

**THE MARITIME TRANSPORT ACT, NO. 5 of 2006**

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**THE SAFETY MANAGEMENT CODE FOR DOMESTIC  
PASSENGER SHIPS REGULATIONS**

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# THE MARITIME TRANSPORT ACT, NO. 5 of 2006

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## THE SAFETY MANAGEMENT CODE FOR DOMESTIC PASSENGER SHIPS REGULATIONS

[Made under section 491(c)]

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**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 Safety Management Code for Domestic Passenger Ships Regulations as follows:

### PART ONE PRELIMINARY PROVISIONS

Short title and commencement                    **1.** These Regulations may be cited as the Safety Management Code for Domestic Passenger Ships Regulations 2019 and shall come into operation after being signed by the Minister and published in the Official Gazette.

Interpretation                                    **2.** In these Regulations, unless the context requires otherwise:

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

“audit” means a systematic and independent examination to determine whether a safety management system is suitable to meet the objectives set out in the Safety Management Code for Domestic Passenger Ships, and, so far as the system is being operated, that the system is being implemented effectively;

“authorised person” means a surveyor of ships or person authorised by the Registrar of Ships to carryout audits and inspections for the purpose of these Regulations;

“company”, in relation to a ship, means the owner or any other organisation or person such as the operator, manager, or bareboat charterer, who has assumed the responsibility for the operation of the ship from the owner;

“Director General” means the Director General of the Authority appointed under section 3 of the Zanzibar Maritime Authority Act, No. 3 of 2009;

“Domestic Ship Safety Management Certificate” means a certificate issued by the Registrar of Ships in accordance with these Regulations, and “valid Domestic Ship”;

“domestic voyage” means a voyage in sea areas from a port in the United Republic of Tanzania State to the same or another port within the United Republic of Tanzania;

“favourable weather” means fine, clear settled weather with a sea state such as to cause only moderate rolling or pitching;

“passenger” means any person carried in a ship except-

- (a) a person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason so far any circumstances that neither the master nor the company could have prevented; and
- (c) a child under one year of age;

“passenger certificate” means a certificate issued pursuant to regulation 10 of the Survey and Certification Regulations 2019;

“passenger ship” means a ship carrying more than 12 passengers and propelled by electricity or other mechanical power and entitled to be issued with Passenger Certificate under Section 199 of the Act and regulation 10 of Survey and Certification Regulations, 2019;

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

“Safety Management Certificate” means such a certificate which has not expired, or ceased to be valid in accordance with regulation 6(3) (or which having so ceased to be valid has subsequently been endorsed as valid in accordance with regulation 6(4)), and which is not suspended in accordance with regulation 9(3);

“Safety Management Code for Domestic Passenger Ships” means the Safety Management Code for Small Vessels set out in the Schedule to these Regulations;

“safety management system” means a structured and documented system enabling the company’s personnel effectively to implement the company’s safety and environmental protection policy; “sea” does not include any native vessels and small crafts;

“voyage” includes an excursion.

Application                    3.-(1) These Regulations shall apply to passenger ships engaged on domestic voyages.

(2) These Regulations shall not apply to the following types of ships or to the companies operating them-

- (a) ships of war and troopships and other ships owned or operated by a Member State and used only on government non-commercial service;
- (b) ships not propelled by mechanical means, wooden ships of primitive build, pleasure yachts and pleasure craft, unless they are or will be crewed and carrying more than 12 passengers for commercial purposes; and
- (c) fishing vessels;

Exemptions                    4.-(1) The Registrar of Ships may grant exemptions from all or any of the provisions of these Regulations (as may be specified in the exemption) for individual cases or classes of case on such terms (if any) as he may specify, if he is satisfied that-

- (a) compliance with such provision is either impracticable or unreasonable in that case or 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 or provisions 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.

## **PART TWO**

### **COMPLIANCE WITH SAFETY MANAGEMENT CODE**

General duty to  
comply with  
Safety  
Management  
Code                    5.-(1) A company shall comply with the requirements of the Safety Management Code for Domestic Passenger Ships as it applies to that company and to any ship-owner by it or for which it has operational responsibility.

