

THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

SHIP AND PORT FACILITY SECURITY REGULATIONS

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SHIP AND PORT FACILITY SECURITY REGULATIONS

[Made under section 271]

IN EXERCISE of the powers conferred upon me under section 271 of the Maritime Transport Act, No. 5 of 2006, I, **DR. SIRA UBWA MAMBOYA**, Minister of Infrastructures, Communication and Transportation, do hereby make Ships and Port Facility Security Regulations as follows:

**PART ONE
PRELIMINARY PROVISIONS**

Short title and commencement **1.** These Regulations may be cited as the Ship and Port Facility Security Regulations of 2018 and shall come into operation on such date after being signed by the Minister and published in the Official Gazette.

Interpretation **2.-(1)** In this these Regulations, unless the context otherwise requires:

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

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

“bulk carrier” means a ship which is intended primarily to carry dry cargo in bulk, including such type as ore carriers and combination carriers;

“certificate” means an International Ship Security Certificate or an Interim International Ship Security Certificate issued in accordance with Part A of the ISPS Code;

“chemical tanker” means a cargo ship constructed or adapted and used for the carriage in bulk of any liquid product listed in chapter 17 of the IBC Code;

“company” means the owner of the ship or any other organization or person such as the manager, or the bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner of the ship and who on assuming such responsibility has agreed to take over all the duties and responsibilities imposed by the ISPS Code;

“company security officer” means the person designated by the Company for ensuring that a ship security assessment is carried out; that a ship security plan is developed, submitted for approval, and thereafter implemented and maintained, and for liaison with port facility security officers and the ship security officer;

“Contracting Government” means the government of a State which is party to the International Convention for the Safety of Life at Sea;

“Declaration of Security” means an agreement reached between a ship and either a port facility or another ship with which it interfaces, specifying the security measures each will implement;

“designated authority” means the organisation or the administration identified as responsible for ensuring the implementation of Chapter XI-2 of the Safety Convention pertaining to port facility security and ship or port interface from the point of view of the port facility;

“gas carrier” means a cargo ship constructed or adapted for the carriage in bulk of any liquefied gas or other liquid product in chapter 19 of the IGC Code;

“IBC Code” and “IGC Code” have the meanings given under the Act;

“ISM Code” has the meaning given in regulation 2 of the Merchant Shipping (International Safety Management (ISM) Code) Regulations 2002;

“ISPS Code” means the International Ships and Port Facility Security Code, as adopted, on 12th December 2002, by resolution 2 of the Conference of Contracting Governments to the International Convention for the Safety of Life at Sea, 1974;

“mobile offshore drilling unit” means a vessel capable of engaging drilling operations for the exploration for or the exploitation of resources beneath the sea-bed such as liquid or gaseous hydrocarbons, sulphur or salt;

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

“oil tanker” means a ship constructed or adapted primarily to carry oil in bulk in cargo spaces;

“security organization” means a recognized security organization;

“port facility operator” means any person operating a port facility;

“port facility” means a location at sea area where the ship and port interface takes place, it includes areas such as anchorages, awaiting berths and approaches from seaward, as appropriate;

“port facility security assessment” means an assessment of the security of a port facility (or more than one port facility) carried out in accordance with section 15 of Part A of the ISPS Code;

“port facility security officer” means the person designated as responsible for the development, implementation, revision and maintenance of the port facility security plan and for liaison with the ship security officers and company security officers;

“port facility security plan” means a plan developed to ensure the application of measures designed to protect the port facility and ships, persons, cargo, cargo transport units and ship’s stores within the port facility from the risks of a security incident;

“recognized security organization” means an organization with appropriate expertise in security matters and with appropriate knowledge of ship and port operations authorized to carry out an assessment, or verification or approval or certification activity, required by these Regulations or by Part A of the ISPS Code;

“Registrar of Ships” means the Registrar of Ships and Seafarers appointed in accordance with the provisions of the Act;

“restricted area” means a zone to which access is restricted for security reasons pursuant to these Regulations;

“security level” means the qualification of the degree of risk that a security incident will be attempted or will occur;

“security incident” means any suspicious act or circumstance threatening the security of a ship, including a mobile offshore drilling unit and a high speed craft, or of a port facility or of any ship to port interface or any ship to ship activity;

“ship to port interface” means the interactions that occur when a ship is directly and immediately affected by actions involving the movement of persons, goods or the provisions of port services to or from the ship;

“ship to ship activity” means any activity not related to a port facility that involves the transfer of goods or persons from oneship to another;

“ship security officer” means an officer appointed under regulation 7 (1) of these Regulations

“ton” means gross tonnage.

(2) For the purposes of these Regulations:

- (a) any reference made to Part A of the ISPS Code, the guidance in Part B of the Code in relation to that matter shall be taken into account in construing Part A; and
- (b) references in Part A of the Code to the Administration shall in relation to the Tanzania Zanzibar ships be references to the Registrar of Ships.

(3) For the purposes of Part I a person is permitted to have access to a restricted area of a port facility if he is permitted to enter that zone or if arrangements exist for permitting any of his employees or agents to enter that zone.

PART TWO

SPECIAL MEASURES TO ENHANCE MARITIME SECURITY

General
application of
this Part

3.-(1) This Part shall apply to-

- (a) the following types of ships engaged on international voyages:
 - (i) passenger ships, including high-speed passenger craft;
 - (ii) cargo ships, including high-speed craft, of 500 tons or more; and
 - (iii) mobile offshore drilling units; and
- (b) port facilities serving such ships engaged on international voyages;
- (c) any port facility that is required on occasion to serve ships arriving or departing on international voyages and is specified by way of a notice issued by the designated authority.

(2) These regulations shall not apply to:

- (a) warships;
- (b) naval auxiliaries; or
- (c) other ships owned or operated by Parties to the Safety Convention which is used only on Government non-commercial service.

