

THE UNITED REPUBLIC OF TANZANIA



For Competitive, Efficient, Quality and Safe Transport Services

Surface and Marine Transport Regulatory Authority  
Mamlaka ya Udhhibiti Usafiri wa Nchi Kavu na Majini

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***MERCHANT SHIPPING NOTICE***

**MSN 0307**

**Merchant Shipping Statutory Instruments Currently in Force**

*This notice is hereby issued to all ship owners, Ship Masters and Officers, Harbour Masters, Shipping Agents and the public on the efficient implementation of the provisions of the Merchant Shipping Act, 2003.*

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**1.0 Introduction**

The Merchant Shipping Act, 2003 came into force on 26 March 2004. In order to facilitate the efficient implementation of the provisions of the Act, the Minister responsible for shipping has made eight sets of Regulations which are currently in force.

**2.0 Statutory instruments in force**

The following legal instruments are currently in force in Tanzania.

**2.1 *The Merchant Shipping Act, 2003.***

This Act aims to:

- Provide for the registration and licensing of ships.
- Regulate proprietary interests in ships and the terms of engagement of seafarers and matters ancillary thereto;

- Provide for the prevention of collision at sea, the safety of navigation and of life at sea, the Regulation of load lines, the carriage of bulk and dangerous cargoes, unsafe ships, inland waterways, passenger ships, wreck and salvage, the liability of ship owners and other enquiries and investigations into maritime casualties.
- Provide for the pollution prevention and protection of the marine environment and marine security;
- Consolidate the law relating to shipping and for connected matters.

## ***2.2 The Merchant Shipping (Small Ships, Local Cargo Ship Safety, Small Ship Safety, Surveys and Inspections for Vessels Engaged on Local and Coastal Voyages, Inland Waters) Regulations, 2006***

2.2.1 These Regulations apply to vessels serving in inland waterways, and near coastal waters of 4m and above in length including foreign vessels licensed to engage in the local trade in Tanzanian waters.

2.2.2 The Regulations set standards and requirements for:

- The carriage of passengers
- Reporting of casualties and incidents
- Vessel design, construction equipment and maintenance
- Certification and surveys of vessels
- Freeboard and stability
- Machinery and bilge pumping arrangements
- Electrical installations
- Fire protection
- Life saving arrangements and appliances
- Communications equipment
- Safety of navigation
- Health and safety in the crews accommodation and working stations
- Carriage of cargoes and dangerous goods
- Certificates of competency and manning of vessels
- Pollution prevention
- Fishing vessels (special requirements)

### ***2.3 The Merchant Shipping (Tonnage) Regulations, 2005***

2.3.1 These Regulations apply to vessels of any length registered or licensed in Tanzania. These Regulations may in special circumstances apply to foreign vessel if so requested by the flag state of the ship.

2.3.2 The Tonnage Regulations set standards and requirements for:

- Giving effect to the International Convention on Tonnage Measurement of Ships 1969.
- Application, ascertainment of tonnage of Tanzanian ships of 24 metres in length and over
- Application, ascertainment of tonnage and certification for Tanzanian ships of less than 24 metres in length, other than fishing vessels
- Ascertainment of tonnage and certification of non Tanzanian ships.

### ***2.4 The Merchant Shipping (International Safety Management (ISM Code) Regulations, 2005.***

2.4.1 These Regulations apply to Tanzanian ships whenever they may be and to other ships while they are within Tanzanian waters. The regulations also apply to Companies operating ships to which the Regulations apply. These Regulations cover passenger ships, tankers, bulk carriers, cargo high-speed craft of 500 tons or more which engage in international voyages, and other cargo ships and mobile offshore drilling units of 500 tons or more which engage in international voyage.

### ***2.5 The Merchant Shipping (Registration and licensing of vessels) Regulations, 2005***

2.5.1 These Regulations provide for the registration and licensing of merchant ships, fishing vessels and small craft in accordance with the merchant shipping act, 2003.

- 2.5.2 The regulation determines who are qualified to register, license such vessels in Tanzania.
- 2.5.3 The regulation provides for method of application and removal of registration, and for registration of transfer and mortgages. They lay down requirements as to naming, measurement and marking. They provide for refusal or termination of registration in certain cases; and for provisional registration.
- 2.5.4 There are transitional provisions providing for the continued validity of existing certificates up to 31<sup>st</sup> November 2009 as appropriate.