(2) In complying sub regulation (1) of this regulation, the Safety Management Code for Domestic Passenger Ships specified in the Schedule shall apply.

Domestic Ship  
Safety  
Management  
Certificate

6.-(1) From first day or after in which these Regulations come into effect or passenger certificate is issued in relation to a ship, the company owning the ship or having operational responsibility for it shall hold in relation to that ship a valid Domestic Ship Safety Management Certificate.

(2) Where an authorised person has audited the safety management system for a ship and is satisfied that the safety management system for the ship is suitable to meet the objectives set out in the Code as shown in the Schedule and, so far as the system is being operated, is being implemented effectively, the Authority may issue a Domestic Ship Safety Management Certificate which, subject to sub regulation (3) and to regulation 9(3), shall be valid until the expiry of the ship's passenger certificate.

(3) A Domestic Ship Safety Management Certificate shall cease to be valid-

- (a) if an authorised person has not, within the period between three and six months after the issuing of the ship's Domestic Ship Safety Management Certificate, audited the safety management system of the ship; or
- (b) if an authorised person who audits the safety management system of the ship in accordance with paragraph (a) of this sub regulation is not satisfied that it is being implemented effectively.

(4) Where a Domestic Ship Safety Management Certificate has ceased to be valid in accordance with sub regulation (3) of this regulation, the Authority may endorse it as valid until the expiry of the ship's passenger certificate if an authorised person who audits the safety management system of the ship after the Certificate has ceased to be valid is satisfied that the safety management system is being implemented effectively.

(5) A company shall ensure that a valid Domestic Ship Safety Management Certificate held in relation to the ship is carried on board each ship owned by it or for which it has operational responsibility.

Duty of master

7. The master of a ship shall operate that ship in accordance with the safety management system on the basis of which the Domestic Ship Safety Management Certificate was issued in relation to the ship.

Designated  
person

8.-(1) A company shall in relation to each ship owned by it or for which it has operational responsibility designate a person who shall be responsible for monitoring the safe operation of the ship and, so far as it may affect safety, the efficient operation of the ship.

(2) In particular, the designated person shall-

- (a) take such steps as are necessary to ensure compliance with the safety management system on the basis of which the Domestic Ship Safety Management Certificate was issued in relation to the ship; and
- (b) ensure that proper provision is made for the ship to be adequately manned, equipped and maintained, so that it is fit to operate in accordance with that safety management system and with any enactment relating to safety applicable to the ship.

(3) The company shall ensure that a designated person-

- (a) is provided with sufficient authority and resources; and
- (b) has appropriate knowledge and sufficient experience of the operation of ships, to enable him to comply with his responsibilities under sub regulation (1) and (2) of this regulation.

### **PART THREE MISCELLANEOUS PROVISIONS**

Enforcement

9.-(1) An authorised person-

- (a) may inspect a safety management system on the basis of which a Domestic Ship Safety Management Certificate has been issued;
- (b) may inspect a ship for the purpose of seeing that these Regulations are complied with.

(2) An authorised person exercising functions under this regulation shall have the powers conferred on an inspector by section 259 of the Act.

(3) Where an authorised person considers that a ship, notwithstanding that a Domestic Ship Safety Management Certificate is in force in relation to that ship, is unable to operate without creating a risk of serious danger to safety of life, the Registrar of Ships may suspend the Domestic Ship Safety Management Certificate of that ship until such time as any risk is removed.

(4) Where a Domestic Ship Safety Management Certificate is to be suspended in accordance with sub regulation (3) of this regulation the Registrar of Ships shall serve on the company a notice-

- (a) stating that the Certificate shall be suspended; and
- (b) containing the grounds for the suspension.

(5) A notice under sub regulation (4) of this regulation shall not be given unless the company has been given the opportunity to make representations, except where the Registrar of Ships considers that urgent safety considerations require the notice to be given immediately.

(6) If an authorised person is satisfied on inspecting a ship that there is a failure to comply with a requirement of regulation 5 or 6 in relation to that ship he may detain the ship.