(3) A Notice referred to in sub-regulation (2) (c) of this regulation shall not be issued without conducting a port facility security assessment for that port facility in accordance with section 15 of Part A of the ISPS Code, the Notice shall specify the extent of application of this Part and the relevant sections of Part A of the ISPS Code to the facility.

(5) Any Notice under sub-regulation (3) of this regulation shall not compromise the level of security intended to be provided by this Part and Part A of the ISPS Code.

(6) Regulations 20, 21 and 22 also apply to a port facility not falling within sub-regulation (1) (b) or (2).

Responsibilities
of Authority

4.-(1) Without prejudice to any other duties under these Regulations, the Authority shall:

- (a) subject to ISPS Code, set security levels and ensure the provision of security level information to the Tanzania Zanzibar Ships;
- (b) when changes in security level occur, update security level information to the Tanzania Zanzibar Ships as the circumstance dictates;
- (c) indicate when a declaration of security is required for a Tanzania Zanzibar Ship;
- (d) approve the ship security plan and relevant amendments to a previously approved plan.

(2) The Authority may delegate its responsibilities under this Part to a designated authority, except the following:

- (a) setting of the applicable security level for ships;
- (b) exercising control and compliance measures pursuant to regulations 20, 21 and 22 of these Regulations;
- (c) establishing the requirements for a declaration of security.

Setting security
levels

5.- The Authority, shall:

- (a) subject to section 4 of Part A of the ISPS Code, set security levels and ensure the provision of security level information to port facilities within the Zanzibar territorial waters, and to ships prior to entering a port or whilst in any port in Zanzibar;
- (b) when changes in security level occur, update security level information as the circumstance dictates;
- (c) designate a port facility security officer to be responsible for the preparation of the port facility security plan; and
- (d) approve the port facility security plan and any amendments thereto.

Zanzibar
Maritime
Security
Committee

6.-(1) The Minister shall establish a Zanzibar Maritime Security Committee to be composed of the following members:

- (a) the Director General to be a chairperson;
- (b) Registrar of ships;
- (c) one person from Tanzania Peoples Defence Force;
- (d) one person from Police Force;
- (e) one person from Immigration Department;
- (f) one person from TRA;
- (g) one person from ZRB;
- (h) one person from Tanzania Intelligence Services;

- (i) one person from KMKM;
 - (j) one person from Zanzibar Ports Corporation.
- (2) The Authority shall provide a secretariat services to the Committee.
- (3) The Zanzibar Maritime Security Committee shall carry out the following duties:
- (a) give advice to government and ministries on all maritime security issues;
 - (b) advise the appropriate authority on the appropriate security level; and
 - (c) coordinate all security information regarding maritime activities in Zanzibar.
- (4) The Zanzibar Maritime Security Committee shall liaise with the National Maritime Security Committee of Mainland Tanzania.

PART THREE SPECIAL REQUIREMENTS FOR SHIP

Requirements
for
companies
Ship security
plans

7.-(1) A Company shall comply with the relevant requirements of this Part and Part A of the ISPS Code, and in particular without prejudice to any other duties under this Part, the Company shall:

- (a) appoint a company security officer who is properly trained and qualified in his duties and responsibilities;
- (b) appoint a ship security officer for each of its ships who is properly trained and qualified in his duties and responsibilities;
- (c) prepare ship security plan for each ship;
- (d) ensure that the master has available information on board, at all times, through which officers duly authorized by any State can establish:
 - (i) who is responsible for appointing the members of the crew or other persons currently employed or engaged on board the ship in any capacity on the business of that ship;
 - (ii) who is responsible for deciding the employment of the ship; and
 - (iii) in cases where the ship is employed under the terms of charter Party or Parties, who are the Parties to such charter Party or Parties.

(2) Any company which fails to comply with this regulation commits an offence and shall be liable to a fine of not less than five thousand Dollars or equivalent to Tanzania Shillings.

Ship security
plan or
amendment

8.-(1) Every ship security plan or amendment thereto of a Tanzania Zanzibar ship shall be submitted to the Authority or to a recognized security organization authorized by the Authority, for approval in accordance with section 9 of Part A of the Code.

(2) A recognized security organization authorized under sub regulation (1) of this regulation, shall not have been involved in the preparation of the ship security plan or any amendment thereto.

(3) The Authority shall determine which changes to an approved ship security plan or to any security equipment specified in an approved plan shall not be implemented unless the relevant amendments to the plan are approved by the Authority and any such changes shall be at least as effective as those measures prescribed in this Part and in Part A of the Code.

(4) Any company which:

(a) fails to comply with the provisions of sub-regulation (1) of this regulation; or

(b) fails to comply with Part A of the Code,

commits an offence.

Duties of
company
security officer

10.-(1) The Company shall designate a company security officer who may act as the company security officer for one or more ships, depending on the number or types of ships the Company operates.

(2) In case the company operates more than one ship, the company shall specify for which ship or ships the company security officer is responsible.

(3) The company security officer shall ensure that the ship security assessment is carried out by persons with appropriate skills to evaluate the security of a ship taking into account the guidance given in part B of the Code.

(4) without prejudice to the generality of sub-regulation (3) of this regulation, the company security officer shall, apart from the duties specified under Part A of the Code, perform the following duties:

(a) advising the level of threats likely to be encountered by the ship, using appropriate security assessments and other relevant information;

(b) ensuring that ship security assessments are carried out;

(c) ensuring the development, the submission for approval, and thereafter the implementation and maintenance of the ship security plan;

- (d) ensuring that the ship security plan is modified, as appropriate, to correct deficiencies and satisfy the security requirements of the individual ship;
- (e) arranging for internal audits and reviews of security activities;
- (f) arranging for the initial and subsequent verifications of the ship by the Administration or the recognized security organization;
- (g) ensuring that deficiencies and non-conformities identified during internal audits, periodic reviews, security inspections and verifications of compliance are promptly addressed and dealt with;
- (h) enhancing security awareness and vigilance;
- (i) ensuring adequate training for personnel responsible for the security of the ship;
- (j) ensuring effective communication and co-operation between the ship security officer and the relevant port facility security officers;
- (k) ensuring consistency between security requirements and safety requirements;
- (l) ensuring that, if sister-ship or fleet security plans are used, the plan for each ship reflects the ship-specific information accurately; and
- (m) ensuring that any alternative or equivalent arrangements approved for a particular ship or group of ships are implemented and maintained.

