## SUBSIDIARY LEGISLATION

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### THE TANZANIA HARBOURS REGULATIONS, 1991 ARRANGEMENT OF REGULATIONS

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#### REGULATIONS

Made under Section 73(1)

THE TANZANIA HARBOURS REGULATIONS, 1991

#### PART I

#### PRELIMINARY

1.—(1) These Regulations may be cited as the Tanzania Harbours Regulations, 1990.

Title and application

(2) These Regulations shall apply to harbours specified in parts I and II of the Tanzania Harbours Authority Act, 1977.

Act 1977 No. 11

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

"accepted by the Authority" means accepted by the Authority as defined in section 2(2)(d) of the Act.

"the Authority" means the Tanzania Harbours Authority;

"animals" means animate things of every kind except human beings;

"authorised place" means any slipway, boat repair or lighterage repair workshop, slipway or yard, approved by the management for the purposes of these Regulations; The "Act" means the Tanzania Harbours Authority Act, 1977

"certificate of competency" means a certificate issued under and in accordance with the provisions of the Merchant Shipping Act, 1967;

Act. 1967 No.43

"Licence" means a licence issued under and in accordance with the provisions of these Regulations to the Master, Mate and Engineer of a Harbour Craft.

"charges" means all sums received or receivable, charged or chargeable for, or in respect of any ship or harbour or the handling or ware housing of goods by the Authority or for, or in respect of any other service performed or facilities provided by the Authority;

"costing ship" or "coasting steamship" means respectively a ship or steamship trading anywhere between the limits of the Eastern Africa Trading Area, that is to say any location on the coast of Tanzania and in the Mozambique channel bounded by a line through the Southern most points of Mazambique and Madagascar and a line from Mombasa to a point 11° S, 44° E near Comoro and from there by the Parallel Circle 11° S to the Meridian 50° E; and the near coastal areas of Kenya, Somali South of Mogadishu and the eastern side of Madagascar with 15 nautical miles from land. All other ships or steamships shall be deemed to be foreign going ships or steamships.

"container terminal" means a berth specially designated for the handling of cargo containers which are loaded on or discharged from vessels specially designed or converted for that purpose. Merchant Shipping (Certification of Marine Officers) Regulations 1981 G.N. No. 130/1981 "documents" includes the shipping documents in respect of the cargo concerned concerned, completed and stamped by the Customs; the Customs Entry: the release of the concerned of the customs of the customs. Entry; the released bill of lading or shipping company's delivery order, the shipping conductor as may be the shipping order; the declaration and disposal order as may be modified from time to time.

"Director General" means the person for the time being performing the

duties of Director General of the Authority.

"dhow" includes traditional vessels, schooners, whether fitted with auxillary engines or otherwise, and self-propelled vessels of not more than 125 net registered tons or of 38.5m (125 feet) overall length, whichever is the greater which trade exclusively within the Eastern African Trading Area, that is to say, any location on the coast of Tanzania and in the Mozambique channel bounded by a line through the southern most points of Mozambique and Madagascar and a line from Mombasa to point 11° S, 44° E near Comoro and from there by the Parallel Circle 11° S to the Meridian 50° E; and the near coastal areas of Kenya, Somalia south of Mogadishu and the eastern side of Madagascar within 15 nautical miles from land; all other dhows, shall be deemed to be foreign-going ships.

Act No. 12 of 1877

- "exempted ship" means any ship exempted from compulsory pilotage under section 17(2) of the Tanzania Harbours Authority Act, 1977.
- "explosive" means:-
  - (a) gunpowder, nitro-glycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals, coloured fires and every other substances, whether similar to those herein mentioned or not which are used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect;
  - (b) Any fuse, rocket, detonator, catridge, and every adaptation or preparation of any explosive as herein defined:
  - (c) Any other substance declared to be explosive under the provisions of any law for the time being in force in the United Republic of Tanzania.
- "fairway" means the whole of the navigable channel or channels of any harbour.
- "ferry" means any vessel plying from one side of a water way to the other for the purpose of the carriage of goods or passengers.
- "fireworks" includes all signalling rockets and other pyrotechnic articles commonly used in connection with signalling or life-saving.
- "foreshore" means the seashore between high-water mark and low-water mark.
- "harbour limits" means the area with the limits of any harbour as may be defined by an Order made under Section 16 of the Tanzania Harbours Authority Act, 1977 and in addition to such areas, includes in relation to:-

#### (a) Bagamoyo:

The Port of Bagamoyo includes all the waters enclosed by an imaginary line drawn from Ras Nunge to the Western extremity of Mbwakuni Island along its south shore to its eastern extremity and from hence to Ras Mbegani and the shore at high water mark in ordinary spring tides between those points.