(7) In any case where a ship is liable to be detained, section 471 of the Act which relates to the detention of the ship) shall have effect in relation to the ship subject to the modification that for the words “this Act”, wherever they appear, there shall be substituted the words “Safety Management Code for Domestic Passenger Ships Regulations 2019”.

Offences and penalties

**10.**-(1) Any contravention of these regulations shall be an offence punishable on summary conviction by a fine not less than ten thousand dollars or its equivalent in shillings, or on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

(2) A person who-

- (a) intentionally alters a Domestic Ship Safety Management Certificate;
- (b) in connection with any adult conducted in accordance with these Regulations knowingly or recklessly furnishes false information; or
- (c) with intent to deceive uses, lends or allows to be used by another, a Domestic Ship Safety Management Certificate,

commits an offence and liable on summary conviction to a fine not less than ten thousand dollars or its equivalent in shillings, or on conviction on indictment by imprisonment for a term not exceeding two years, or a fine, or both.

Defence

**11.** It shall be a defence for a person charged with an offence under these Regulations to show that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence.

Compounding  
of offences

**12.**-(1) Notwithstanding any other law, where a ship or master violates any provision of these Regulation, the Director General may serve on that ship or master a notice in the specified form, calling upon such ship or master to pay in respect of the offence, the amount of fines so specified with the offence alleged to have been committed.

(2) The notice under sub regulation (1) of this regulation, shall specify-

- (a) name and registration number of the ship;
- (b) the offence alleged to have been committed;
- (c) place and time upon which the offence has occurred;
- (d) actual amount of fine so specified for that offence;
- (e) time and manner in which the fine should be paid; and
- (f) any other particular or information relating to that offence when the Director General may think necessary.

(3) The ship or master served with a notice under sub regulation (1) of this regulation shall, within seven days from the date in which the notice has been delivered to him, pay the amount of fine to the Authority.

(4) Where a ship or master has been served with a notice under sub regulation (1) of this regulation, fails to pay such a fine within the time limit specified in the notice, the Authority shall proceeds with criminal action against such a ship or master.

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



**SCHEDULE**  
**SAFETY MANAGEMENT CODE FOR DOMESTIC PASSENGER SHIPS**  
**[Made under regulation 5(2)]**

**Summary**

This Code sets out the instructions regarding safety management of domestic passenger ships and guidance to all Ship owners, Operators, Charters and Managers; Masters and all Seafarers.

***Key points:***

The code is based on general principles and objectives, and expressed in such terms that it can be applied to a wide variety of ships.

Companies to develop and implement safe practices which include the following:

- a health and safety protection policy;
- procedures to ensure the safe operation of ships in compliance with relevant rules;
- lines of communication between personnel, ashore and afloat;
- procedures for reporting accidents;
- procedures for responding to emergency situations; and
- companies to ensure that all persons employed in the operation of the ships receive appropriate training for the duties they are required to fulfil.

**1. Introduction**

1.1 The Safety Management Code for Domestic Passenger Ships Regulations 2019 Regulations apply to passenger ships and domestic high speed craft, except those domestic operators required to comply with the International Safety Management (ISM) Code.

1.2 The purpose of a safety management code is to establish a common standard for the safe operation of passenger ships employed in the domestic trade.

1.3 It is recognised that the Code is kept brief and simple, so that it can be applied to a wide variety of ships, and developed by each company to meet the needs of that company.

- 1.4 To comply with the Code, each operator should create a safe working environment.
- 1.5 “Operator” means the company, which is defined as the owner or other person assuming responsibility for operating the ship.
- 1.6 This Code describes the objectives of developing a safety management system and how to implement it effectively.

## **2. Objectives**

2.1 The objectives of safety management are to ensure a simple and cost effective means of-

- ensuring safety on board;
- preventing human injury and loss of life;
- complying with applicable regulations and rules.

2.2 Each operator shall develop and implement safe practices which include the following-

- a health and safety protection policy;
- procedures to ensure safe operation of ships in compliance with relevant rules;
- lines of communication between personnel, ashore and afloat;
- procedures for reporting accidents; and
- procedures for responding to emergency situations.

