

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

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**THE REPATRIATION AND RELIEF OF SEAFARERS REGULATIONS**

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**THE REPATRIATION AND RELIEF OF SEAFARERS  
REGULATIONS  
[Made under section 151]**

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**IN EXERCISE** of the powers conferred upon me under section 151 of the Maritime Transport Act, No. 5 of 2006 **I, DR. SIRA UBWA MAMBOYA**, Minister responsible for Maritime transport, do hereby make the Repatriation and Relief of Seafarers Regulations as follows:

**PART ONE  
PRELIMINARY PROVISIONS**

Short title and commencement date.            1. These Regulations **may** be cited as the Repatriation and Relief of Seafarers Regulations, 2018, and shall come into operation after being signed by the Minister and published in the Gazette.

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

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

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

“authorized person” means a person authorized by the Authority to carry out inspections and audits for the purposes of these Regulations and includes any surveyor of ships appointed under the provision of the Act;

“Minister” means the Minister responsible for maritime transport;

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

Application            3. These Regulations shall apply to :

- (a) all Tanzania Zanzibar ships wherever they may be;
- (b) all other ships while in any port in Zanzibar or a place within Zanzibar; and

(c) a seafarer employed on a ship referred to in paragraph (a).

## **PART TWO**

### **GENERAL REQUIREMENTS FOR REPATRIATION**

Entitlement for repatriation

4.-(1) A seafarer shall be entitled to repatriation in the following circumstances:

- (a) where the seafarer's employment agreement expires.
- (b) where the seafarer's employment agreement is terminated by the ship owner.
- (c) where the seafarer's employment agreement is terminated by the seafarer in accordance with the terms of the agreement.
- (d) in the event of illness or injury or other medical condition which requires his or her repatriation when found medically fit to travel;
- (e) in the event of shipwreck;
- (f) in the event of the ship owner not being able to continue to fulfil his or her legal or contractual obligations as an employer of the seafarer by reason of bankruptcy, sale of ship, change of ship's registration or any other similar reason;
- (g) in the event of a ship being bound for a war zone to which the seafarer does not consent to go.

(2) A ship owner who fails to comply with the obligations imposed under sub-regulation (1) of this regulation, commits an offence and upon conviction shall be liable to a fine not less than the equivalent of five thousand Dollars in Shillings or imprisonment of a term not less than six months.

Limitations on and exceptions to duty to repatriate

5. The duty of a ship owner to repatriate, as required under regulation 4 of these regulations, ends when :

- (a) the seafarer is repatriated to a destination referred to in regulation 8 of these regulations in accordance with the seafarer's choice, if any;
- (b) the ship owner has made reasonable arrangements for repatriation which are unsuccessful because of the seafarer's unreasonable conduct;
- (c) notwithstanding the reasonable endeavours of the ship owner to contact the seafarer, the seafarer has without reasonable

excuse, failed to respond to such endeavours for a period of three months or more;

(d) the seafarer confirms in writing to the ship owner that repatriation is not required; or

(e) the seafarer is dead.

Particulars of Seafarer

6.-(1) The ship owner of a seafarer to whom these Regulations apply shall within 48 hours after the seafarer is left behind or it has come to his notice that the seafarer has been brought ashore after being shipwrecked, as the case may be, or if it is not practicable within that time, as soon as practicable thereafter, make provision to ensure that the Registrar is informed of the particulars specified in sub regulation (2) of this regulation.

(2) The particulars referred to in sub regulation (1) of this regulation are -

(a) the name of the seafarer;

(b) his home address;

(c) the name and address of his next of kin; and

(d) in the case of a seafarer left behind -

(i) the name of the ship from which he was left behind;

(ii) the date on which he was left behind;

(iii) the place where he was left behind and, if known to the ship owner, the present whereabouts of the seafarer;

(iv) the reason (if known to the ship owner) for his being left behind; and

(v) the name and address of the ship owner and the name and address of the ship owner's agent, if any, at or nearest to the place where the seafarer was left behind;

(e) in the case of a shipwrecked seafarer -

(i) the name of the ship from which he was shipwrecked;

(ii) the dates on which he was shipwrecked and on which he was brought ashore;

(iii) the place where he was brought ashore and (if known to the ship owner), the name and address of the person by whom he was brought ashore and the present whereabouts of the seafarer; and

- (iv) the name and address of the ship owner and the name and address of the ship owner's agent, if any, at or nearest to the place where the seafarer was brought ashore.