(2) Any company security officer who contravenes this regulation commits an offence and shall be liable to a fine of equivalence not less than two thousand Dollars in shillings.

Compliance
with security
levels

9.-(1) Master of the Ship shall be required to comply with the relevant requirements of this Part and of Part A of the ISPS Code.

(2) Prior to entering a port or whilst in a port within the territory of any other State, a ship shall comply with the requirements for the security level set by that State, if such security level is higher than the security level set by the Authority for that ship.

(3) Ships shall respond without undue delay to any change to a higher security level.

(4) Where a ship is not in compliance with the requirements of this Part or of Part A of the ISPS Code, or cannot comply with the requirements of the security level set by the Authority or by another Contracting Government and applicable to that ship, then the ship shall notify the appropriate competent authority prior to conducting any ship to port interface or prior to entry into port, whichever occurs earlier.

(5) Where there is a breach of sub-regulations (1) to (4) of this regulation in relation to a ship then the company and the master shall each be deemed to have committed an offence.

Ship security
alert system

11.-(1) All ships shall be provided with a ship security alert system, as follows:

- (a) ships constructed on or after 1 July 2004;
- (b) passenger ships, including high-speed passenger craft, constructed before 1 July 2004, not later than the first survey of the radio installation after 1 July 2004;
- (c) oil tankers, chemical tankers, gas carriers, bulk carriers and cargo high speed craft of 500 tons and upwards constructed before 1 July 2004, not later than the first survey of the radio installation after 1 July 2004; and
- (d) other cargo ships of 500 tons and upward and mobile offshore drilling units constructed before 1 July 2004 not later than the first survey of the radio installation after 1 July 2006.

(2) The ship security alert system, when activated, shall:

- (a) initiate and transmit a ship-to-shore security alert to a competent authority designated by the Authority, which in this regulation, may include the Company, identifying the ship, its location and indicating that the security of the ship is under threat or it has been compromised;
- (b) not send the ship security alert to any other ships;
- (c) not raise any alarm on-board the ship; and
- (d) continue the ship security alert until deactivated or reset.

(3) The ship security alert system shall:

- (a) be capable of being activated from the navigation bridge and in at least one other location; and
- (b) conform to performance standards not inferior to those adopted by the Organization.

(4) The ship security alert system activation points shall be designed so as to prevent the inadvertent initiation of the ship security alert.

(5) The requirement for a ship security alert system may be complied with by using the radio installation fitted for compliance with the requirements of any other related Regulations in force.

(6) When the Authority receives notification of a ship security alert relating to a ship entitled to fly the flag of the United Republic of Tanzania shall immediately notify the State in the vicinity of which the ship is presently operating.

(7) When the designated authority receives notification of a ship security alert from a ship which is not entitled to fly the flag of the United Republic of Tanzania, it shall immediately notify the Authority and other relevant administration and, if appropriate, the State in the vicinity of which the ship is presently operating.

(8) Any contravention of sub-regulations (1) to (4) of this regulation shall be an offence by the company and the master.

Threat to ships

12.-(1) Subject to Regulation 5 of these regulations, the Authority shall ensure the provision of security level information to ships operating in the territorial sea of the United Republic of Tanzania or having communicated an intention to enter the territorial sea.

(2) For the purposes of sub regulation (1) of this regulation, the Authority shall provide a point of contact through which such ships can request advice or assistance and to which such ships can report any security concerns about other ships, movements or communications.

(3) Where a risk of attack has been identified, the Authority shall advise the ships concerned and their Administrations of:

- (a) the current security level;
- (b) any security measures that should be put in place by the ships concerned to protect themselves from attack, in accordance with the provisions of Part A of the ISPS Code; and
- (c) security measures that the designated authority put in place, as appropriate.

Master's discretion for ship safety and security

13.-(1) The master of a Tanzania Zanzibar ship shall not be constrained by the Company, the charterer or any other person from taking or executing any decision which, in the professional judgment of the master, is necessary to maintain the safety and security of the ship.

(2) This includes denial of access to persons (except those identified as duly authorized by a Contracting Government) or their effects and refusal to load cargo, including containers or other closed cargo transport units.

(3) Where, in the professional judgment of the master, a conflict between any safety and security requirements applicable to the ship arises during its operations, the master shall give effect to those requirements necessary to maintain the safety of the ship.

(4) In such cases, the master may implement temporary security measures and shall forthwith inform the Authority and, if appropriate, the Contracting Government in whose port the ship is operating or intends to enter.

(5) Any such temporary security measures under this regulation shall, to the highest possible degree, be commensurate with the prevailing security level, when such cases are identified, the Authority shall ensure that such conflicts are resolved and that the possibility of recurrence is minimized.

Verification for ships

14.-(1) All the Tanzania Zanzibar ships to which this Part applies shall be subject to initial, renewal and intermediate verifications in accordance with Part A of the ISPS Code.

(2) The verification of ships shall be carried out by an officer authorized by the Authority or if he entrusts it, by a recognized security organization.

(3) The security system and any associated security equipment of the ship after verification shall be maintained to conform with the provisions of regulations 6 and 11, of Part A of the ISPS Code and of the approved ship security plan, after any verification under sub-regulation (1) of this regulation, no changes shall be made in the security system and in any associated security equipment or the approved ship security plan without the sanction of the Authority.

