

THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

**THE VERIFIED GROSS MASS OF A CONTAINER
CARRYING CARGO REGULATION**

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CARRYING CARGO REGULATIONS**

[Made under section 485(1)]

IN EXERCISE of the powers conferred upon me under section 485(1) of the Maritime Transport Act, No.5 of 2006, **I, Amb. ALI A. KARUME**, Minister responsible for Infrastructure, Communication and Transportation, do hereby make Regulations for Verified Gross Mass of a Container Carrying Cargo, as follows: L. NOTICE 79

**PART I
PRELIMINARY PROVISIONS**

1. These Regulations shall be cited as Verified Gross Mass of a Container Carrying Cargo Regulations, 2016 and shall come into operation after being published in the official Gazette. Short
title and
Commencement.

2.-(1) These Regulations shall apply to: Application.

- (a) containers to which the International Convention for Safe Containers applies and which are to be stowed on board ship determined under section 187 of the Act;
- (b) containerized exports from Zanzibar ports; and
- (c) the gross mass of inbound containers that will have either being verified in the country of loading or through agreement between shipper and carrier.

(2) Notwithstanding the provisions of sub-regulation (1) of this regulation, the requirements of verifying the gross mass of a packed container in accordance with these Regulations shall not apply to a container:

- (a) on a chassis or trailer to be driven on a ro-ro ship unless the ship has been determined by the Authority to be included;
- (b) if a ship carrying the container is engaged on short international voyages;
- (c) if carried cargo items have been tendered by a shipper to the ship master for packing into a container which is already on board the ship;
- (d) if a ship carrying a container is engaged in cabbotage business; and
- (e) if a container already on board a ship is stuffed with cargoes without being landed.

Interpretation.

3.-(1) In these Regulations, unless the context requires otherwise:

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

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

“Cabbotage” means transport of goods or passengers between two places in the Zanzibar by a transport operator from another country applied to shipping along costal routes or port to port;

“calibrated and certified equipment” means a scale, weighbridge, lifting equipment or any other device capable of determining the actual gross mass of a packed container or of packages and cargo items, pallets, dunnage and other packing and securing material, that meets the accuracy standards and requirements of the Zanzibar;

“cargo items” means any goods, wares, merchandize, liquids, gases, solids and articles of every kind whatsoever carried in

containers pursuant to a contract of carriage excluding ship's equipment, ship's supplies, ship's spare parts and stores carried in containers;

“competent authority” means an authority legally responsible or vested with the mandate, capacity or power to calibrate weighing and measurement equipment in accordance with the required standards provided to under the Weights and Measures Act or a person designated for that purpose;

“container delivery procedures” means obligatory steps and actions requisite of parties involved in delivery, handling and or loading export containers on board a ship;

“container” means an article of transport equipment:

- (a) of a permanent character and accordingly strong enough to suitable for repeated use;
- (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
- (c) designed to be secured or readily handled, having corner fittings for these purposes; and
- (d) of a size such that the area enclosed by the four outer bottom corners is either:
 - (i) at least 14m² (150 sq. ft.); or
 - (ii) at least 7m² (75 sq. ft.) if it is fitted with top corner fittings;

“contract of carriage” means a contract in which a shipping company, against the payment of freight, undertaken to carry goods from one place to another which may take form of, or be evidenced by a document such as sea waybill, a bill of lading, or multi-modal transport document;

“freight forwarder” means a person or company working on behalf of a shipper to declare and clear documents and documentation requirements for a packaged container through Customs

and other government authorities, ship's and port operator's formalities with a view to legitimizing loading onto a ship;

“Gross Mass Certificate” means electronic or hard-paper certificate issued by Gross Mass Verifier to testify accurate gross mass of an export container not exceeding permitted maximum weight standard of the International Organization for Standardization (ISO) for freight container, under regulation 6(5) of these Regulations;

“Gross Mass Verifier” means a person or company which operates calibrated and certified equipment and is registered by the Authority in accordance with these Regulations;

“gross mass” means the combined mass of a container's tare mass and the masses of all packages and cargo items, including pallets, dunnage and other packing material and securing materials packed into the container;