Information of the arrangements made.

7. A ship owner shall ensure that the Registrar is kept informed of the arrangements he has made (including any changes in those arrangements) pursuant to his obligations under these regulations to make provision for the return, relief and maintenance of seafarers to whom these Regulations apply.

Place for return

8.-(1) Subject to sub-regulation (2) of this regulation, a seafarer is entitled to repatriation to the destination provided for in or under the seafarer employment agreement, or such other place as may subsequently be agreed with the ship owner.

(2) If the seafarer employment agreement does not identify a destination, the seafarer is entitled to repatriation to the seafarer's choice of the following destinations –

- (a) the place at which the seafarer entered into the seafarer's employment agreement;
- (b) a place agreed with the ship owner; or
- (c) the seafarer's country of residence.

(3) A ship owner who fails to comply with the obligations imposed under sub-regulation (1) of this regulation, commits an offence and upon conviction shall be liable to a fine not less than the equivalent of five thousand Dollars in Shillings or imprisonment of a term not less than six months.

Costs for repatriation

9.-(1) A ship owner, who is under a duty to repatriate a seafarer under regulation 4 of these regulations, shall bear the costs of repatriation of the seafarer including the costs of the following:

- (a) passage by air from the place where the employment agreement is terminated to the seafarer's repatriation destination, but where passage by air cannot be provided from that place where the agreement is terminated, or where other means of transport are available that will return the seafarer to his repatriation destination expeditiously the passage may be by other means to the nearest airport from where the seafarer can be repatriated by air or to the

- repatriation destination;
- (b) the accommodation and food from the time the seafarer leaves the ship until he reaches the repatriation destination;
- (c) the payments and allowances from the time the seafarer leaves the ship until he reaches the repatriation destination;
- (d) the transportation of the seafarer's personal luggage not exceeding 30 kg to the repatriation destination; and
- (e) the medical treatment when necessary until the seafarer is medically fit to travel to the repatriation destination.

(2) A ship owner who fails to comply with the obligations imposed under sub-regulation (1) of this regulation, commits an offence and upon conviction shall be liable to a fine not less than the equivalent of five thousand Dollars in Shillings or imprisonment of a term not less than six months.

Costs for  
maintenance  
and relief

10.-(1) A ship owner who is under a duty to repatriate a seafarer under these regulations shall make such provision as is necessary for the relief and maintenance of the seafarer pending his repatriation.

(2) In determining what provision is required under regulation (1) of this regulation, the ship owner shall have regard to the seafarer's personal circumstances and requirements.

(3) Without prejudice to the generality of paragraph (1) of this regulation, the provision for relief and maintenance shall include all of the following:

- (a) clothing;
- (b) toiletries and other personal necessities;
- (c) surgical or medical treatment and such dental or optical treatment (including the repair or replacement of any appliance) as cannot be postponed without impairing efficiency;
- (d) sufficient money to meet any minor ancillary expenses necessarily incurred or likely to be so incurred by the seafarer for his relief and maintenance.

(4) The ship owner's liability under paragraph (1) of this regulation ends when the ship owner's duty under regulation 4 ends.

(5) A ship owner who fails to comply with the obligations imposed under sub-regulation (1) of this regulation, commits an offence and upon conviction shall be liable to a fine not less than the equivalent of five

thousand Dollars in Shillings or imprisonment of a term not less than six months.

Period of liability for costs.

11. A ship owner, who is under a duty to repatriate a seafarer under these regulations, shall continue to bear the costs of repatriation specified in regulations 9, 10 and 12 of these Regulations until the earliest of the following dates:

- (a) the date the duty to repatriate imposed on the ship owner under these regulations ends;
- (b) the seafarer is landed at a destination referred to in regulation 8.

