

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

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**THE TIMBER CARGO REGULATIONS**

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# THE MARITIME TRANSPORT ACT, NO. 5 OF 2006

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## THE TIMBER CARGO REGULATIONS

[Made under section 256(1)]

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IN EXERCISE of the powers conferred upon me under section 256(1) of the Maritime Transport Act, No. 5 of 2006, I, **DR. SIRA UBWA MAMBOYA**, Minister responsible for maritime transport affairs, do hereby make the Timber Cargo Regulations as follows:

### PART ONE

#### PRELIMINARY PROVISIONS

Short title and commencement date.

1. These Regulations may be cited as the Timber Cargo Regulations, 2018, and shall come into operation on such date 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;

"Administration" means the Government of the State whose flag the ship is flying;

"shipper" means any person who offers goods for carriage by sea, and includes any person who arranges for the carriage of goods by sea on behalf of any other person;

"superstructure" means a decked structure on the freeboard deck, extending from side to side of the ship or with the side plating not being inboard of the shell plating more than 4 per cent of the breadth (B). A raised quarterdeck is regarded as a superstructure;

"timber" means sawn wood or lumber, cants, logs, poles, pulpwood, and all other types of timber in loose or packaged forms but does not include wood pulp or other similar cargo; and

"timber deck cargo" means a cargo of timber carried on an uncovered part of a freeboard or superstructure deck but does not include wood pulp or similar cargo.

Application

3. These Regulations shall apply to ships of 24 meters or more in length carrying timber deck cargo.

Objectives

4. These Regulations are made for the purpose of giving effect to paragraph 2 of Article 6 of the Load Line Convention.

**PART TWO**  
**REQUIREMENTS FOR SHIPS CARRYING TIMBER**

Cargo Information

5.-(1) Prior to loading the vessel, the shipper shall provide the master or his representative with appropriate information on the cargo sufficiently to enable the precautions which may be necessary for proper stowage and safe carriage of the cargo to be put into effect.

(2) The master of the vessel shall study the relevant cargo information and take the precautions necessary for proper stowage, securing and safe carriage of the cargo.

(3) The information provided shall be confirmed in writing and by appropriate shipping documents prior to loading the cargo on board ships.

(4) The cargo information required under sub-regulation (1) of this regulation, shall include:

- (a) a general description of the cargo;
- (b) the gross mass or cargo units of the cargo; and
- (c) any relevant special properties of the cargo.

(5) Prior to loading cargo units on board ships, the shipper shall ensure that the gross mass of such units is in accordance with the gross mass declared on the shipping documents.

Pre-loading  
Precaution

6. Before timber cargo is loaded on any area of the weather deck, the shipper or the master shall ensure the following:

- (a) hatch covers and other openings to spaces below that area are securely closed and battened down;
- (b) air pipes and ventilators are effectively protected and check-valves or similar devices are examined to ascertain their effectiveness against the entry of water;
- (c) objects which might obstruct cargo stowage on deck are removed and safely secured in places appropriate for storage;
- (d) the condition of friction-enhancing arrangements, where fitted, are checked;

- (e) accumulations of ice and snow on such area are removed;
- (f) it is normally preferable to have all deck lashings, uprights, etc., readily available before loading on that specific area; and
- (g) all sounding pipes on the deck are reviewed and arrangements made that access to these remain as far as practicable.

Inspection before sailing

**7.**-(1) A master shall ensure that upon completion of loading, and before sailing, a thorough inspection of the ship is carried out.

(2) A master shall ensure that soundings are checked to verify that no structural damage has occurred which may cause an ingress of water.

Permitted loading weights on decks and hatch covers

**8.**-(1) The hatch cover securing and support arrangements, chocks and coamings shall be designed and reinforced as necessary for carriage of timber deck cargoes.

(2) Notwithstanding, sub regulation (1) of this regulation, potential weight increase of timber deck cargoes due to water absorption and icing shall be taken under consideration.

(3) The master shall ensure that care is taken not to exceed the designed maximum permissible loads on weather deck and hatch covers during any stage of the voyage.

Height of the timber

**9.** The master shall ensure that the height of the timber deck cargo restricted so that:

- (a) an adequate visibility is assured;
- (b) a safe margin of stability is maintained at all stages of the voyage;
- (c) any forward-facing profile does not present overhanging shoulders to a head sea; and
- (d) the weight of the timber deck cargo does not exceed the designed maximum permissible load on the weather deck and hatches.

Access for the crew

**10.** Where the timber deck cargo occupies the whole or substantially the whole of the uncovered space on the deck of a ship, means of access for the crew between their quarters and the machinery spaces and other parts of the ship used in the working of

the ship shall be provided in the form of a walkway fitted over the timber deck cargo.