2.3 To comply with the Code, each operator should create a safe working environment, which should include the following-

## **3. A Health and Safety Protection Policy**

3.1 This must address the issues of health, safety and the environment as they affect the company and its staff, both ashore and afloat. Such a policy might read along the following lines:

*“The policy of (name of Company) is to conduct its activities taking full account of the health and safety of its employees and of all persons using or connected with the Company. In implementing this policy, (name of Company) will ensure that the ship is, at all times, properly maintained and operated by qualified personnel in full compliance with relevant legislation. In particular the Company will carry out an assessment of the risks to the health and safety of workers and others affected by the undertaking, and will take the necessary measures to minimise the risks identified.”*

- 3.2 Each operator of a passenger ship certified to carry 15 persons or more is required to carry a Garbage Management Plan.
- 3.3 Every passenger ship of 12 metres or more in overall length shall display placards to notify the crew and passengers of the ship’s disposal requirements.
- 3.4 It is an offence under the Maritime Transport Act 2006 and ZEMA Act for a ship in Zanzibar waters, navigable by sea-going ships, to discharge any oil or oily mixture into those waters. The operator of such a ship is recommended to develop and implement an oil management plan to the same standard as the garbage management plan and to integrate it with the Health and Safety Protection Policy.
- 3.5 Under this Code it shall be requirement to appoint of one or more competent persons to take responsibility for health and safety. Those persons should be identified. It is the responsibility of the owner or operator to ensure that the policy is complied with, and that the responsibilities are understood.
- 3.6 The company should develop a policy on prevention of alcohol and drug abuse. Where alcohol is served on board, the policy should also stipulate that no alcohol will be served to persons under 18 years of age.
- 3.7 Under the Health and Safety Policy, all personnel both ashore and afloat have a duty to take care of themselves and other persons who may be affected by their acts or omissions.
- 3.8 It is essential that, in the event of an emergency, there is the ability to communicate with the emergency services via a shore base. The shore base may be the company office ashore, the KMKM, Police or Fire Brigade, or another office as may be agreed between the ship and the shore base.

#### **4. Procedures to Ensure Safe Operation of Ships in Compliance with the Regulations and Rules**

- 4.1 The regulations and rules which apply to the domestic passenger ships.
- 4.2 The company should draw up simple procedures to ensure that safe working practices are carried out in the operation of the ship. These may be in the form of checklists which can be followed by all personnel.
- 4.3 For some ships, it might be appropriate to have permanently exhibited checklists, e.g. in the wheelhouse for navigational items. Alternatively, in a smaller ship, the record could take any suitable form such as a diary as distinct from a specially printed logbook. Whatever form the record takes, such entries should be accepted as evidence of compliance with the ON BOARD PROCEDURES requirements.

#### **5. Lines of Communication**

- 5.1 Responsibility and authority of each employee should be clear. This may be best illustrated in a simple diagram, showing who reports to whom.

#### **6. Procedures for reporting accidents**

- 6.1 The requirement for reporting accidents should be well understood by all personnel and in so doing improve the safety culture practised on board.

#### **7. Procedures for responding to emergency situations**

- 7.1 There should be clearly stated procedures for responding to emergency situations. These may include but not be limited to: fire; collision; grounding; violent act; main propulsion or steering failure; and man overboard.
- 7.2 Checklists may be useful in this regard.

#### **8. Responsibilities**

- 8.1 The Master must have authority at all times, to make decisions with regard to the safety of the ship and the persons on board. To ensure that there is no ambiguity regarding the authority of the Master, there should be a simple written statement to this effect.

## **9. Personnel and Training**

9.1 All personnel should receive training appropriate to the tasks they undertake. It is the responsibility of the company to ensure that this training is given, and that the personnel have an understanding of the relevant regulations and rules.

9.2 As a minimum, this means-

- for the Master, the relevant qualifications;
- for the crew, training appropriate to their designated duties.

9.3 Prior to the first occasion of working on the ship, each employee must receive appropriate familiarisation training and proper instruction in on board procedures. This could include but not necessarily be limited to-

- mooring and unmooring;
- launching and recovery of survival craft;
- evacuation from all areas of the ship;
- donning of lifejackets; and
- use and handling of fire-fighting equipment.