### (b) Dar es Salaam:

The port of Dar es Salaam includes all tidal waters enclosed by a boundary which commencing at the high water mark point south East of Ras Korongo (a point approximately 6 miles East of the City of Dar es Salaam) follows a straight line due North to the West tip of Outer Sinda Island, thence a straight line to the Southern point of Mbudya Island, thence south of the entrance to mto eremji, thence following the high water mark around Msasani Bay, Dar es Salaam Inner Harbour to the first point due South of Sinda Island. The Inner Harbour shall mean all waters inside a straight line joining East and West Ferry point.

#### (c) Kilwa Kivinje:

The Port of Kilwa Kivinje includes all the tidal waters enclosed by an imaginary line drawn from Ras Miramba 090°(T) to the meridian of 39° 30′ E from thence northward parallel of Lat 80° 40′S, thence 270°(T) to the mainland and the shore at high water at ordinary spring tide between these points.

### (d) Kilwa Kisiwani (Kilwa Masoko):

Includes all waters to the high water mark enclosed by an imaginary line drawn from Rukyira Spit Isle South to Ras Luchangamra.

### (e) Kilindoni (Mafia):

Includes all the tidal waters enclosed by an imaginary 3 Nautical Line circle, centred on the Kilindoni Customs House.

### (f) Kwale:

The Port of Kwale includes all the tidal waters within three nautical miles of the coast of the island of Kwale.

### (g) Lindi:

The Port of Lindi includes all the tidal waters enclosed by an imaginary line from Ras Mongo to Ras Nongerungo and the shore at high water mark between these points. The Inner Harbour shall mean the waters enclosed by a line from Ras Rungi to Red Cliff.

### (h) Mtwara and Mikindani:

The Ports of Mtwara and Mikindani includes all the tidal waters south of a line drawn 270°(T) from the northern tip of Ras Msangamkuu till it meets the Western shore of Mikindani Bay.

(i) Pangani:

The Port of Pangani includes all the tidal waters enclosed by an imaginary the mainland imaginary line drawn from Kikongwe 030°(T) to the mainland and the shore at his and the shore at high water mark between these points.

(j) Tanga:

The Port of Tanga includes all the tidal waters enclosed by a boundary commencing at the high water mark at Ras Kwawa following a line and the high water mark at Ras Kwawa following a line drawn 090°(T) to the meridian of 39° 15'E long thence 180 to the thence 180 to the parallel of 05° 05'S Lat. thence 270°(T) to the mainland at high water mark thence in a northerly direction following the high water mark around Tanga Bay to Ras Congoliani, thence in a north easterly direction following the high water mark to the said Ras Kwawa.

Where the delimitation of a port or harbour set out in the second schedule to the Tanzania Harbours Authority Act, 1977, is not expressly given in these Regulations but such port or harbour is, directly or on an agency basis, under the administration of the Tanzania Harbours Authority, then that delimitation shall be as the Presidential Order may of a specific purpose or otherwise determine.

"harbour area" means the area within the limits of any harbour as defined by an order made under section 16 of the Tanzania Harbours Authority Act, 1977.

- (a) Dar es Salaam-enclosed wharf area and water front from the new dhow terminal to THA dock yard inclusive.
- (b) Tanga—the enclosed wharf area and water-front
- (c) Kilwa-Kivinje Mafia—Kilindoni -Kilwa-Kisiwani Bagamoyo Pangani Lindi
- (d) Mikindani The area enclosed by fencing including Mikindani pier, the water-front Mitego situated east of Mikindani pier.
- The enclosed area and water-front; including the (e) Mtwara dhow, pier at Shangani with the sheds and area enclosed within the boundary fence.

"harbour baggage attendant" means any person who personally and for gain attends on any passenger for the purpose of assisting him in connection with baggage formalities of the harbour or who personally and for gain in any way controls any motor boat or row boat for the purpose of transporting passengers' baggage to or from a ship lying at anchor in the stream.