(4) Any contravention of sub-regulation (1) or (3) of this regulation shall be deemed to have committed an offence by both the company and master.

Endorsement of International Ship Security Certificate

15.-(1) When an initial or renewal verification is satisfactorily completed pursuant to regulation 14 of these Regulations, the Registrar of Ships or a recognized security organization acting on his behalf shall issue or, as the case may be, endorse an International Ship Security Certificate.

(2) The International Ship Security Certificate shall be drawn up in a form corresponding to the Form given in the appendix 1 to Part A of the Code.

(3) The duration and validity of an International Ship Security Certificate shall be five years subject to annual verification.

Issuing
International
Ship Security
Certificate

16.-(1) The Registrar of Ships may request another Contracting Government to verify the ship and, if satisfied that the provisions of the Code are complied with, to issue or authorize the issue of an International Ship Security Certificate to the ship and, where appropriate, endorse or authorize the endorsement of that Certificate on the ship, in accordance with the Code.

(2) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of the Registrar of Ships and it shall have the same effect as if it was issued by the Registrar of Ships.

Recognition of
International
Ship Security
Certificate

17.-(1) The Registrar of Ships may at the request of another Contracting Government verify the ship and, if satisfied that the provisions of the Code are complied with, issue or authorize the issue of an International Ship Security Certificate to the ship and, where appropriate, endorse or authorize the endorsement of that Certificate on the ship, in accordance with the Code.

(2) A Certificate so issued shall contain a statement to the effect that it has been issued at the request of that Government and it shall have the same effect as if a Certificate was issued or endorsed by that Government and not by the Registrar.

Interim
International
Ship Security
Certificate

18.-(1) After 1 July 2004, for the purposes of:

- (a) a ship without a Certificate, on delivery or prior to its entry or re-entry into service;
- (b) transfer of a ship from the flag of another Government to the Tanzania Zanzibar register a Company assuming the responsibility for the operation of a ship not previously operated by that Company until the Certificate referred to in regulation 15(1), 16(1) or 17(1) is issued,

the Registrar of Ships may cause an Interim International Ship Security Certificate to be issued, in a form corresponding to the Form given in the appendix 2 to Part A of the Code.

(2) An Interim International Ship Security Certificate shall only be issued if the Registrar or a recognized security organization on his behalf is satisfied that the conditions specified Part A of the Code are met.

(3) An Interim International Ship Security Certificate may be issued by the Registrar of Ships or by a recognized security organization authorized to act on his behalf.

(4) An Interim International Ship Security Certificate shall be valid for 6 months, or until the Certificate required by regulation 15(1), 16(1) or 17(1) is issued, whichever comes first, and may not be extended.

(5) No subsequent, consecutive Interim International Ship Security Certificate shall be issued to a ship if, in the judgment of the Registrar of Ships or the recognized security organization, one of the purposes of the ship or a Company in requesting such certificate is to avoid full compliance with this Part beyond the period of the initial Interim Certificate as specified sub regulation (1) of this regulation.

(6) For the purposes of regulations 20, 21 and 22 the National Security Agency may, prior to accepting an Interim International Ship Security Certificate as a valid Certificate, ensure that the requirements of Part A of the ISPS Code have been met.

Valid
International
Ship Security
Certificate

19.(1) A Tanzania Zanzibar ship required to be verified under this Part shall not proceed or attempt to proceed to sea, unless there is in force a valid International Ship Security Certificate or an Interim International Ship Security Certificate.

(2) Where a ship proceeds, or attempts to proceed to sea in contravention of sub-regulation (1) of this regulation, the company and the master commits an offence.

Control and
compliance
measures

20.(1) For the purpose of these Regulations, every ship to which this Part applies is subject to control when in any port in Zanzibar by officers duly authorized by the designated authority.

(2) Such control shall be limited to verify that there is onboard a valid Certificate, which, if valid, shall be accepted, unless there are clear grounds for believing that the ship is not in compliance with the requirements of these regulations or Part A of the ISPS Code.

(3) When there are such clear grounds, or where no valid Certificate is produced when required, the duly authorized officers shall impose any one or more control measures in relation to that ship as provided in sub-regulation (4) of this regulation, and any such measures imposed must be proportionate, taking into account the guidance given in Part B of the ISPS Code.

(4) Such control measures are as follows:

- (a) inspection of the ship;
- (b) delaying the ship;
- (c) detention of the ship;
- (d) restriction of operations including movement within the port; or
- (e) expulsion of the ship from port.

(5) The control measures under sub-regulation (4) of this regulation may additionally or alternatively include other lesser administrative or corrective measures.

PART FOUR CONTROL AND COMPLIANCE MEASURES

Registrar of
Ships may
require a ship
to produce
valid
certificates

21.-(1) The Registrar of Ships may require that ship intending to enter a port in Zanzibar provide the following information to duly authorized officers to ensure compliance with this Part prior to entry into port with the aim of avoiding the need to impose control measures or steps:

- (a) that the ship possesses a valid Certificate and the name of its issuing authority;
- (b) the security level at which the ship is currently operating;
- (c) the security level at which the ship operated in any previous port where it has conducted a ship to port interface within the timeframe specified in sub-regulation (3);
- (d) any special or additional security measures that were taken by the ship in any previous port where it has conducted a ship to port interface within the timeframe specified in sub-regulation(3);
- (e) that the appropriate ship security procedures were maintained during any ship to ship activity within the timeframe specified in sub-regulation (3); or
- (f) other practical security related information but not details of the ship security plan, taking into account the guidance given in Part B of the ISPS Code.

(2) The ship or Company if so requested by the Authority under sub regulation (1) of this regulation, shall provide confirmation, acceptable to it, of the information as requested.