Ship owner to bear supplementary costs

12. The provisions to be made by a ship owner in accordance with regulations 9 shall also include:

- (a) the payment of expenses incurred in bringing a seafarer ashore and maintaining him until he is brought ashore; and
- (b) the payment of expenses of the burial or cremation of a seafarer who dies before he can be repatriated to a destination referred to in these regulations or the expenses of returning the seafarer's body to his home.

Seafarers' paid leave

13. The time spent awaiting repatriation by a seafarer to whom these Regulations apply and the repatriation travel time shall not be deducted from paid leave accrued to the seafarer.

Prohibition on recovering costs from seafarer

14.-(1) Subject to sub-regulation (2) of this regulation, a ship owner shall not enter into an agreement with a seafarer under which the seafarer shall make payment in respect of either:

- (a) repatriation costs; or
- (b) relief and maintenance costs.

(2) A ship owner who fails to comply with the obligations imposed under sub-regulation (1) of this regulation, commits an offence and shall be liable to a fine not less than the equivalent of five thousand Dollars in Shillings or imprisonment of a term not less than six months.

(3) An agreement entered into in breach of sub-regulation (1) of this regulation is void.



Property of  
seafarers

15. (1) This regulation applies where:

- (a) a ship owner is under a duty under regulation 10 in respect of a seafarer; and
- (b) property belonging to that seafarer has been left behind on a ship belonging to the ship owner.

(2) The master shall:

- (a) take charge of that property; and
- (b) enter in the official log book:
  - (i) a list of property so taken into his charge;
  - (ii) in the case of a sale under sub-regulation (4)(a) of this regulation of any part of the property, a description of each article sold and the sum received for it; and
  - (iii) in the case of the destruction or disposal of each article destroyed or disposed of, the name of any person to whom disposal was made.

(3) Subject to sub-regulation (4) of this regulation, the master and the ship owner shall cause reasonable care to be taken of the property pending its delivery in accordance with sub-regulation (6) of this regulation.

(4) The master may at any time -

- (a) sell, by auction or otherwise, any part of the property which is of a perishable or deteriorating nature and the proceeds of sale shall form part of the property; and
- (b) destroy or otherwise dispose of any part of the property which, in his opinion, endangers or is likely to endanger the health or safety of any person.

(5) The proceeds of any sale under sub regulation (4)(a) of this regulation shall be the property of the seafarer and details of the sale shall be entered in the official log book.

(6) The master shall, when directed by the ship owner, cause the property to be delivered -

(a) to the seafarer at his last known address;

(b) to the seafarer's next of kin; or

(c) to any other place which may be agreed between the seafarer and the ship owner, and the cost of such delivery shall be borne by the ship owner.

(7) The ship owner, when delivering the property to the seafarer or his next of kin in accordance with sub regulation (6) of this regulation, shall deliver to the seafarer or his next of kin, as the case may be, a record of all property delivered and -

(a) where any property has been sold under sub regulation (4)(a) of this regulation, a description of each article sold and the sum received for it; and

(b) where any property has been destroyed or disposed of under sub regulation (4)(b) of this regulation, a description of each such article.

### **PART THREE**

#### **MISCELLANEOUS PROVISIONS**

Official log  
book entries

16. All entries in the official log book required to be made by the master under regulation 15 shall be signed by the master and by a seafarer if present.

Access of  
Regulations by  
Seafarers

17.-(1) A ship owner shall ensure that a copy of these Regulations is held on board the ship and are available to seafarers.

(2) A person who fails to comply with the obligation imposed under sub regulation (1) of this regulation, commits an offence and shall be liable to a fine not less than the equivalent of five thousand Dollars in Shillings or to imprisonment for a term not exceeding six months.

Inspection of  
ships

18. For the purpose of checking compliance with these Regulations, an authorized person may at all reasonable times go on board a ship and inspect the ship, its equipment, any article and any document carried on it.

Detention of ships

19. Where an authorized person has clear grounds for believing that, the ship in which these Regulations apply is in a serious breach or in a series of repeated breaches of the requirements of these regulations, the ship is liable to be detained.

Compounding of offences

**20.**-(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 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.

**SIGNED** on this 12 day of February, 2019.

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