

THE MERITIME TRANSPORT ACT, NO. 5 OF 2006

THE HIGH SPEED CRAFT REGULATIONS

ARRANGEMENT OF REGULATIONS

REGULATIONS

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[Made under section 491(c)]

IN EXERCISE of the powers conferred upon me under section 491(c) of the Maritime Transport Act, No. 5 of 2006, **I, DR. SIRA UBWA MAMBOYA**, Minister responsible for Maritime Transport affairs, do hereby make the High Speed Craft Regulations as follows:

PART ONE

PRELIMINARY PROVISIONS

Short title and commencement **1.** These Regulations may be cited as the High Speed Craft Regulations of 2019 and shall come into operation after being signed by the Minister and published in the Official Gazette.

Interpretation **2.-(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;

"cargo craft" means a high-speed craft, other than a passenger craft, which is capable of maintaining the main functions and safety systems of unaffected spaces after damage in any one compartment on board;

"constructed" means a craft the keel of which is laid or which is at a similar stage of construction, and "similar stage of construction" means a stage at which construction identifiable with a specific craft begins and assembly of that craft has commenced comprising at least 50 tonnes or 3 per cent of the estimated mass of all structural material, whichever is the less;

"craft" means ships and hovercraft;

“high speed craft” means a sea craft capable of maximum speed, in metres per second (m/s), equal to or exceeding:

$$3.7 \nabla^{0.1667}$$

where:

∇ = volume of displacement corresponding to the design waterline (m³), excluding craft the hull of which is supported completely clear above the water surface in non-displacement mode by aerodynamic forces generated by ground effect.

“High-Speed Craft Code 1994” means the International Code of Safety for High-Speed Craft 1994 adopted by the Maritime Safety Committee of the International Maritime Organisation by resolution MSC.97(73) of 5th December 2000 and amended by resolution MSC.119(74) of 6th June 2002 and includes any amendment made thereto;

"High Speed Craft Code 2000" means the International Code of Safety for High-Speed Craft 2000 adopted by the Maritime Safety Committee of the International Maritime Organisation by resolution MSC.97(73) of 5th December 2000 and amended by resolution MSC.119(74) of 6th June 2002 and includes any amendment made thereto;

"operational speed" means 90 per cent of the maximum speed of which the craft is capable;

"passenger craft" means a craft carrying more than 12 passengers;

"place of refuge" means any naturally or artificially sheltered area which may be used as a shelter by craft under conditions likely to endanger its safety;

"pleasure craft" means-

(a) any craft which is-

(i) wholly owned by an individual and used only for the sport or pleasure of the owner or the immediate family or friends of the owner; or

(ii) owned by a body corporate and used only for the sport or pleasure

of employees or officers of the body corporate, or their immediate family or friends,

and is on a voyage which is one for which the owner does not receive money for or in connection with operating the craft or carrying any person, other than as a contribution to the direct expenses of the operation of the craft incurred during the voyage; or

(b) any craft which is wholly owned by or on behalf of a members' club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of that club or their immediate family;

and for the use of which any charges levied are paid into club funds and applied for the general use of the club, and no payments other than those mentioned are made by or on behalf of users of the craft, other than by the owner, and in this definition "immediate family" means in relation to an individual, the husband or wife of the individual, and a brother, sister, ancestor or lineal descendant of that individual or that individual's husband or wife;

"Registrar of Ships" means a Registrar of Ships appointed under section 7(2) of the Act;

"voyage" includes an excursion;

"wash" means the sweep of waves left behind by a moving craft, classified as sub-critical, critical or supercritical in terms of the depth Froude number $F_{nh} = V_s / \sqrt{gh}$ where F_{nh} describes the ratio of the vessel's speed to the wave propagation velocity in shallow water, V_s is the ship speed in metres per second, g is the acceleration due to gravity and h is the water depth in metres: for the purposes of classification "sub-critical" means $F_{nh} < 0.85$, "critical" means $F_{nh} = 0.85$ to 1.15 and "supercritical" means $F_{nh} > 1.15$;

(2) Where a high speed craft is managed by a person other than its owner (whether on behalf of the owner or some other person, or on his own behalf), a reference in these Regulations to the owner shall be construed as including a reference to that person.