“Inland Container Depot” means container handling facility licensed by the Commissioner for Customs and Excise of the Tanzania Revenue Authority and the Authority in accordance with the provisions of the Act or any other law;

“Method 1” means weighing and determining the gross mass of the whole packed container after packing and sealing the container;

“Method 2” means determining gross mass of a packed container by weighing all individual packages and cargo items, including the mass of pallets, dunnage and other packing and securing material to be packed in the container, and add the tare mass of the container to the sum of the single masses using a certified process;

“non-complying container” means an export packed container delivered in port terminal for the purpose of loading onto a ship without valid gross mass certificate in accordance with these Regulations;

“package” means one or more cargo items that are tied together, packed, wrapped boxed or parcelled for transportation including, but they are not limited to, parcels, boxes, packets and cartons;

“packed container” means a container, as previously defined, loaded, stuffed or filled with cargo items or packages along with any dunnage and other packing material and securing materials;

“packing material” means a material used or for use with packages and cargo items to prevent damages, but not limited to, crates, packing blocks, drums, cases, boxes, barrels, and skids excluding any material within individual sealed packages to protect the cargo item or items inside the package;

“Port Terminal Operator” means the Zanzibar Port Corporation;

“ro-ro vessel” means a vessel designed to carry wheeled cargo such as automobiles, trucks, semi-trailer, trucks, trailers and railroad cars that are driven on and off the ship on their own wheel or using the platform vehicle;

“securing material” means all dunnage, lashing and other equipment used to block, brace and secure packed cargo items in a container;

“ship master” means a person representing the principal who is a ship owner or shipping company, as the case may be, licensed to provide shipping services;

“ship” means a vessel to which the International Convention for the Safety of Life at Sea, 1974 (SOLAS) Chapter VI applies excluding roll-on or roll-off ships engaged on short international voyages where the containers are carried on a chassis or trailer and are loaded and unloaded by being driven on and off such a ship;

“shipper” means a legal entity or person named on the bill of lading or sea waybill or equivalent multimodal transport document such

as through bill of lading, as shipper or who, or in whose name or on whose behalf, a contract of carriage has been concluded with a shipping company;

“shipping agent” means the Zanzibar Shipping and Agency Corporation or a person or company authorised in accordance with the Zanzibar Shipping Corporation Act, No. 3 of 2013, to provide shipping agency services representing the principal who is a ship owner or shipping company as the case may be;

“shipping document” means a document used by the shipper to communicate the verified gross mass of the packed container which is a part of the shipping instructions to the shipping company or a separate communication declaration including a weight certificate produced by a Gross Mass Verifier;

“short international voyage” means an international voyage in the courses of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination;

“standard gross mass violation” means gross mass of a container that exceeds maximum allowable gross mass of an ISO standard freight container;

“tare mass” means the mass of an empty container that does not contain any packages, cargo items, pallets, dunnage, or any other packing material or securing material;

“Corporation” means the Zanzibar Port Corporation as established under the Zanzibar Port Corporation Act, No. 1 of 1997;

“Zanzibar port” means a port, place, whether proclaimed a harbour or not, and whether natural or artificial, to which ships may resort for shelter or to ship or unship goods or passengers; and

“verified gross mass” means the total of a packed container as obtained by either Method 1 or Method 2 or both methods in accordance with these Regulations.

PART II
OBLIGATIONS OF PARTIES ON VERIFICATION
OF GROSS MASS OF A CONTAINER

4. A shipper shall have a responsibility to make sure that gross mass of a packed container is verified prior to its loading on board ship in accordance with the provisions of these Regulations.

Obligations
of a shipper.

5. A Gross Mass Verifier, shall:

(a) cause equipment used in gross mass verification to be calibrated by the competent authority prior to putting such equipment into use;

Obligation
of a Gross
Mass
Verifier.

(b) display in a conspicuous place of his office a valid calibration certificate for each equipment used in gross mass verification prior to putting such equipment into use;

(c) calibrate each equipment used in verifying gross mass within Zanzibar territory in accordance with the Weight and Measures Act of 1983; and

(d) be registered with the Authority in accordance with these Regulations.