(3) Every Tanzania Zanzibar ship to which this Part applies intending to enter the port of another Contracting Government shall provide the information described in sub-regulation (1) on the request of the officers duly authorized by that Government and if the master decline to provide such information may result in denial of entry into port.

(4) The ship shall keep records of the information referred to in sub-regulation (2) of this regulation for the last 10 calls at port facilities.

(5) Where, after receipt of the information described in sub-regulation(1), the Registrar have clear grounds for believing that the ship is not in compliance with the requirements of this Part or Part A of the ISPS Code, the Registrar of Ships shall communicate with the ship's administration in order to rectify the non-compliance.

(6) Where such communication does not result in rectification, or if the Registrar have clear grounds otherwise for believing that the ship is not in compliance with the requirements of this Part or Part A of the ISPS Code, may take steps in relation to that ship as provided in sub-regulation (7) of this regulation, taking into account the guidance given in Part B of the ISPS Code.

(7) The steps to be taken may include:

- (a) a requirement for the rectification of the non-compliance;
- (b) a requirement that the ship proceed to a location specified in the territorial sea or internal waters of Zanzibar;
- (c) inspection of the ship, if the ship is in the territorial sea of Tanzania; or
- (d) denial of entry into port.

(8) Before taking any steps referred to under sub regulation (7) of this regulation, the Registrar of Ships shall inform the ship of that intention and upon receipt of this information the master may withdraw the intention to enter that port.

Control or
corrective
measures

22.-(1) In the event of:

- (a) any imposition of a control measure, other than a lesser administrative or corrective measure, referred to in regulation 20(3); or
- (b) any of the steps referred to in regulation 21(5) are taken,

the Registrar of Ships shall forthwith inform in writing the ship's administration specifying which control measures have been imposed or steps taken and the reasons thereof and the Registrar of Ships shall also notify the recognized security organization, which issued the Certificate relating to the ship concerned and the Organization when any such control measures have been imposed or steps taken.

(2) When entry into port is denied or the ship is expelled from a port, the Registrar of Ships shall communicate the appropriate facts to the authorities of the State of the next appropriate ports of call, when known, and any other appropriate coastal States, taking into account any guidelines developed by the Organization.

(3) Denial of entry into port, pursuant to regulation 21(4) and (5), or expulsion from port, pursuant to regulation 20(1) to (3), shall only be imposed where the Registrar of Ships have clear grounds to believe that the ship poses an immediate threat to the security or safety of persons, or of ships or other property and there are no other appropriate means for removing that threat.

(4) The control measures referred to in regulation 20(1) and the steps referred to in regulation 21(5) shall only be imposed, pursuant to regulations 20 and 21, until the non-compliance giving rise to the control measures or steps have been corrected to the satisfaction of the Registrar of Ships, taking into account actions proposed by

the ship.

(5) When control is exercised under regulation 20 or steps taken under regulation 21:

- (a) all possible efforts shall be made to avoid a ship being unduly detained or delayed;
- (b) if a ship is unduly detained, or delayed, it shall be entitled to compensation for any loss or damage suffered; and
- (c) necessary access to the ship shall not be prevented for emergency or humanitarian reasons and for security purposes.

Port facilities

23.-(1) The Registrar of Ships shall ensure that:

- (a) port facility security assessments are carried out, reviewed and approved in accordance with the provisions of Part A of the ISPS Code; and
- (b) port facility security plans are developed, reviewed, approved and implemented in accordance with the provisions of Part A of the ISPS Code.

(2) The Registrar of Ships shall designate and communicate to the port facility operator and the port facility security officer the measures required to be addressed in a port facility security plan for the various security levels, including when the submission of a Declaration of Security will be required.

PART FIVE PORT FACILITIES

Requirements
of Part A of the
ISPS Code

24.-(1) The port facility operator shall:

- (a) ensure that port facilities comply with the relevant requirements of this Part and Part A of the ISPS Code;
- (b) appoint a suitably qualified port facility security officer, and ensure that he receives appropriate training, as specified in Part A of the Code;
- (c) provide the port facility security officer with the resources, assistance and support necessary to enable him to carry out his duties;
- (d) ensure that port facility personnel having specific security duties have appropriate knowledge and receive appropriate training as specified in Part A of the Code;
- (e) ensure that other port facility personnel have appropriate knowledge as specified in Part A of the Code.

(2) A port facility operator who fails to comply with this regulation commits an offence.

Duties of port facility security officer

25.-(1) A port facility security officer shall carry out the duties and responsibilities assigned on him by this Part and Part A of the Code, and those listed in Part A of the Code.

(2) A port facility security officer who fails to comply with this regulation commits an offence.

Port facility security plan

26.-(1) To ensure the effective implementation of the port facility security plan, drills shall be carried out at appropriate intervals, taking into account the types of operation of the port facility, port facility personnel changes, the type of ship the port facility is serving and other relevant circumstances, taking into account guidance given in Part B of the Code.

(2) The port facility security officer shall ensure the effective coordination and implementation of the port facility security plan by participating in exercises at appropriate intervals, taking into account the guidance given in Part B of this Code.

(3) Any contravention of sub-regulation (1) shall be an offence by the port facility operator and the port facility security officer.

(4) Any contravention of sub-regulation (2) shall be an offence by the port facility security officer.

Bilateral or multilateral agreements with Contracting Governments

27.-(1) The Authority may, in collaboration with Maritime Administration in Mainland Tanzania, when implementing this Part and Part A of the ISPS Code, conclude in writing bilateral or multilateral agreements with other Contracting Governments on alternative security arrangements covering short international voyages on fixed routes between port facilities located within their territories.

(2) Any such agreement shall not compromise the level of security of other ships or of port facilities not covered by the agreement.

(3) A Ship covered by such an agreement shall not conduct any ship-to ship activities with any ship not covered by the agreement.

(4) Such agreements shall be reviewed periodically, taking into account the experience gained as well as any changes in the particular circumstances or the assessed threats to the security of the ships, the port facilities or the routes covered by the agreement.