- "hatch" means an opening in a deck used for purposes of loading/discharging or for ventilation.
- "hatchway" means the whole space within the square of the hatch, from the top deck to the bottom of the hold.
- "lifting machinery" means cranes, winches, hawsers, derrick booms, derrick and mast bands, goose necks, eyebolts, and all other permanent attachments to the masts and decks used in hoisting or lowering in connection with the processes.
- "Management" means and includes the person entrusted with the management or supervision of harbour to which the Tanzania Harbours Authority Act, 1977, applies and the person from time to time appointed by the Authority by whatever name he may be called to perform the duties of Port Manager therein, and the deputies or assistants of every such person.
- "master" when used in relation to any ship means any person (other than a pilot) having for the time being command or charge of such ship.
- "passenger" means any person carried on a ship other than:—
  the master or an apprentice or a member of the crew or a person
  employed or engaged in any capacity on board the ship on the business
  of the ship; a child under one year of age; or a person carried on the
  ship in pursuance of the obligation laid upon the master of any circumstances which neither the master nor the owner nor the charterr,
  if any, could have prevented or forestalled.
- "passenger baggage" means packages containing the ordinary personal effects of the passenger, including pedal bicycles, perambulators, and the like, but does not extend to merchandise, provisions (other than food taken on board dhows and steamships by deck passengers for consumption during the voyage), wines, spirits, furniture. vehicles and the like.
- "peri-harbour area" means an area immediately adjacent to any harbour area as may be specified in any Presidential Order issued under section 16 (2) of the Tanzania Harbours Authority Act, 1977.
- "person employed" means a person employed in processes.
- "petroleum ship" means any ship having or loading or having had on board or about to take on board, any petroleum spirit including turpentine.
- "pilot" means any person not belonging to a ship who has the conduct thereof.
- "premises of the Authority" means premises vested in or placed at the disposal of the Authority for the purposes of the Authority.
- "prescribed" means prescribed by the Authority.

- "processes" means the processes mentioned in Regulation 168 hereof of any one of them.
- "pulley block" means pulley, block, gin and similar gear, other than crane block specially constructed for use with crane to which it is permanently attached.
- "ship" includes any vessel, tug, lighter or boat of any kind whatsoever, whether propelled by steam or otherwise or towed.
- "small craft" means any Tug launch, barge, lighter, rowing boat, sailling boat, or similar craft not included in the defination of a "traditional vessel" and less than 25 net register tons for registration purposes, or less than 50 gross register tons for manning purposes.
- "special cargo" means cargo consigned to a Government of any state for use by any of its security organs, the handling and delivery of such cargo being subject to such special conditions as may from time to time be specified by the management.
- "steamship" includes any mechanically propelled ship.
- "Tariff" means the Tariff of Harbour Dues and Charges prescribed under the provisions of the Tanzania Harbours Authority Act, 1977.
- "traditional vessel" means any vessel which being under 200 tons gross either:—
  - (a) presents the outward appearance of traditional build or rig; or
  - (b) presents the outward appearance of traditional build or rig and is manned by a crew of whom the Captain and the majority of the seamen belong to one of the countries of the coast of the Indian Ocean, Red Sea or the Persian Gulf.
- "harbour craft" means, a craft whose Master, Mate or Engineer does not require to hold a certificate of competency but a Licence issued by Management in accordance with these Regulations.
- "transit area" means any place or area within a harbour area which is designated by the management as a transit area.
- "warehouse" includes any building, place, wagon, container, ship or vehicle used by the Authority for the purpose of ware-housing or depositing goods.
- "I.M.D.G. Code" means, the International Maritime Dangerous Goods Code as amended from time to time.
- "Compulsory pilotage limits" means and includes in relation to:—
  Dar es Salaam: An imaginary line drawn 270°(T) from Makatumbe
  Light House. Vessels destined for the Mjimwema SPM Terminal must
  await a Pilot North of an imaginary line drawn from Makatumbe Light
  House to the West Tip of outer Sinda Island.

Mtwara

An imaginary line drawn from Msangamkuu 270°(T) to the West Shore of Mikindani Bay.

Tanga

An imaginary Line drawn North from Raskazoni to Kwawa Reef Beacon. Vessels destined for the Tanga Fertilizer Jetty must await a pilot at East of imaginary line 180°(T) from Ulenge Reef Beacon.

"compulsory pilotage area"

Means the navigable water enclosed within the compulsory pilotage limit.