6.-(1) A shipper shall:

(a) obtain a signed Gross Mass Certificate for a packed container from a Gross Mass Verifier using Method 1 or Method 2 of verification or both Method 1 and Method 2; and

Gross Mass
Certificate.

(b) submit the gross mass certificate to shipping agent and Port Terminal Operator in accordance with the Standard Operating Procedures prepared by the Corporation in advance of loading to enable its usage in stowage plan of a ship.

(2) Where the shipper delivers a container into a port terminal without fulfilling the obligations:

- (a) the Port Terminal Operator shall, subject to the provisions of these Regulations, verify the gross mass of such container; and
- (b) the shipper shall be:
 - (i) required to pay costs for such verification; and
 - (ii) liable to penalties associated with delivering unverified gross mass of the container to the port terminal facility.

(3) For the purpose of sub regulation (2) of this regulation, the Port Terminal Operator shall be required to apply for registration of Gross Mass Verifier to the Authority, and subject to the provisions of these Regulations, the Authority may issue registration of gross mass to the Port Terminal Operator.

(4) The gross mass certificate shall be submitted electronically or in a hard copy and signed by the Gross Mass Verifier electronically or replacing in capital letters the name of the person authorized to sign it.

(5) The gross mass certificate of a packed container issued by a Gross Mass Verifier shall be as set out in First Schedule to these Regulations.

Gross Mass
Verification
by Port
Terminal
Operator.

7. Where the verification of the gross mass of a container is carried out by a Port Terminal Operator on behalf of a shipper in accordance with these Regulations, a Port Terminal Operator shall decide a convenient method of verification for performing the weighing of a container.

Obligations
of a Port
Terminal
Operator
and shipping
agent or ship
master.

8.-(1) A Port Terminal Operator and shipping agent or ship master shall ensure an export container packed with cargo is not loaded onto a ship unless the Port Terminal Operator and shipping agent have a valid gross mass certificate from the shipper in advance of vessel loading.

(2) A Port Terminal Operator or shipping agent, may, where there is reasonable ground to suspect accuracy of verified gross mass certificate

or gross mass certificate submitted by a shipper, order re-verification of gross mass.

(3) Where, after the re-evaluation in gross mass, established by a shipping agent or Port Terminal Operator, loading of container may be allowed at the discretion of a shipmaster, provided that the total gross mass is within ISO specified weight.

(4) Nothing in these Regulations shall limit the shipmaster's discretion to accept or reject a packed container for loading onto his ship with a view to ensuring ship's safety.

(5) A Port Terminal Operator or shipping agent shall not load a packed container on board a ship which exceeds maximum gross mass indicated on the valid Safety Approval Plate under the International Convention for Safe Containers.

(6) Where a shipping agent or Port Terminal Operator is aware of non-compliance with gross mass verification of a container at a time which will allow a shipper to comply, the shipping agent or Port Terminal Operator shall communicate the non-compliance to the shipper requiring the shipper to comply.

9. Where a shipping agent receives verified gross mass certificate from the shipper, the shipping agent shall submit such certificate to the Port Terminal Operator in advance of the ship loading.

Submission
of verified
gross mass
certificate.

10.-(1) A shipping agent shall provide in the shipping document correct and accurate information of gross mass verification of a container accepted on board ship, and transmit such information to all parties including transshipment port for smooth shipment of a container.

Transmission
of
Information
to parties.

(2) The shipping agent of a discharging ship shall provide to the Port Terminal Operator evidence of gross mass verification for a container landed in Zanzibar port.

Verification
obtained
from a
transshipment.

11.-(1) Gross mass verification obtained from a transshipment vessel to which these Regulations apply, shall be relied upon by shipping agent of loading vessel and the Port Terminal Operator.

(2) Where transshipment container is discharged without evidence of gross mass verification, a Port Terminal Operator shall not load such a container on board the loading ship unless gross mass verification information is obtained from:

- (a) the shipping agent; or
- (b) the Port Terminal Operator's verification of the gross mass of such a container.