(3) References to proceeding to sea or on a voyage over water

include proceeding on or over land, so far as such proceeding is part of that voyage.

Application

3.-(1) Subject to sub regulations (2) and (3) of this regulation, these Regulations shall apply to every high-speed craft which meets all of the following criteria-

(a) it is either a Tanzania Zanzibar high-speed craft, or a non-Tanzania Zanzibar high-speed craft in Zanzibar waters;

(b) it is constructed on or after 1st January 1996, or was constructed before 1st January 1996 and repairs, alterations or modifications, or outfitting relating thereto, of a major character are made on or after 1st January 1996; and

(c) it is-

(i) a passenger craft which does not proceed in the course of its voyage more than four hours at operational speed from a place of refuge when fully laden;

(ii) a craft which is carrying passengers for hire or reward which is not a passenger craft and which does not proceed in the course of its voyage more than four hours at operational speed from a place of refuge when fully laden;

(iii) a cargo craft of 500 gross tonnage or more which does not proceed in the course of its voyage more than eight hours at operational speed from a place of refuge when fully laden; or

(iv) a cargo craft of less than 500 gross tonnage which is carrying cargo for hire or reward and which does not proceed in the course of its voyage more than eight hours at operational speed from a place of refuge when fully laden.

(2) These Regulations shall not apply to a high speed craft which is-

(a) a pleasure craft;

- (b) a warship, naval auxiliary or other craft owned or operated by a Government and used, for the time being, only on government non-commercial service;
- (c) a craft not propelled by mechanical means;
- (d) a wooden craft of primitive build; or
- (e) a fishing craft.

Exemptions

4.-(1) The Registrar of Ships may grant exemptions from all or any of the provisions of these Regulations, if he is satisfied that-

- (a) compliance with such provision is either impracticable or unreasonable in that case or class of cases; and
- (b) the exemption is subject to such conditions and limitations as will provide a level of safety equivalent to that provided by the provision from which exemption is being granted.

(2) The Registrar of Ships may, on giving reasonable notice, alter or cancel any exemption granted under sub regulation (1) of this regulation.

(3) An exemption granted under sub regulation (1) of this regulation, and an alteration or cancellation under sub regulation (2) shall be given in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.

Approvals

5.- (1) The Registrar of Ships may in respects of a Tanzania Zanzibar craft grant an approval for anything in either the High-Speed Craft Code 1994 or the High Speed Craft Code 2000 which requires the approval of the Government of the State whose flag the craft is entitled to fly.

(2) The Registrar of Ships may, on giving reasonable notice, alter or cancel any approval granted under sub regulation (1) of this regulation.

(3) An approval given under sub regulation (1) of this regulation, and an alteration or cancellation under sub regulation (2) of this regulation shall be given in writing and shall specify the date on which it takes effect and the conditions (if any) on which it is given.

High Speed Craft Code

6. - (1) Subject to sub regulation (2) and (4) of this regulation, a high speed craft to which these Regulations apply which was constructed on or after 1st January 1996 but before 1st July 2002, or which was constructed

before 1st January 1996 and to which repairs, alterations or modifications, or outfitting relating thereto, of a major character were made on or after 1st January 1996 but before 1st July 2002, shall comply with-

- (a) the High Speed Craft Code 1994; and
- (b) the requirements which relates to ship inspections and survey organisations relevant to a high speed craft of its description.

(2) Subject to sub regulation (4) of this regulation, a high speed craft to which these Regulations apply which was constructed on or after 1st July 2002, or which was constructed before 1st July 2002 and to which repairs, alterations or modifications, or outfitting relating thereto, of a major character are made on or after 1st July 2002, shall comply with the High Speed Craft Code 2000 in particular-

- (a) approved standards relating to construction or maintenance relating to hull, machinery, electrical installations and control installations; and
- (b) requirements relating to hull, machinery, electrical installations and control installations which correspond to the requirements of the High-Speed Craft Code 2000.