#### PART II

#### PILOTAGE

- 3.—(1) The master of any ship (other than an exempted ship) shall not cause or permit his ship to enter, leave or be moored in any compulsory pilotage area without having on board a pilot appointed by the Management.
- (2) If any ship (other than exempted ship), in circumstances in which pilotage is compusory is not under pilotage as required by these regulations the master of the ship shall be guilty of an offence.
- (3) When two or more ships are approaching the compulsory pilotage limits, the pilot boat shall indicate the number of pilots she has on board by Aldis lamp or radio. This is to be taken as an additional warning that a ship for which a pilot is not available is to remain outside the limits prescribed in Regulation 5, 6 and 7 of these Regualtions.
- (4) The Director General may designate if he deems it necessary other areas within the harbour limits as compulsory pilotage areas.
- 4.—(1) When in any particular case a ship is exempted from compulsory pilotage, a certificate of exemption shall on payment of the prescribed fee, be issued by the Management to the master of the ship concerned and, unless suspected or revoked or unless the master of the ship relinguishes command of such ship, shall remain in force for a period of 12 months from the date of issue:

Certificate of compulsory pilotage

Provided that a ship may on a signal or special occasion be exempted from compulsory pilotage without issuing a certificate of exemption.

- (2) The master of the ship to whom a certificate of exemption has been accorded under this regulation shall return the certificate to the Management on relinguishing command of the ship in respect of which the same was accorded.
- 5. A ship shall have between 3 and 5 knots headway when embarking a pilot, and shall make a good lee for the operation.

Ship's speed when embarking pilot.

Pilotage at Dar es Salaam 6. Every ship, other than an exempted ship, arriving off Dar es Salaam Harbour shall await the arrival of the pilot launch at the outer anchorage and shall, if necessary, anchor clear of the leading marks. Instructions shall be communicated by VHF radio or by signal from the Signal Station or by any other appropriate means of communication.

Pilotage at Tanga and Mtwara-

- 7.—(1) Every ship, other than an exempted ship, arriving off Tanga Harbour shall await the arrival of the pilot launch at the outer anchorage and shall, if necessary, anchor clear of the leading marks. Instructions will be communicated by VHF radio or by signal from the Signal station or by any other appropriate means of communication.
- (2) In case of a ship, other than an exempted ship, arriving off Mtwara Harbour shall await the arrival of the Pilot launch at the outer anchorage and shall if necessary, anchor clear of the leading marks. Instructions will be communicated by VHF Radio or by signal from Signal Station or by other appropriate means of communication.

Approaching and boarding of Pilot

- 8.—(1) Masters shall, in order to avoid delay or accident, take the way off their ships when the pilot launch is approaching.
  - (2) All pilot ladders shall comply with the following requirements:—
  - (a) The ladder shall be kept clean and in good order and for use only by officials and other persons while a ship is arriving or leaving a port, and for the embarkation and disembarkation of pilots.
  - (b) The ladder shall be secured in a position that each step rests firmly against the ship's side and so that the person using it can gain safe and convenient access to the ship after climbing not less than 1.5 metres (or 5 feet) and not more than 9 metres (or 30 feet). A single length of pilot ladder shall be capable of reaching the water from the point of access to the ship and due allowance shall be made for all conditions of loading and trim of the ship.
  - (c) The treads of the ladder shall be not less than 19 inches (or 48 centimetres) long, 4½ inches (or 11.4 centimetres) wide and 1 inch (or 2.5 centimetres) in depth. Steps shall be joined in such manner as will provide a ladder of adequate strength whose treads are maintained in a horizontal position and not less than 12 inches (or 30.5 centimetres) of more than 15 inches (or 39 centimetres) apart.
  - (d) Two man-ropes properly secure, and a safety line shall be available and ready for use if required.
  - (e) Arrangements shall be such that:-
    - (i) the rigging of the ladder and the embarkation and disembarkation of a pilot is supervised by a responsible officer of the ship;

- (ii) handholds are provided to assist the pilot to pass safely and conveniently from the head of the ladder into the ship or on to the ship's deck.
- (f) If necessary spreaders shall be provided at such intervals as will prevent the ladder from twisting;
- (g) At night a light shining overside shall be available and used and the deck at the position where the pilot boards the ship shall be adequately lit; and
- (h) Ships with rubbing bands or other ships whose construction makes it impossible to comply fully with the provision that the ladder shall be secured at a place where each step will rest firmly against the ship's side shall comply with this provision as closely as possible.
- (3) Ships shall have a boat rope ready rigged from the break of the forecastle to abaft the bridge.
- 9. A vessel, the master of which is exempted from pilotage, shall show the following signals when entering and leaving any harbour:—

(a) By day, the International flag "H" hoisted at the dip. In the case of small craft, hoisted as high as possible.

(b) by night, three lights visible all round the horizon hoisted in a vertical line six feet apart where they can best be seen, the upper light red and the two lower ones white. In the case of small craft, the lights shall, if the six-foot spacing is impracticable, be as far apart as possible.

Signals to be shown by exempted vessel

10. No person other than a duly appointed pilot or an emergency pilot appointed by the Authority under the provisions of regulation 11 of these Regulations shall offer his services as a pilot.

