

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

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**THE SMALL SHIPS SAFETY REGULATIONS**

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**REGULATIONS**

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# THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

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## SMALL SHIPS SAFETY REGULATIONS

[Made under section 191]

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**IN EXERCISE** of the powers conferred upon me under section 191 of the Maritime Transport Act, No. 5 of 2006, I, **DR. SIRA UBWA MAMBOYA**, Minister responsible for Maritime Transport affairs do hereby makes the Small Ships Safety Regulations as follows:

### PART ONE PRELIMINARY PROVISIONS

Short title and commencement date.            1. These Regulations may be cited as the Small Ships Safety 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...of 2006.

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

“certificate of Competence” means a certificate, including any relative endorsement, issued by a certifying authority pursuant to section 99 (e) of the Act and entitling its lawful holder to act in the capacity and perform the functions involved on a vessel of the type, category, tonnage or length, power and means of propulsion concerned

“Decked” in relation to the ship, means fully or partially decked.

“local general safety certificate” means a certificate issued to a ship stating that the vessel is constructed and equipped in accordance with the safety requirements stipulated in these Regulations;

“Minister” means Minister responsible for maritime transport affairs;

“small ship” has the meaning as ascribed under section 2 of the Act,

“Ship” means small ship.

“Surveyor” means a surveyor of a ship appointed under section 7 of the Act.

Application

3. These Regulations shall apply to:

- (a) Tanzania Zanzibar ships whenever they may be; and
- (b) other ships when they may be in Zanzibar waters.

## **PART TWO**

### **SHIP SAFETY REQUIREMENTS**

Submission and approval of plans

4.-(1) subject to sub-regulation (7), for the purposes of the first issue of a local general safety certificate in respect of a commercial ship, the builder or owner of a ship must submit in duplicate to the Authority the following particulars:

- (a) the longitudinal elevation showing the position of bulkheads or built-in non-flooding compartments, hatchways, deck houses and crew spaces which shall also include:
  - (i) anchors and cables;
  - (ii) life saving and firefighting equipments; and
  - (iii) navigation lights and sound signals.
- (b) midship section showing hull scantlings, deck, bulwarks, frames, doors, stringers and beams;
- (c) any deck openings, ventilators and air pipes and tanks;
- (d) engine room layout and pumping arrangements;
- (e) steering and propeller shaft arrangements;
- (f) electrical circuit diagram;
- (g) lines plan of scale;
- (h) stability information booklet; and
- (i) any other particulars as may be required by the authority from time to time.

(2) Any subsequent modification or addition to the scantlings, arrangements or equipment shown must be approved by the Authority.

(3) The Authority may require such further plans and specification as it thinks fit.

(4) The Authority may, after approving the plans and the specifications submitted, direct a surveyor to conduct inspections and test to ensure that the ship is constructed in accordance with the approved plans, specifications and other requirements provided in these Regulations.

(5) The builder or the owner of the ship being built must notify in writing the Authority at least seven days before:

- (a) Commencing building;
- (b) Commencing planking, plating or laminating;
- (c) Completing the fitting of all underwater fittings and rudder gear and propeller shafts;
- (d) Launching the ship; and
- (e) Undertaking trials.

(6) A person may not undertake trials without the prior approval of the Authority, and if the Authority thinks fit, the prior inspection of the Ship by a surveyor.

(7) The Authority may dispense with all or any of the requirements of (1), (2), (3), (4), (5) and (6) if:

- (a) in the case of a ship being built, the work is carried out by an approved builder, in accordance with the relevant construction standards specified by the Authority;
- (b) in the case of existing ship, it is satisfied that the ship complies with relevant construction standards specified by the Authority.

Inspection of a ship

**5.** For the purposes of renewal of a local general safety certificate, every ship must be thoroughly inspected internally and externally, by a surveyor at intervals not exceeding twelve months.

Design and Construction of a Ship

**6.-(1)** Every ship must be constructed of a suitable materials of good quality, with due regard to sound design practice and methods of construction and, under normal operating conditions the design must provide sufficient reserve of positive stability so that the ship cannot capsize easily when carrying a load.

(2) On decked vessels no point of possible ingress of water, except scuppers, may be less than 200 millimetres above the surface of the water measured when the vessel is afloat in undamaged condition in calm water.