Stowage and securing

**11.** The owner of the ship or the master shall ensure that:

- (a) timber deck cargo is compactly stowed and secured throughout its length by a system of overall lashings of adequate strength to ensure that, as far as practicable, there shall be no movement of such cargo relative to a ship in the worst sea and weather conditions which may normally be expected on a particular voyage;
- (b) efficient arrangements for the release of such lashings and of other fittings used in conjunction therewith is provided and be situated so as to be readily accessible at all times.

Securing of special timber

**12.**-(1) If the nature of the timber is such that uprights are necessary in order to comply with the requirements of these Regulations uprights shall be fitted which are of sufficient strength.

(2) Uprights shall be secured in position by suitable angles or metal sockets or by other suitable means and shall be spaced so as to provide efficient support taking into account the nature and length of the timber,

Provided that the space between any two uprights fore and after shall not exceed three metres.

Timber stowed between superstructures

**13.**-(1) Timber deck cargo stowed in any well between superstructures shall be stowed so as to extend solidly over the entire available length of the well to a height of not less than the standard height of a superstructure other than a raised quarter deck.

(2) Timber cargo stowed in a position having a limiting superstructure at the forward end but no such superstructure at the after end shall be stowed so as to extend over the entire available length between such superstructure and the after end of the after most hatchway, in the manner and to the height specified in sub-regulation (1) of this regulation.

Lashings

**14.**-(1) Timber cargo shall be efficiently secured throughout its length by independent overall lashings spaced not more than three metres apart.

(2) Eye plates for such lashings shall be efficiently attached to the sheer strake or to the deck stringer plate at intervals of not more than three metres.

(3) The distance from an end bulk-head of a superstructure to the first eye plate shall be not more than two metres.

(4) Where there is no bulkhead, eye plates and lashings shall be provided at distances of 0.6 metres and 1.5 metres from each end of the timber deck cargo.

(5) Lashings mentioned in sub-regulation (1) of this regulation, shall be of not less than 19 millimetres close link chain or of flexible wire rope of equivalent strength, fitted with slip hooks and turnbuckles position so as to be accessible at all times.

(6) Any such lashings which are made of wire rope shall have a length of long link chain sufficient to permit the length of the lashings to be regulated.

(7) When timber in a timber deck cargo is in lengths less than 3.6 metres either the spacing of the lashings mentioned in sub-regulation (1) of this regulation shall be reduced or suitable provision shall be made to suit the length of the timber.

### **PART THREE**

#### **WORK SAFETY AND ENVIRONMENT ASPECTS**

##### **Obstruction**

**14.**-(1) Any obstruction, such as lashings or securing points in the access way of escape routes and spaces essential to operation of the vessel, such as machinery spaces and crew's quarters and obstructions to safety equipment, fire-fighting equipment and sounding pipes, shall be clearly marked.

(2) In no case shall an obstruction prevent safe access or egress of escape arrangements and spaces.

##### **Personnel Safety Equipment**

**16.**-(1) A master or ship owner shall ensure that personnel wear safety helmets, proper footwear and non-obstructive high visibility garments are provided to the ship personnel during work on deck.

(2) Ship personnel shall wear safety helmets, proper footwear and non-obstructive high visibility garments during work on deck.

(3) Personnel safety equipment referred to in sub-regulation (1) of this regulation shall be kept in an easily accessible place.

check and re-tight of lashings

**17.** When lashings need to be checked and or retightened during voyage, the master shall take appropriate actions to reduce the motion of the vessel during such operation.

Ships marked Timber load line

**18.** Ships assigned and making use of their timber load line shall comply with International Load Lines Regulations.

#### **PART FOUR OFFENSES AND PENALTIES**

Failure to provide cargo information

**19.**-(1) Any person who-

- (a) fails to provide appropriate cargo information as required by these Regulations;
- (b) furnishes cargo information that he knows to be false;
- (c) recklessly furnishes cargo information that is false; or
- (d) fails to provide personnel safety equipment,

commits an offence.

(2) Every owner or master who accepts carriage, takes or receives on board, any cargo for which appropriate cargo information is required by these Regulations has not been furnished commits an offence.

(3) Any person who is convicted for an offence under sub-regulations (1) and (2) shall be liable to a fine as prescribed in sub-section 256(6) of the Act.

General penalty

**20.** Any owner, master of a ship or person who contravenes any provisions of these Regulations which penalty is not provided commits an offence and upon conviction shall be liable to a fine as prescribed in section 256(6) of the Act.

Compounding of offence

**21.**-(1) Notwithstanding any other law, where a ship or master violates any provision of these Regulation, the Authority 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 Authority 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 12 this day of February, 2019.

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