(5) A high speed craft to which these Regulations apply shall, alternatively or additionally (as the case may be) to the requirements of sub regulation (1) to (3) , comply with such requirements as apply in relation to a craft of its description which-

- (a) relate to the High Speed Craft Code 1994 or the High Speed Craft Code 2000 or to amendments from time to time of one of those Codes;
- (b) and other matters relate to safety and health and which is considered by the Registrar of Ships to be relevant from time to time, and
- (c) are specified as alternative or additional requirements that may be imposed by the Authority.

PART TWO

Risk
assessment
with reference
to wash

7.-(1) A passage plan prepared in accordance with the High-Speed Craft Code 1994 or the High-Speed Craft Code 2000, shall include a full risk assessment of the passage plan with respect to wash.

(2) The risk assessment required under sub regulation (1) of this regulation, shall:

- (c) be carried out in accordance with generally recognised procedures for risk assessment;
- (d) identify-
 - (i) any likely areas of potentially hazardous wash, taking into account possible operating conditions and the classification of wash as sub-critical, critical or super-critical; and
 - (ii) the operating restrictions necessary to reduce that potentially hazardous wash; and
- (e) be documented in the operating manual required by the High-Speed Craft Code 1994 or the High-Speed Craft Code 2000, as applicable.

Safety requirements for persons with reduced mobility

8.-(1) This regulation shall applies-

- (a) to a high speed craft used for public transport and engaged on a voyage, in whole or in part in other East African ports, which begins and ends in a port in the United Republic of Tanzania; and
- (b) to a Tanzania Zanzibar high speed craft used for public transport and engaged on a voyage, in whole or outside the United Republic of Tanzania in accordance with safety rules and standards for passenger ships applicable on port of call outside United Republic of Tanzania,

(2) In complying with regulation 6, a high speed craft to which this regulation applies-

- (a) the keel of which was laid or which was at a similar stage of construction on or after 1st October 2004 shall, where practicable, be constructed and equipped, and display signs; or
- (b) the keel of which was laid or which was at a similar stage of construction before 1st October 2004 shall, if undergoing modification, be constructed and equipped as

respects that modification, and display signs as respects that modification.

PART THREE

MISCELLANEOUS PROVISIONS

Offences in connection with passenger craft

9.-(1) A person on board a high speed passenger craft who-

- (a) is drunk and disorderly;
- (b) obstruct or damage any part of the machinery or equipment of that craft;
- (c) molest the passenger, master or crew; or
- (d) impede the master, crew or any person in the navigation or management of the craft, or otherwise in the execution of their duty on or about the craft,

commits an offence and shall, upon conviction, be liable to a fine of not less than five hundred thousand shillings or to imprisonment for a term of not less than two months or to both such fine and imprisonment.

General penalty

10.-(1) Any contravention of these Regulations, other than regulation 8, in respect of a high speed craft shall be an offence by both the owner and the master of that craft punishable on summary conviction by a fine not less than five thousand dollars or its equivalent in shilling or on conviction to a fine of not less than ten thousand dollars or its equivalent in shillings or to imprisonment for a term of not less than two years or both such fine and imprisonment.

(2) It shall be a defence for a person charged as per sub regulation (1) of this regulations to show that he took all reasonable steps to ensure compliance with these Regulations.

Detention

11. In any case where a high speed craft does not comply with the requirements of these Regulations, the craft shall be liable to be detained and section 471 of the Act (which relates to the detention of a ship) shall have effect in relation to that craft, as if for the words "this Act" wherever they appear, there were substituted the words "the High Speed Craft Regulations 2019" and for the word "ship" there were substituted "high speed craft".

Compounding
of offences

12.-(1) Notwithstanding any other law, where a craft violates any provision of these Regulation, the Authority may serve on that craft or master a notice in the specified form, calling upon such craft 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 craft;
- (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 Authority may think necessary.

(3) The craft 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 craft 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 craft or master.

(5) When the craft 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 craft or master.

SIGNED on this day of, 2019.

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