Safety  
appliances and  
equipments

7.-(1) The owner and the master of a ship must ensure that items of safety appliances and equipments are provided and maintained on board the ship as specified in the schedule to these regulations.

(2) The master of a ship must ensure that an approved buoyancy aid and lifejacket of the kind required by these regulations is worn by:

- (a) every crew member of a vessel;
- (b) every child under 12 years of age on deck at all times when the vessel is underway;
- (c) any other person on board a vessel at such times as the master may direct; and
- (d) Every person on board including the master when the vessel is launched or operated in the surf, or otherwise operates in rough sea or water conditions.

(3) On each occasion before any ship is operated, the master of a ship must:

- (a) ensure that every person on board the ship has received essential safety information appropriate to the person's functions on board, including:
  - (i) information about the location on board of the safety appliances and equipments required to be carried on the ship; and
  - (ii) instruction in the use of such appliances and equipments; and

- (a) ensure safety appliances and equipment required to be on board the ship are fit and ready for use.

(4) The master of a ship must cause the ship emergency procedures and arrangements including those in respect of fire-fighting and abandon ship and man overboard, to be practiced at least once a week.

Safety of  
navigation

8.-(1) The master must ensure at all times the ship is operated in accordance with:

- (a) the Collision Regulations;
- (b) the conditions and limitations specified in the local safety certificate or certificate of fitness, as the case may be issued in respect of the ship;

- (c) the conditions and limitations specified in the master's certificate of competence;
- (d) the instructions and specifications of the manufacturer of the ship;
- (e) the law in force in the area in which the ship is operated in so far as it is not inconsistent with the Act,
- (f) the Load Lines Regulations;

(2) A person may not operate a ship in careless manner without consideration of other persons or without due care and attention, taking into account:

- (a) the weather;
- (b) visibility;
- (c) the presence of persons or vessel in body of water including concentration of persons and vessels in the immediate vicinity of the ship;
- (d) the speed and manoeuvrability of the ship;
- (e) light conditions including the presence of background light from the shore lights;
- (f) water conditions, currents and the proximity of navigational hazards; and
- (g) any other hazards that could adversely affect the safety of persons or property.

(3) Before any ship is operated, the master must ensure that the ship carries sufficient quantity of fuel for its intended voyage together with a reserve of not less than 25 percent of that quantity.

Colouring of vessels

**9.** The owner and master of any ship going to sea must ensure that:

- (a) as large an area as possible of the interior of a vessel that is not a decked vessel or of the deck of a decked vessel is painted or pigmented in a colour making the vessel readily visible from above in any sea condition;
- (b) there is a readily available on board of the ship and capable of floating in a spread out position when attached to it a length of canvas or similar suitable materials, so painted or pigmented of a size extending the full width of the vessel but not less than 2 metres by 2 metres.

Operational limit                    **10.** A person may not operate a ship beyond the maximum distance from the shore applicable to the category of vessel concerned and specified in a Local General Safety Certificate or certificate of fitness as the case may be in respect of the vessel.

Carrying persons in excess                    **11.**-(1) Except in case of emergency ,the owner or master shall not cause or allow the number of persons including crew members, on board the ship to exceed the number determined by the Authority,

(2) In determining the maximum number of persons that a particular ship may safely carry, the Authority must take into account:

- (a) the specification and guidance issued by the manufacturer of the ship;
- (b) the available deck space;
- (c) the living accommodation, if applicable;
- (d) the mass the ship can safely carry;
- (e) the safety equipment provided;
- (f) the intended operation of the ship; and
- (g) the manner of launching the ship.

(3) In any case, seating arrangements must be adequate for the number of persons authorized to be carried by the ship.

Voyage information                    **12.** Before a ship goes to the sea, the owner and the master must ensure that there is left behind particulars in respect of:

- (a) the identity of the ship, including its name if any, official number, type and make;
- (b) names of occupants;
- (c) the intended place or places and expected times of departure and arrival.

Duty to report dangers                    **13.** In case the ship faces any danger in the sea, the master must report such situation immediately to the appropriate authorities.

### **PART THREE CREWING**

Responsibilities of the owner                    **14.**-(1) The owner of the ship must ensure that the ship is operated by or under constant guidance of a master who is physically able and of sound mental health.

(2) The master of a ship must hold a valid certificate of competence



issued in accordance with the provisions of the Act.