PART SIX
SUPPLEMENTARY MEASURES

Implementation
of other
security
measures

28.-(1) The Authority may allow a particular ship to implement other security measures equivalent to those prescribed in this Part or in Part A of the ISPS Code, provided such security measures are at least as effective as those prescribed in this chapter or Part A of the ISPS Code and if the Authority allows such security measures, shall communicate to the Organization particulars thereof.

(2) When implementing this Part and Part A of the ISPS Code, the Registrar may allow a particular port facility located within its territory, other than those covered by an agreement concluded under regulation 27, to implement security measures equivalent to those prescribed in this Part or in Part A of the ISPS Code, provided such security measures are at least as effective as those prescribed in this Part or Part A of the ISPS Code and if the Authority allows such security measures, shall communicate to the Organization particulars thereof.

Communication
of
information

29.-(1) The Authority shall, not later than 1 July 2004 communicate to the Organization and shall make available for the information of Companies and ships:

- (a) the names and contact details of their national authority or authorities responsible for ship and port facility security;
- (b) the locations within their territory covered by the approved port facility security plans;
- (c) the names and contact details of those who have been designated to be available at all times to receive and act upon the ship-to-shore security alerts;
- (d) the names and contact details of those who have been designated to be available at all times to receive and act upon any communications from Contracting Governments exercising control and compliance measures; and
- (e) the names and contact details of those who have been designated to be available at all times to provide advice or assistance to ships and to whom ships can report any security concerns;

and thereafter update such information as and when changes relating thereto occur.

(2) The Authority shall, not later than the date referred to in sub-regulation(1), communicate to the Organization the names and contact details of any recognized security organizations authorized to act on its behalf together with details of the specific responsibility and conditions of authority delegated to such organizations. Such information shall be updated as and when changes relating thereto occur.

(3) The Authority shall, not later than the date referred to in sub-regulation (1), communicate to the Organization a list showing the approved port facility security

plans for the port facilities located within their territory together with the location or locations covered by each approved port facility security plan and the corresponding date of approval and thereafter shall further communicate when any of the following changes take place:

- (a) changes in the location or locations covered by an approved port facility security plan are to be introduced or have been introduced and in such cases the information to be communicated shall indicate the changes in the location or locations covered by the plan and the date as of which such changes are to be introduced or were implemented;
- (b) an approved port facility security plan, previously included in the list submitted to the Organization, is to be withdrawn or has been withdrawn and in such cases:
 - (k) the information to be communicated shall indicate the date on which the withdrawal will take effect or was implemented; and
 - (ii) the communication shall be made to the Organization as soon as is practically possible;
- (c) additions are to be made to the list of approved port facility security plans and in such cases, the information to be communicated shall indicate the location or locations covered by the plan and the date of approval.

(4) The Authority shall, at five year intervals after 1 July 2004, communicate to the Organization a revised and updated list showing all the approved port facility security plans for the port facilities located within their territory together with the location or locations covered by each approved port facility security plan and the corresponding date of approval (and the date of approval of any amendments thereto) which will supersede and replace all information communicated to the Organization, pursuant to sub-regulation (3), during the preceding five years.

(5) The Authority shall communicate to the Organization information that an agreement under regulation 27 has been concluded, the information communicated shall include:

- (a) the names of the Governments which have concluded the agreement;
- (b) the port facilities and the fixed routes covered by the agreement;
- (c) the periodicity of review of the agreement;
- (d) the date of entry into force of the agreement; and
- (e) information on any consultations which have taken place with other Governments;

and thereafter shall communicate, as soon as practically possible, to the Organization information when the agreement has been amended or has ended.

(6) Where the Authority allows, any equivalent security arrangements with respect to a ship entitled to fly its flag or with respect to a port facility located within

its territory, shall communicate to the Organization particulars thereof.

Enforcement

30.-(1) Without prejudice to regulation 21, but subject to Part A of the ISPS Code ship security plans not subject to inspection except in limited circumstances the Registrar may, by notice in writing served on any of the following persons-

- (a) the owner, charterer, manager or master of any ship which is in, or appears to the Registrar of Ships to be likely to enter, a port facility;
- (b) a port facility operator;
- (c) any person who carries on operations in a port facility; and
- (d) any person who is permitted to have access to a restricted area of a port facility for the purposes of the activities of a business carried on by him,

require that person to provide the Registrar of Ships with such information specified in the notice as the Registrar of Ships may require in connection with the exercise of his functions under this Part.

(2) A notice under sub-regulation (1) shall specify a date before which the information required by the notice is to be furnished to the Registrar of Ships.

(3) Any such notice may also require the person on whom it is served, after he has furnished to the Registrar of Ships the information required by the notice, to inform the Registrar of Ships if at any time the information previously furnished to the Registrar of Ships (including any information furnished in pursuance of a requirement imposed by virtue of this sub-regulation) is rendered inaccurate by any change of circumstances (including the taking of any further measures for purposes of this Part or the alteration or discontinuance of any measures already being taken).

(4) In so far as such a notice requires further information to be furnished to the Registrar of Ships in accordance with sub-regulation(3), it shall require that information to be furnished to it before the end of such period as is specified in the notice for the purposes of this sub-regulation.

(5) A notice served on a person under sub-regulation (1) may at any time, be revoked or varied by another notice in writing served on him by the Registrar of Ships.

(6) Any person who without reasonable excuse-

- (a) fails to comply with a requirement imposed on him by a notice under this regulation; or
- (b) in furnishing any information so required, makes a statement which he knows to be false in a material particular; or
- (c) recklessly makes a statement which is false in a material particular, commits an offence.