9.4 Where the ship uses locks or sluice gates, on the job training in this process is essential.

9.5 Relevant training should also be provided to casual staff-  
i.e. not regular “crew” – who may be needed to assist in controlling or guiding passengers in the event of evacuation.

## **10. On board Procedures**

10.1 Simple procedures should be developed for the operation of the ship. These should include, but not be limited to-

- testing of equipment, including steering gear, prior to commencing a passage;
- navigation and handling of the ship;

- maintenance routines;
- bunkering operations;
- watertight integrity;
- stability of the ship; and
- conduct of passengers and crew while on board.

## **11. Preparation for Emergencies**

11.1 The potential emergencies likely to be countered by the ship should be considered. Exercises should then be carried out in the handling of these emergencies and evacuation from the ship.

11.2 Where possible, all personnel should be involved in these exercises, both ashore and afloat.

11.3 The roles and responsibilities of all personnel in an emergency situation should be developed in accordance with the principles of the Code.

11.4 The exercises should be recorded. The names of those who participated should also be recorded.

## **12. Reporting of Accidents**

12.1 It is a legal requirement under the Maritime Transport Act 2006 and its Regulations to report all accidents.

12.2 The regulations apply to all ships. The company must therefore have a procedure in place to report any accident to the Authority. Additionally, all accidents and near accidents should be recorded and reported to the operator, who should implement corrective action, with the aim of improving safety.

## **13. Equipment**

13.1 Maintenance of the ship and equipment is an essential ingredient of safety management. The equipment should be checked and tested daily when in use; in addition to the tests referred to in the OVERBOARD PROCEDURES section of the Code.

13.2 There should be procedures for a more detailed inspection and maintenance programme of the ship and equipment.

13.3 The frequency of the inspections should be determined by the owner or operator, but every event should be recorded.

13.4 A checklist could be employed as an aide memoire for the inspection of equipment.

#### **14. Certification**

14.1 An “initial audit”, to assess compliance with the Code, shall be carried out by Authority for each ship at the same time as the PC survey. The period of validity of this certificate will normally be for 5 years and is subject to a mid-term audit which will be carried out by the Authority on each ship at the same time as either the 2nd or 3rd PC survey. The validity of the certificate is also subject to annual self-assessments of the office and each ship, carried out by the operator to the satisfaction of the Authority. The reports of these self-assessments shall be submitted by the operator for review by the Authority.

14.2 An initial audit of the office is also to be undertaken prior to the issuance of any certification of the vessel. The scope of the initial office audit will include but not be limited to-

- maintenance of hull and machinery, including agreed protocols for checks and testing;
- system for ensuring crew and skippers are adequately certified and trained;
- evidence of a robust system of checks and inspections;
- evidence of a closed loop for defect and fault management.

14.3 The owner or operator should ensure, therefore, that all necessary documentation is available.

14.4 The self-assessments may be conducted either by the owner or operator or an accredited person from outside the company. This audit will be conducted to an agreed format which shall be incorporated in to the safety management system.

14.5 The on board audits will be carried out when the ship is in service and will be according to an agreed schedule depending upon the number of ships operated by the company.

14.6 The on board audit will be conducted when the vessel is in aspects operational and will be carried out at a mutually convenient time. It will be necessary for the vessel to be taken out of service for the duration of the audit including the drill. Some elements such as passenger boarding arrangement, mooring and navigation may be carried out in service.

14.7 Where an annual self-assessment or audit is unsuccessful, normal enforcement procedures shall be followed to ensure that deficiencies are rectified. When the Authority has grounds to indicate that the annual internal audits are not in accordance with the SMS, the company will be subject to an additional verification audit.

## **15. Review**

15.1 Every company should undertake a review of the safety management system of all ships at least once in every three years.

## **16. Fees**

16.1 Operators shall be charged at the main hourly rate set for the audits performed by the Authority.

## **17. Exemptions**

17.1 Exemptions to these arrangements shall be considered on a case by case basis. Exemptions from the provisions of the Code will be granted only on condition that an equivalent level of safety is achieved.

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**SIGNED** on ..... this day of ....., 2019.

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