Record
keeping.

12.-(1) A Port Terminal Operator shall, for a period of not than two years, maintain record of compliance with gross mass verification of all containers loaded and discharged.

(2) Subject to the sub-regulation (1) of this regulation, the Authority may direct the Corporation to submit summary report as the Authority deems necessary and in a format determined by the Authority.

Verification
while on
road vehicle.

13.-(1) Where the verified gross mass of a packed container is obtained by weighing the container while on a road vehicle, the tare mass of the road vehicle, fuel in the tank, vehicle crew and any other material not part of contents of the container shall be subtracted to obtain accurate verified gross mass of a packed container.

(2) Subject to sub-regulation (1) of this regulation, the subtraction of tare mass of the road vehicle, fuel in the tank, vehicle crew and any other material not part of contents shall reflect the tare mass of the road vehicle as indicated in their registration documents issued by an authority responsible for issuance of vehicle registration cards.

(3) Where two packed containers on a road vehicle are to be weighed, their accurate gross mass should be determined by weighing each container separately and without making any estimations.

14. The Corporation shall prepare Standard Operating Procedures for delivery of a container at a port terminal facility and for loading on board ship of a verified gross mass container. Standard Operating Procedures.

15. Where a packed container for export having a gross mass certificate is intercepted for any reason causing unpacking of the container, the shipper shall re-verify the gross mass and obtain a new gross mass certificate. Intercepted containers.

16.-(1) A shipper of an empty container shall ensure that: Empty containers.

(a) no item is placed into a container that has been declared to be empty; and

(b) the standard tare weight on the empty container is marked in accordance with ISO standard.

(2) Notwithstanding sub-regulation (1) of this regulation, where an empty container is not marked in accordance with ISO standard, the shipper shall carry out gross mass verification in accordance with these Regulations.

PART III METHODS OF GROSS MASS VERIFICATION

17.-(1) When conducting verification of gross mass of a container, a shipper, at his discretion, may use either Method 1 or Method 2, subject to other provisions under these Regulations. Verification Method.

(2) Subject to the SOLAS regulations:

(a) Method 1 of gross mass verification involves weighing and determining the gross mass of the whole packed container after packing and sealing the container; and

(b) Method 2 of gross mass verification involves determining gross mass of a packed container by weighing all individual

packages and cargo items, including the mass of pallets, dunnage and other packing and securing material to be packed in the container, and add the tare mass of the container to the sum of the single masses using a certified process.

Competency
on using
Method 2.

18.-(1) Without prejudice discretion under regulation 17 to these Regulations, a shipper shall not use Method 2 of gross mass verification, unless the Gross Mass Verifier performing the verification demonstrates required competence of using Method 2 accurately and correctly in accordance with systems approved by the competent authority.

(2) Subject to the provisions of sub-regulation (1) of this regulation, a Gross Mass Verifier shall be deemed to have demonstrated required competence to use Method 2 where the Gross Mass Verifier:

- (a) possesses correct types of calibrated equipment capable of giving accurate weight of pallets, wrappers, packing materials, and a packed container;
- (b) has accredited Quality Management System, such as ISO 9001 or ISO 28000, which include documented procedures to satisfy the weighing requirement; and
- (c) has submitted to the Authority a declaration of competence from the competent authority to use Method 2 at the time of registration and obtained approval.

Exception
from using
Method 2.

19. Method 2 shall not be used to verify gross mass of a packed container for cargo items of scrap metal, rough stones, unbegged grain and other cargo in bulk.

Disapproval
by the
Authority
of using
Method 2.

20.-(1) The Authority shall, upon realizing inconsistency with accurate weight of a packed container verified by Gross Mass Verifier using Method 2, disapprove usage of Method 2 by such Gross Mass Verifier.

(2) Where an approved Gross Mass Verifier is disapproved by the Authority to use Method 2 under sub regulation (1):

- (a) the Gross Mass Verifier shall only use Method 1; and
- (b) Port Terminal Operators and shipping agents shall not recognize gross mass certificates issued by the Gross Mass Verifier using Method 2.