PART SEVEN
ENFORCEMENT MEASURES

Production of
credential

31.-(1) An authorised person shall have power, on production, if required, of his credentials, to inspect-

- (a) any Tanzania Zanzibar ship;
- (b) any other ship while in any port facility in Zanzibar;
- (c) any part of any port facility; or
- (d) any land outside a port facility which is occupied for the purposes of a business by a person who-
 - (i) carries on or appears to the authorised person to be about to carry on, harbour operations in a port facility for the purposes of that business; or
 - (ii) is permitted (or appears to the authorised person to be about to be permitted) to have access to a restricted area of a port facility for the purposes of the activities of that business.

(2) An authorised person inspecting a ship or any part of a port facility or any land outside a port facility under sub-regulation (1) of this regulation, shall have power-

- (a) to subject any property found by him on the ship or, as the case may be; or
- (b) to subject that part of the port facility or any property found by him there or on that land, to such tests, to take such steps-
 - (i) to ascertain what practices or procedures are being followed in relation to security; or
 - (ii) to test the effectiveness of any practice or procedure relating to security; or
 - (iii) to require the owner, charterer, manager or master of the ship, the port facility operator or the occupier of the land to furnish to him such information,

as the authorised person may consider necessary for the purpose for which the inspection is carried out.

(3) Subject to sub-regulation (4), an authorised person, for the purpose of exercising any power conferred on him by sub-regulation (1) or (2) in relation to a ship, a port facility or any land outside a port facility, shall have power-

- (a) for the purpose of inspecting a ship, to go on board it and to take all such steps as are necessary to ensure that it is not moved; or
- (b) for the purpose of inspecting any part of a port facility, to enter any building or works in the port facility or enter upon any land in the port facility; or

(c) for the purpose of inspecting any land outside a port facility, to enter upon the land and to enter any building or works on the land.

(4) The powers conferred by sub-regulation (3) shall not include power for an authorised person to use force for the purpose of going on board any ship, entering any building or works or entering upon any land.

(5) Any person who without reasonable excuse –

- (a) fails to comply with a requirement imposed on him under sub-regulation (2)(c); or
- (b) in furnishing any information so required, makes a statement which he knows to be false in a material particular; or
- (c) recklessly makes a statement which is false in a material particular,

commits an offence.

False
statements
relating to
baggage, cargo.

32.-(1) A person commits an offence if, in answer to a question which -

- (a) relates to any baggage, cargo or stores (whether belonging to him or to another) that is intended for carriage by sea -
 - (i) by a Tanzania Zanzibar ship; or
 - (ii) by any other ship to or from the United Republic of Tanzania; and
- (b) is put to him for purposes of this part-
 - (i) by any of the persons mentioned in sub-regulation (2);
 - (ii) by any employee or agent of such a person in his capacity as employee or agent, or
 - (iii) by a constable,

he makes a statement which he knows to be false in a material particular, or recklessly makes a statement which is false in a material particular.

(2) The persons referred to in sub-regulation (1)(b) are -

- (a) a port facility operator;
- (b) the owner, charterer or manager of any ship; and
- (c) any person who -
 - (i) is permitted to have access to a restricted area of a port facility for the purposes of the activities of a business carried on by him; and
 - (ii) has control in that restricted area over the baggage, cargo or stores to which the question relates.

(3) In this regulation-

"cargo" includes mail;

"ship" does not include a ship used in naval, customs or police service; and

"stores" means any goods intended for sale or use in a ship, including fuel and spare parts and other articles of equipment, whether or not for immediate fitting.

False statements in connection with identity documents

33.-(1) A person shall be guilty of an offence if-

- (a) for the purpose of, or in connection with, an application made by him or another for the issue of an identity document to which this sub-regulation applies; or
- (b) in connection with the continued holding by him or another of any such document which has already been issued, he makes to any of the persons specified in sub-regulation (3), to any employee or agent of such a person or to a constable, a statement which he knows to be false in a material particular, or recklessly makes to any of those persons, to any such employee or agent or to a constable,

a statement which is false in a material particular.

(2) Sub-regulation (1) applies to any identity document which is to be or has been issued by any of the persons specified in sub-regulation (3) for the purposes of a ship security plan or a port facility security plan.

(3) The persons referred to in sub-regulation (1) are-

- (a) a port facility operator;
- (b) the owner, charterer or manager of any ship; and
- (c) any person who is permitted to have access to a restricted area of a port facility for the purposes of the activities of a business carried on by him.

Unauthorized presence in restricted areas

34.-(1) A person shall not-

- (a) go, with or without a vehicle or vessel, onto or into any part of a restricted area of a port facility except with the permission of the port facility operator or a person acting on behalf of the port facility operator and in accordance with any conditions subject to which that permission is for the time being granted; or
- (b) remain in any part of such a restricted area after being requested to leave by the port facility operator or a person acting on behalf of the port facility operator.

(2) Sub-regulation (1)(a) shall not apply unless it is proved that, at the material time, notices stating that the area concerned was a restricted area were posted so as to be readily seen and read by persons entering the restricted area.

(3) A person who contravenes sub-regulation (1) commits an offence.

**PART EIGHT
OFFENCES AND PENALTIES**

Offences relating to authorised persons

- 35.** A person who-
- (a) intentionally obstructs an authorised person acting in the exercise of a power conferred on him by or under these Regulations; or
 - (b) falsely pretends to be an authorised person,

commits an offence.

Summary conviction

- 36.**-(1) A person commits an offence under this part shall be liable-
- (a) to summary conviction, to a fine not exceeding the equivalent in Tanzanian shillings of the United States dollars thirty thousands;
 - (b) on conviction on indictment, to a fine or to imprisonment for a term not exceeding two years or to both.

(2) It shall be a defense for a person charged under sub-regulation (1) to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

(3) Where an offence under this section is committed, or would have been committed save for the operation of sub-regulation (2), by any person due to the act or default of some other person, that other person is guilty of the offence, and a person may be charged with and convicted of an offence by virtue of this sub-regulation whether or not proceedings are taken against the first mentioned person.

