in relation to that company, any reference to a director or other officer of a body corporate is a reference to a member and to the company’s manager and registered agent.

Compounding
of offences

11.-(1) Notwithstanding any other law, where a ship or master violates any provision of these Regulation, the Registrar of Ships 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 committed;
- (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 Registrar of Ship 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 proceeds with criminal action against such a ship or master.

(5) When the ship or master pay the amount of fine so specified in the notice, no further criminal actions relating to the same offence shall be taken against the ship or master.

SCHEDULE

CREW LIST FORMAT
[Made under regulation 8(1)]

List of crew of registered vessel				
Ref. No.	Vessel name	Port of registry	Official no. of IMO number	
	(a) Name of seafarer	(a)Address of seafarer	(a) Date of commencement of employment on board	If discharged the reasons for discharged
	(b) Capacity on board	(b) name and relationship of next of kin and address	(b) Date and place leaving the ship	
	(a)			
	(b)			
	(a)			
	(b)			
	(a)			
	(b)			
	(a)			
	(b)			
	(a)			
	(b)			

SIGNED on this 12 day of February, 2019.

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