PART IV
APPLICATION FOR REGISTRATION OF GROSS MASS
VERIFIER

21.-(1) A person may apply to the Authority, for a registration of Gross Mass Verifier by filling and submitting an application form as set out in the Second Schedule to these Regulations, which shall include information of number of calibration certificate for each equipment and approved method of verification by the Gross Mass Verifier.

Application
for registration
of Gross Mass
Verifier

(2) A person shall qualify for registration of Gross Mass Verifier upon furnishing information to the Authority that satisfies capacity to conduct gross mass verification in accordance with these Regulations.

(3) Without prejudice to sub regulation (1) of this regulation, the Authority may require any other information in addition to those as specified in the application form as it deems necessary.

(4) A person apply for registration of Gross Mass Verifier shall be required to pay application fees to the Authority amounting to Tanzania shillings of equivalent to One Hundred United States Dollars.

22.-(1) The Authority shall, after receiving application form, and upon satisfied, issue registration certificate for Gross Mass Verifier as prescribed in the Third Schedule to these Regulations.

Registration
certificate
for Gross
Mass
Verifier.

(2) Registration of a Gross Mass Verifier shall be valid for a period of twelve months from the date of registration and shall be subject for renewal thereafter.

Registration
fees.

23. An applicant for registration of Gross Mass Verifier shall, upon being approved for registration, pay registration fees to the Authority amounting to Tanzanian shillings of equivalent to Five Hundred United States Dollars.

Deregistration
of Gross
Mass Verifier.

24.-(1) Where the Authority realizes any discrepancy of accurate weight of a packed container verified by Gross Mass Verifier, shall subject to the provisions of this regulation, cancel registration of the Gross Mass Verifier.

(2) The Authority shall, before cancelling registration, issue notice in writing requiring such a verifier within such time specified in the notice, to state reasons why registration should not be cancelled.

(3) Where the Authority becomes dissatisfied with the stated reasons of the Gross Mass Verifier, shall, within 21 days from the date of receipt of such reasons, cancel registration of the Gross Mass Verifier, and forthwith inform such Gross Mass Verifier in writing.

(4) Where registration of the Gross Mass Verifier cancelled, such Gross Mass Verifier shall not be allowed to verify container weight in accordance with these Regulations.

(5) Without prejudice the provisions of this regulation, the Authority may, on such terms and conditions, opt to impose temporary suspension of registration of Gross Mass Verifier for a specified period in lieu of deregistration.

(6) Notwithstanding the provisions of this regulation, the Authority may deregister a Gross Mass Verifier upon failure of the Gross Mass Verifier to execute obligations under these Regulations.

Appeals.

25. A person who is aggrieved by the decision of the Authority under these Regulations may appeal to the Minister within fourteen days from the date of such decision.

PART V
OFFENCES AND PENALTIES

26.-(1) A person who loads a packed container on board ship which exceeds maximum gross mass indicated on the Safety Approval Plate under the International Convention for Safe Containers, commits an offence. Offences and Penalties.

(2) A person who contravenes the provisions of these Regulations, commits an offence and is liable to a fine of Tanzanian Shillings equivalent to not less than Five Thousand United States Dollars or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

27.-(1) Notwithstanding the provisions of these Regulations relating to penalty, where a person commits an offence under these Regulations, the Authority may, at any time prior to the commencement of the hearing by any court of such offence, and upon consultation and agreement with the Director of Public Prosecutions, compound such offence and order the person to pay sum of money, not less than half of the amount of the fine to which the person would otherwise have been liable if he had been convicted of such offence. Power to Compound offences.

(2) The Authority shall not exercise its powers under sub regulation (1), unless the person concerned admits in writing to have committed such offence.

(3) Subject to the provisions of sub regulation (1) of this regulation, where the Authority compounds an offence, the order referred to in sub-regulation (1):

- (a) shall be reduced into writing and there shall be attached to it the written admission and request referred to in sub regulation (1) and a copy of such order shall be given, if he so requests, to the person who committed the offence;

- (b) shall specify the offence committed, the sum of money ordered to be paid and the date on which payment is to be settled;
- (c) shall be final; and
- (d) may be enforced in the same manner as a decree of a court for the payment of the amount stated in the order.