Continuous Synopsis Record

- 37.**-(1) This regulation applies to all ships engaged on international voyages, except-
- (a) ships of war and troop ships;
 - (b) cargo ships of less than 500 tons;
 - (c) ships not propelled by mechanical means;
 - (d) wooden ships of primitive build;
 - (e) pleasure vessels not engaged in trade; and
 - (f) fishing vessels.

(2) All ships shall be provided with a Continuous Synopsis Record for the purpose of providing an on-board record of the history of the ship with respect to the information recorded therein.

(3) For ships constructed before 1 July 2004, the Continuous Synopsis Record shall, at least, provide the history of the ship as from 1 July 2004.

(4) The Continuous Synopsis Record shall be issued by the Registrar of Ships to each Tanzanian ship and it shall contain at least, the following information:

- (a) the name of the country;
- (b) the date on which the ship was registered with the Tanzania Zanzibar;
- (c) the ship's identification number in accordance with the Maritime Transport (Registration of Ships) Regulations;
- (d) the name of the ship;
- (e) the port at which the ship is registered;
- (f) the name of the registered owner and their registered address;
- (g) the name of the registered bareboat charterer and their registered address, if applicable;
- (h) the name of the Company, its registered address and the address from where it carries out the safety management activities;
- (i) the name of all classification society with which the ship is classed;
- (j) the name of the Registrar of Ships or of the Contracting Government or of the recognized organization which has issued the Document of Compliance (or the Interim Document of Compliance), specified in the ISM Code, to the Company operating the ship and the name of the body which has carried out the audit on the basis of which the document was issued, if other than that issuing the document;
- (k) the name of the Registrar of Ships or of the Contracting Government or of the recognized organization that has issued the Safety Management Certificate (or the Interim Safety Management Certificate), specified in the ISM Code, to the ship and the name of the body which has carried out the audit on the basis of which the certificate was issued, if other than that issuing the certificate;
- (l) the name of the Registrar of Ships or of the Contracting Government or of the recognized security organisation that has issued the International Ship Security Certificate (or an Interim International Ship Security Certificate), specified in Part A of the ISPS Code, to the ship and the name of the body which has carried out the verification on the basis of which the certificate was issued, if other than that issuing the certificate; and
- (m) the date on which the ship ceased to be registered in the Tanzania Zanzibar.

(4) The Continuous Synopsis Record shall be kept on board the ship and shall be available for inspection at all times.

(5) Any changes relating to the entries referred to in paragraphs (d) to (m) of sub-regulation (3) shall be recorded in the Continuous Synopsis Record so as to provide updated and current information together with the history of the changes.

(6) In case of any changes relating to the entries referred to in paragraph (a), the Registrar of Ships shall issue, as soon as is practically possible but not later than three months from the date of the change, to the ships entitled to fly the United Republic of Tanzania flag either a revised and updated version of the Continuous Synopsis Record or appropriate amendments thereto.

(7) In case of any changes relating to the entries referred to in paragraph (a), the Registrar of Ships, pending the issue of a revised and updated version of the Continuous Synopsis Record, shall authorise and require either the Company or the master of the ship to amend the Continuous Synopsis Record to reflect the changes and in such cases, after the Continuous Synopsis Record has been amended the Company shall, without delay, inform the Registrar of Ships accordingly.

(8) The Continuous Synopsis Record shall be in the format developed by the Organization and shall be maintained in accordance with guidelines developed by the Organization and any previous entries in the Continuous Synopsis Record shall not be modified, deleted or, in any way, erased or defaced.

Transfer of flag
byship

38.-(1) Whenever a ship is transferred to the flag of another State or the ship is sold to another owner or is taken over by another bareboat charterer or another Company assumes the responsibility for the operation of the ship, the Continuous Synopsis Record shall be left on board.

(2) When a ship is to be transferred to the flag of another State, the Company shall notify the Registrar of Ships of the name of the State under whose flag the ship is to be transferred so as to enable the Registrar of Ships to forward to that State a copy of the Continuous Synopsis Record covering the period during which the ship was under their jurisdiction.

(3) When a ship is transferred to the flag of another State the Government of which is a Contracting Government, the Registrar of Ships shall transmit to the flag Administration as soon as possible after the transfer takes place a copy of the relevant Continuous Synopsis Record covering the period during which the ship was a Tanzania Zanzibar ship together with any Continuous Synopsis Records previous issued to the ship by other States.

(4) When a ship is transferred to the flag of another State, the Registrar of Ships shall append the previous Continuous Synopsis Records to the Continuous Synopsis Record the Registrar of Ships will issue to the ship so as to provide the continuous history record intended by this regulation.

Offences by
ship

39. It shall be an offence by the Company, in relation to each of its ships, not -
(a) to provide to the Registrar of Ships the information required by regulation 38(3) if requested by the Registrar of Ships;

- (b) to inform the Registrar of Ships of the changes referred to in regulation 38(5);
 - (c) to make the changes in the Continuous Synopsis Record as he is required to make under sub-regulation 38(5)(c);
 - (d) to inform the Registrar of Ships as is required by regulation 38(5)(c)(ii); or
 - (e) to ensure the Continuous Synopsis Record is left on the ship and is accessible for inspection as required by regulation 38(4),
- punishable by a fine not exceeding the equivalent to dollars fifty thousands in shillings.

Offence by
the master

40. It shall be an offence by the master not to -

- (a) make any changes in the Continuous Synopsis Record he is required to make under Regulation 38(5)(c);
- (b) to ensure the Continuous Synopsis Record is left on the ship and is available for inspection as required by sub-regulation (4), punishable by a fine not exceeding the equivalent in Tanzanian shillings of the United States dollars ten thousands.

Compounding
of offences

41.-(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 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 Registrar of Ships 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 February, 2019.

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