Pilots to be duly appointed

11. The Authority may as a temporary and emergency measure in case of shortage of staff through sickness or other causes, authorize a person other than a duly appointed pilot to pilot ships.

Emergency pilots

12. Before any person, other than a person already appointed prior to the coming into operation of these Regulations, is appointed a pilot, he shall fulfil the following conditions:—

Qualifications of pilots

- (a) a candidate for appointment as pilot must be a person not less than twenty-five nor more than forty nine years of age and must produce certificates of ability and general fitness for such an appointment, including a medical certificate that he is in good health and not afflicted with any bodily infirmity rendering him unfit for the duties of a pilot. He shall also satisfy the management as to his knowledge of seamanship;
- (b) no candidate shall be eligible for appointment as pilot unless he holds at least a Deck Officer Class 2 Certificate of Competency, preferably with Master Endorsement.

(c) no candidate shall be eligible for appointment as pilot unless he holds at least Deck Officer Class 3 Certificate of Compentency, provided that holders of Class 3 Certificate shall not pilot vessels of more that 500 Gross Registered Tonnage.

Pilot flag

13. No person, not being a pilot affoat and on duty, shall hoist a pilot flag (upper half white, lower half red) nor shall the master of any ship allow such flag to be displayed on his ship except by a pilot.

Exempted ship to occupy assigned berth

14. Any exempted ship, not having taken a berth assigned to her by the Management, and which is observed to be foul of or likely to foul any mark, buoy, mooring buoy, or some other ship or vessel due to having made a slack mooring or other cause, may be moved or moored under the direction of a pilot, for which service a prescribed fee shall be charged.

Removal of ships anchored inner in harbour areas and fairways.

- 15.—(1) No ship, traditional vessel or small craft, shall be anchored in any inner harbour area and any fairway of any harbour without the Authority of the Management.
- (2) Any ship, traditional vessel or small craft anchoring in such inner harbour areas and fairways in contravention of this regulation shall pay a penalty not exceeding US \$ 10,000 or its equivalent for Tanzanian registered ship or not exceeding T.Shs. 20,000/- for traditional vessels. In addition the vessel may be liable to be removed under the control of a pilot, for which full pilotage shall be charged and, if the use of tugs is considered necessary by the Management, also towage.
- (3) In the event of a repetition of such anchoring by ship, traditional vessel or small craft it shall be subject to a penalty imposed by Management of not more than US \$ 5,000 or T.Shs. 15,000/- for Tanzanian coastal registered ships or traditional vessels plus the expenses of tug if used.

#### PART III

## SHIPS-REPORTS, MOVEMENTS, BERTHING ETC

Notification of expected arrival of ships.

16. The owners or agents of a ship proposing to call at a harbour shall as early as possible give notice in writing to the Management on the form prescribed in the first Schedule hereto of the expected date and time of arrival of the ship and shall give particulars in such notice of the nature and quantity of cargo to be loaded or discharged and other

Ship's signals entering

- 17. Before entering the harbour every ship shall hoist the following flags:-
  - (a) national colours, which she shall fly from 6 a.m. to 6 p.m.
  - (b) the ship's signal letters;
  - (c) the "Q" flag, International Code shall not be lowered until the Port Health Officer shall have given pratique;

- (d) if carrying passengers, the "T" flag International Code, until notified by an Immigration Officer that the Department's formalities shall have been observed;
- (e) if livestock are to be landed therefrom the "N" flag, International Code:
- (f) if carrying dangerous goods, the "B" flag, International Code;
- (g) Tanzania National Flag from 6.00 a.m. to 6.00 p.m.
- 18. The owners or agents of a ship proposing to leave a harbour shall, within three days after the ship has left supply to the Management on the form prescribed in the second Schedule hereto the particulars required thereon.

Shipping returns

19. The following are the prescribed signals governing entry and departure at the harbours of Dar es Salaam and Tanga. They are exhibited at the places shown on the appropriate charts against the remarks "Harbour Signals (Inward)" or "Harbour Signals (Outwards)":—

Precautions to be observed when entering and leaving Dsm and Tanga Harbours. No details provided on Mtwara

Meaning

Day Signal

Night Signal

Entry prohibited

Black flag

Three red lights disposed vertically

Exit prohibited

One black ball

Three lights disposed vertically, the upper and lower white and the centre red.

At Dar es Salaam distant signals are exhibited in addition to the above consisting of:—

Entry prohibited—Black squire on white background. Exit prohibited —White ball on black background.