(3) The owner must ensure that the ship is sufficiently and efficiently manned.

(4) For the purposes of sub-regulation (3) a ship is taken to be sufficiently and efficiently manned if in the opinion of the Authority, it has a crew of competent persons to enable it to go to sea or be otherwise operated with due regard to the requirements of these regulations or any other safety provisions applicable to small ships.

(5) In addition to the above requirements, the owner of a ship must ensure that:

- (a) the master and every crew member on the ship must have completed approved safety induction training;
- (b) documentation and data relevant to the master and every crew on the ship in respect to their employment, experience, training, medical fitness and competency are maintained and readily available for inspection;
- (c) the master and the crew member are familiarized with their specific duties and with all vessel arrangements, installations, equipments, procedures and vessel characteristics which are relevant to their routine and emergency duties; and
- (d) the crew members can effectively co-ordinate their activities in emergency situation and in performing functions vital to safety or to the prevention or mitigation of pollution.

Special  
endorsements  
for passenger  
Ship and other  
ships.

**15.**-(1) A person may not serve in the capacity as a master of a passenger small ship unless so authorized by the Authority.

(2) A person shall not serve in any capacity if he not approved by the Registrar of Ships.

Physical and  
mental fitness

**16.**-(1) A person shall not operate a ship of which these regulations apply, if he is not physically fit and not of sound mental health.

(2) A person shall not operate a ship while under the influence of intoxicating liquor or drug having narcotic effect that impair his capacity to fulfil his duties.

Age limitations

**17.** A person under the age of 18 years shall not serve in the capacity of a master of a ship.

Unauthorized  
intoxicating  
liquor

**18.**-(1) A person shall not on board the ship registered in Zanzibar:

- (a) take or have any unauthorized intoxicating liquor or illicit drugs having narcotic effect on board a ship;
- (b) allow any person to take on board a ship or to have in his possession on board a ship;
- (c) intentionally obstruct another person in exercise of powers conferred on that person under sub-regulation (2) of this regulation.

(2) Where an enforcement officer has reason to believe that there is a violation of sub-regulation (1) of this regulation, he may without a warrant:

- (a) go on board the ship and search the ship and any property on it;  
and
- (b) Seize any intoxicating liquor or illicit drugs found in the ship.

Offence and  
Penalty

**19.** Any person who contravenes any provisions under these Regulations commits an offence and shall on conviction be liable to a fine not less than the equivalent ten thousand dollars in Tanzania shillings or imprisonment for a term not exceeding two years or to both.

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 Ship 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.

## **SCHEDULE**

### **Made under Regulation 7(1)**

#### **SAFETY EQUIPMENTS**

Small ships which proceed to sea shall keep on board at all times the following equipments:

1. Buoyant apparatus of an approved type sufficient to support 60 per cent of all persons on board which may include life buoys of an approved type at the equivalent of one life buoy for every two persons.
2. Sufficient life jackets of an approved type, one for every person on board.
3. All items must be permanently marked with the vessel's name or approved marking.
4. Lights and shapes as prescribed in the Collision Regulations.
5. In the case of a small ship having an engine room, one 2-gallon foam extinguisher of an approved type to be situated in the engine room.
6. In the case of a small ship having enclosed accommodation for crew or passengers, or both, one soda acid extinguisher to be situated in such accommodation.
7. One carbon tetrachloride, carbon dioxide, any approved dry chemical, extinguisher to be fitted near any electrical installation or to be adjacent to the engine in the case of a small ship propelled by an outboard engine.
8. Two fire buckets.
9. An efficient whistle or klaxon.
10. In the case of a small ship licensed to carry passengers, six "precise location" hand flares of an approved design.
11. One anchor and cable.
12. One painter.
13. One heaving line.
14. One hand bilge pump.

15. In the case of a small ship employed in the carriage of passengers, if the licence authority so directs, a compass.

Small ship which does not proceed to sea shall keep on board at all times the following equipments:

1. Buoyant apparatus of an approved type sufficient to support 50 per cent of all persons on board which may include life buoys of an approved type at the equivalent of one life buoy for every two persons.
2. Sufficient life jackets of an approved type, one for every person on board.
3. Lights and shapes as prescribed in the Collision Regulations.
4. Fire extinguishers as prescribed for above.
5. One fire bucket.
6. One anchor and cable.
7. One painter.

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

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