FIRST SCHEDULE



GROSS MASS CERTIFICATE

[Made Under Regulation 6(5)]

Serial No:		
Name and address of Shipper:1	Carrier & Shipping Agent	
Container/ Seal No: *	Truck Reg. No.:	
Container size:	Safety Approval PlateMaximum Gross Mass:	
Name and address of Gross Mass Verifier:	Verified gross mass (Kg/ Tonnes):	
Registration No. of the Gross Mass Verifier:	Date of verification:	
Country of Origin:	Country of Destination:	
No. of Calibration Certificate of equipment used:	Relevant special properties of the Relevant special properties of the cargo (e.g. whether the weight of the cargo is affected by change in the moisture content).	
Method used to verify the gross mass i.e. Method 1 or Method 2:		
I hereby declare that the consignment is fully and accurately described and that the verified gross mass is correct to the best of my knowledge. I understand that I may be penalized or prosecuted for false or fraudulent information.	Name & signature of authorized person:	Official stamp

SECOND SCHEDULE



ZANZIBAR MARITIME AUTHORITY

[Made Under Regulation 21]

APPLICATION FOR REGISTRATION OF GROSS MASS VERIFIER

[Made Under Regulation 21]

1. Name of the Gross Mass Verifier:.....
2. Postal Address:
- Tel. No.:
- Fax No.:
- Email Address:
3. Certificate of Incorporation No.: Date of issue:
4. Business Licence No.: Date of issue:
5. Physical address of registered place of Business - Street:
- Plot No.: Name of House/Building or No.:
- District: Region:
6. Particulars of Shareholding:.....

Name	Nationality	Address	Percentage of Share

7. Chief Executive's Title:

Name:

Contact:.....

8. Details of any other business in the transport sector carried on by the applicant:

9. Details of Equipment to be used

(i) Type of Equipment:

(ii) Capacity:

(iii) Calibration Certificate No:..... /Date/.....

(Please attach certified copy of calibration certificate)

(iv) Working Location of the equipment:

(v) Plan of testing the equipment (at least quarterly tests):

(a) Date of 1st Test: Results:

(b) Date of 2nd Test..... Results:

(c) Date of 3rd Test:Results:

(d) Date of 4th Test..... Results:

(vi) Plan of intermediate calibration exercises (at least twice calibration/year):

(a) Date of 1st intermediate calibration:

(b) Date of 2nd intermediate calibration:

10. Declaration of intended methods of gross mass verification to be used (YES/NO)

(i) Method 1:

(ii) Method 2:

If YES -

(a) Specific equipment for this method:

(b) Other gears and facilities to support this method:

(c) Name of Staff to be used to support this method (should be approved under Weight and Measures Act):

(d) QMS No.:(attach certified copy)

I/ We declare that to the best of my/our knowledge and belief all the statements and information contained in this application are true and correct. I/we undertake to notify the Authority of any changes in material information in this declaration.

Name of Declarant (in full):

Signature: Date:

(Rubber Stamp or Seal).

THIRD SCHEDULE



ZANZIBAR MARITIME AUTHORITY

REGISTRATION CERTIFICATE

[Made Under Regulation 22(1)]

1. Name of the Gross Mass Verifier:
 2. Certificate of Incorporation No.: Date of issue:
 3. Business Licence No.: Date of issue:
 4. Physical address of registered place of Business - Street:
 5. Details of Equipment:
 - (i) Type of Equipment
 - (ii) Capacity:
 6. Method of gross mass verification certified

Method 1:

Method 2:
- Issued on this day of, 20.....
- Name and Signature of Authorised Officer:
- Official Seal:

SIGNED on this .27th day of June, 2016.

Sgn.

{ Amb. ALI A. KARUME }
MINISTER FOR INFRASTRUCTURE,
COMMUNICATION AND TRANSPORTATION
ZANZIBAR

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