20. No person shall attempt to take any ship not having pilot on board:—

- (a) past No. 1 buoy in the entrance to Dar es Salaam Harbour;
- (b) into Tanga Harbour;
  - (c) into Mtwara and (d) into Kilwa Masoko,

in disobedience of the prescribed signal to indicate that entry is prohibited.

Precautions be observed when entering Dar es Salaam, Tanga, Mtwara and Kilwa harbours

Precautions to be observed when leaving Dar es Salaam Tanga, Mtwara or

21. No person shall attempt to take any ship not having a pilot on board out of or leave any anchorage in Dar es Salaam, Tanga, Mtwara or Kilwa Harbours in disobedience of the prescribed signal prohibiting exit.

Speed in harbour

Kilwa harbour

22. All ships shall proceed at a moderate speed within the limits of any harbour.

Due notice of ship's departure to be given 23. The master or agent of a ship shall, at least four hours before the ship leaves give notice thereof to the Management.

Anchours to be in readiness for letting go

- 24.—(1) Every ship entering or leaving a harbour shall have both bow anchors and cables clear and ready for use if required.
- (2) Ships with derricks arriving off harbour shall hoist when the weather permits of this being done.

Port Health Officer 25. All ships entering a harbour shall await the arrival of the Port Health Officer or his representative before having any contact with the shore or with any other ship or boat except the pilot boat or the boat of a Customs Officer.

Immigration formalities

- 26.—(1) After the Port Health Officer has given pratique to a vessel the Immigration Officers may commence their clearance formalities.
- (2) No person shall leave the ship prior to the completion of such clearance formalities except with the permission of an Immigration Officer.
- (3) No person other than a Port Health Officer, a Port Officer, a Customs Officer, an Immigration Officer or an agent of the shipping line to which the ship belongs shall board any ship until the "I" flag is lowered or until permission to do so has been granted by an Immigration Officer.

Customs formalities 27. Until Customs formalities have been completed no person may leave the harbour area except with the express permission in writing granted by a Customs Officer.

Master to deliver particulars of ship, etc 28.—(1) The Master of every ship arriving at a harbour shall at once make, subscribe, and deliver, on the form prescribed in the third Schedule hereto a true statement of the particulars required thereon.

(2) The Master of a ship entering a harbour may be required to produce his ship's registry certificate.

Master responsible for erroneous report

29. The Master shall be responsible for all damages or consequences resulting from any erroneous declaration made by himself or his representatives as to the draught or water.

> Ships tonnage how determined

30. The tonnage of a ship shall be that shown on her certificate of registry. This certificate must be produced at the appointed place when application is made for a Light Dues Certificate.

Anchorfor traditional vessels at D'Salaam

- 31.—(1) All traditional vessels and all small craft excluding small crafts arriving in Dar es Salaam shall anchor for pratique at the coastal anchorage close to the Dhow Wharf without fouling the approach to the Customs Pantoon.
  - (2) While within the harbour limits all such traditional vessels and
- 32. All traditional vessels and small craft arriving in Tanga shall anchor in the lighter moorings, latitude 05.04.1S, longitude 0397LE

small craft shall keep clear of steamships under way.

Anchorage for traditional vessels Tanga

33. All traditional vessels and small craft arriving in Mafia shall anchor at Mafia Harbour.

Anchorfor age traditional vessels Mafia

34. All traditional vessels and all small craft arriving in Kilwa Kisiwani shall anchor at Kilwa Kisiwani Harbour.

Anchorage for traditional vessels Kilwa kisiwani

35. All traditional vessels and small craft arriving in Lindi shall anchor in the traditional vessels' anchorage which is an area between Fungu Mbachiwonaki and the mainland to the west and between Four and Seven Cables south of Lindi pier.

Anchorage for traditional vessels Lindi

36. All traditional vessels and small craft arriving in Mtwara shall anchor or moor at Ras Uchamalelo Jetty.

Anchorage for traditional vessels Mtwara

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Ships to be in harbour in trim and crews in readiness

- 37.—(1) All vessels under way in harbour shall have their booms, derricks, davits and boats swung inboard, gangways inboard or lashed up along the side, porthole windscoops drawn in and projections of any kind rigged in.
- (2) Crew of all vessels shall be in readiness to make fast or to cast off the tug when required, and to moor or unmoor the ship, or for any other purpose connected with the safe navigation of the vessel as the pilot may order.