## ***2.6 The Merchant Shipping (Medical Examination) Regulations, 2005***

- 2.6.1 These Regulations apply to Tanzanian ships wherever they may be and to sea going ships, other than Tanzanian ships, when they are in a Tanzanian port or Tanzanian waters.
- 2.6.2 Every candidate for and a holder of a Tanzanian certificate issued under the requirements of the International Convention on the Training Certification and Watchkeeping for Seafarers, 1978 as amended shall also hold a valid medical certificate, irrespective of the size of the ship on which he is working or on which he intends to work.
- 2.6.3 The Regulations:
- Prohibit the employment of seafarers in a Tanzanian ship unless they hold valid medical fitness certificates.
  - Provide for the issue of medical fitness certificates on payment of the prescribed fee, by the medical practitioner approved by the Surface and Marine Transport Regulatory Authority (SUMATRA).
  - Provide for the period of validity of medical fitness certificates, for the suspension or cancellation of certificates in specified circumstances and for the review of a refusal of a medical fitness certificate, or the suspension or cancellation of a

certificate by a medical referee appointed by the Registrar of Ships.

## ***2.7 The Merchant Shipping (Training, Certification and Manning) Regulations, 2005***

2.7.1 The Regulations apply to every ship registered or licensed in Tanzania, or required to be so registered or licensed except.

- Warships, naval auxiliaries or other ships owned or operated by the State and engaged only on government non-commercial service.
- Ships not propelled by mechanical means, wooden ships of primitive build
- Primitive fishing vessels
- Ships engaged on near coastal voyages.

2.6.4 These Regulations give effect to the International Convention on Standards of Training Certification and Watchkeeping (STCW) for Seafarers, 1978 as amended.

2.6.5 The Regulations define the responsibility of Companies, masters and others responsible for the operation of ships in relation to the certification and training of the seamen working on their ships, the availability of relevant documentation and the provision of instructions on familiarization of seamen who are newly appointed to their ships.

2.6.6 Provision is made for ships to carry Safe Manning Document.

2.6.7 Provision is made requiring the master to ensure that watch keeping arrangements on the ship both at sea and in port are adequate and take account of the relevant parts of the STCW Code.

2.6.8 Other provisions deal with the carriage of documents on board ship, the inspection non-Tanzanian ships and the power to detain Tanzanian ship and non Tanzanian ship that there are any contraventions of these Regulations.

2.6.9 The Regulations set out a certification structure for Merchant ship officers which reflect the requirements of the STCW Convention.

2.6.10 Provision is made for the Registrar of Ships to recognize certificates issued by the authorities of other countries, which are Parties to the STCW Convention.

2.6.11 Provision is made for the accreditation of training institutions and programs by the Registrar of Ships.

## **2.7 *The Merchant Shipping (Fees) Regulations, 2005***

2.7.1 These Regulations came into force on 23 September 2005.

2.7.2 These Regulations provide for a structure of fees payable for services pursuant to sections 307 and 422 of the Merchant Shipping Act, 2003.

2.7.3 These Regulations prescribe the fees payable to SUMATRA for:

- (i) The issue of certificates of registration and licenses
- (ii) Expenses incurred by the Receiver of Wrecks in performing his duties.
- (iii) The issue or recording in pursuance of the Merchant Shipping Act, 2003 of any certificate, license or other document
- (iv) Doing any thing in pursuance of the Merchant Shipping Act, 2003.

## **2.8 *The Merchant Shipping (Ship and Port Facility Security) Regulations, 2004.***

2.8.1 These Regulations came into force on 18 June, 2004 and applies to:

- (i) Ships engaged on international voyages and offshore drilling units.
- (ii) Port facilities serving such ships engaged on international voyages.
- (iii) Other port facility specified in a Notice by the Minister responsible for shipping

- (iv) Ships not engaged on international voyages, but may, occasionally be required to serve ships arriving or departing on international voyages.
  - (v) Ships engaged on domestic voyages frequently carrying foreign passengers.
- 2.8.2 These Regulations give effect to Chapter X1-2 of the International Convention for the Safety of Life at Sea 1974 as amended and to the International ship and Port facility Security (ISPS) Code.
- 2.8.3 The Regulations set out offences and penalties for any contraventions of the provisions of these Regulations.

### **3.0 Guidance**

- 3.1 Ship owners and/ or masters are required to ensure that copies of the appropriate statutory instruments are available on board ships and that they are read to ensure thorough understanding of the provisions of the Act and Regulations.
- 3.2 Copies of the Merchant Shipping Act, 2003 and the Regulations in force may be obtained from the Government printers/ bookshop.

### **More Information**

Registrar of Ships

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