Ships to be kept fit to be removed

- 38.—(1) Ships entering, leaving or shifting berth within a harbour shall be provided with sufficient hands for the purpose and shall at all times be kept in a fit condition for removal in default of which the work may be performed by the Authority at the ship's risk and expense. No ship shall drop main steam or power without first obtaining permission from the Management.
- (2) Such ships shall be provided with good and sufficient warps to the satisfaction of the management and shall be moored by such mooring lines and no mooring lines may be cast off for any reason unless so ordered or authorised by the Management.
- (3) In case of ships not being suitably found with the necessary gear, mooring lines may, when so ordered by the management, be supplied by the Authority at the expense of the ship.
- (4) The Authority shall not be liable for any damage that may result from the inefficiency of any rope or mooring lines which it may hire to the ship or allow to be used or in connection with any assistance rendered by the Authority to any ship which is entering, shifting berth in, or leaving a harbour or which is subject to the provisions of Regulation 45 of these Regulations.

Management to assign berths and control berthing

- 39.—(1) Every ship shall occupy the berth assigned to her by the Management, whether at a quay or elsewhere, and shall be removed to any other berth which the Management may direct; and generally all masters or persons in charge of any ship shall obey the directions of the Management.
- (2) The Management shall have control of the berthing and mooring arrangements of every ship accommodation at any private wharf or jetty.
- (3) Ships proceeding alongside a quay shall have no list, but shall be trimmed upright.

Unworthy ships may be detained 40. Subject to the Merchant Shipping Act No. 43 of 1967 the Management may on instruction from the Minister, detain a ship which in its made seaworthy.

41. The master of any ship shall not shift or change the berthing assigned to his ship without obtaining the previous sanction of the Management.

Berths not to be changed without authority of Management

42.—(1) Every ship within a harbour shall have sufficient hands on board to attend to her moorings and to cause them to be slackened or hove in as may be necessary. No rope shall be made fast except to dolphins, buoys, mooring posts, and bollards placed for the purpose, and no wire rope may be used unless the bollards and the edge of the coping of the wharf or jetty are protected from chafe to the satisfaction of the Management.

Ship's mooring etc.

- (2) All ships shall anchor, moor and berth to the satisfaction of the Management and shall take such additional precautions in severe weather as may be ordered.
- (3) All ships mooring alongside quays must affix efficient rat guards on every line and wire connected to or reaching the shore.
- 43.—(1) All ships, whether under way or at anchor, shall between the hours of sunset and sunrise, exhibit the lights required by the International Regulations for Preventing Collissions at Sea, 1972.

Lights on ships and collision regulations

- (2) All ships shall fully observe and obey the International Regulations for Preventing Collissions at Sea, 1972 as amended from time to time.
- 44. Every ship in a harbour shall constantly keep watch on open deck by day and night, provided that no person shall be employed for watch purposes without the express permission of the Management.

Watch to be kept aboard

45.—(1) The owner of every ship shall be answerable to the Authority for any damage done to any harbour works, plant, machinery, or other property of the Authority by such ship or by any person employed about the same, and the master or person having charge of such ship through whose wilful act or negligence any such damage is occasioned shal also be liable to make good the same.

Liability for damage in harbours

- (2) The owner or master of a ship navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.
- (3) The Authority may detain any such ship until sufficient security to the satisfaction of the Management has been given for the damage done as aforesaid.

Towage and other facilities

- 46. The Authority shall, subject to the following conditions afford all towage and other tug facilities:-
  - (a) on the employment of tug the master and crew thereof shall become the servants of and be identified with the hire and shall be under the control of the hirer or his servants or agents, and any person on board the hirer's vessel who may be employed and/or paid by the Authority shall be deemed to be the servant of the hirer;
  - (b) the Authority shall not, whilst towing, bear or be liable for damage of any description done by or to the tug, or done by or to hirer's vessel, or for any personal injury or loss of life, arising from any cause, including negligence at any time of the Authority's servants or agents, unseaworthiness, unfitness or breakdown of tug, its machinery, boilers, towing gear, equipment or hawsers, lack of fuel stores or speed, or otherwise, and the hirer shall pay for all loss or damage and personal injury or loss of life and shall also indemnify the Authority against all consequences thereof, and the Authority shall not, whilst at the request expressed or implied of the hirer rendering any service other than towing be held responsible for any damage done to the hirer's vessel and the hirer shall indemnify the Authority against any claim by a third party (other than a member of the crew of the tug) for personal injury or loss of life:

Provided that any such liability for loss or damage as herein prescribed is not caused by want of reasonable care on the part of the Authority to make its tugs seaworthy for the navigation of the tugs during the towing or other services. The burden of proving any failure to exercise such reasonable care shall lie upon the owner of the tow:

- (c) the hirer shall not bear or be liable for any loss or damage of any description done by or to the tug otherwise than whilst towing, as herein defined, or for loss of life or injury to the crew of the tug: Provided that nothing herein contained shall prejudice any claim the Authority may have in law against the hirer;
- (d) the Authority shall not be responsible for the consequences of act of God, war, stirikes, lock-outs, riots civil commotions, disputes or labour disturbances (whether they be parties thereto or not) or anything done in contemplation or furtherance thereof or delays of any description, however caused, including negligence of their servants or agents;
- (e) for the purpose of this Regulation the phrase "whilst towing" shall be deemed to cover the period commencing when the tug is in a position to receive orders direct from the hirer's vessel to pick up ropes or lines or when the towrope has been passed to



(4) The Management may refuse to permit iron and steel bars and pipes and tubes of all kinds to be landed unless the conditions regarding bundling, marking or both such bundling and marking as published in the Press from time to time are complied with. In the event of permission to land being granted no responsibility shall be accepted by the Authority for loss, damage, delay or misdelivery occasioned by non-compliance with the conditions stated above.

Customs

51. A ship shall not break bulk until her cargo has been duly reported at the Customs House or special authority has been obtained from the Commissioner of Customs and sales Tax for breaking bulk or discharge containers in accordance with Customs Laws.

Hatches to be opened ready for work 52. The master shall have all working hatches of a ship about to discharge or receive cargo, opened before the time fixed for discharge or loading to commence.

Master to superintend loading or discharge 53. The master, or some other responsible person appointed by him, shall remain on board his ship whilst loading or discharging cargo for the purpose of superintending such loading or discharge. Any cargo or ship's gear that may be dropped overboard shall at once be reported by the master of the ship to the Management, and shall be recovered immediately by such master, if it is reasonably possible for him to do so. Failing that, it may be recovered by the Authority at the risk and expense of the ship.

Ships to be worked with reasonable despatch

- 54.—(1) If a ship fails to take in or discharge its cargo with such despatch as appears reasonable to the Management, the said ship shall, after written notice has been given by the Management to that effect to the master, lose its turn to take in or discharge its cargo, and, if occupying a quay berth, may be removed from such berth by the Management at the risk and expense of the ship.
- (2) If either the plant or labour for the special purpose of landing, shipping or transhipping any cargo is not fully employed owing to the default of the ship, the expenses incurred thereby shall be paid by the ship.
- (3) The Management may, in the event of any accumulation of goods upon the wharf, jetty or quáy, or in a lighter, or for any cause that may appear reasonable to it, require any ship to suspend, discharge or reduce the rate of discharge of cargo.
- 55.—(1) Work ashore and afloat in connection with the landing, shipping and transhipment of cargo shall only be worked on receipt of a written request from the master of agent of the ship to whom an account for the cost thereof at the rates prescribed in the Tariff shall be rendered by the Management.

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- (2) Work ashore and afloat in connection with the landing shipping and transhipment of cargo during hours other than the regular working hours of a harbour as prescribed from time to time by the Management shall be charged for as overtime.
- 56. Unless otherwise specially agreed upon between the Management and the master or the agent of the ship, the Management shall grant receipts to the master or the agent of the ship, for all cargo received upon discharge of the cargo subject to each item being properly marked and being discharged in an orderly manner, provided that where in the opinion of the Management cargo is of such a nature or is discharged in such a manner as to preclude an accurate tally at the time of discharge, then the receipt shall be granted after sorting and stacking the cargo ashore and only then shall delivery of cargo in each such case be considered to have been made to the Authority.

Receipts for cargo and delivery

57.—(1) All harbour dues and other rates and charges on every vessel shall be paid promptly to the Management at the Port Office, which upon payment thereof, shall issue or endorse, as the case may be, a Combined Light Due Certificate, with which clearance outwards may be obtained; in the absence of such certificate or endorsement, a vessel shall not be allowed to leave the harbour.

Payment of dues, rates and charges

- (2) In the case of ship's agents having credit accounts with the Authority for rates and charges on vessels, a Combined Light Due Certificate or endorsement may be obtained on application to the Management.
- 58. Subject to the provisions of Regulations 56, 60(2)(c) and 220 of these Regulations delivery of cargo shall not be considered to have been made to the Authority until the cargo has been safely landed on the quay or itno lighter and has been removed from the cargo handling gear used in landing the said cargo.

When cargo considered delivered to the Authority

59. Goods for shipment shall, unless mutually agreed upon to the contrary, or unless such goods are declined by the ship as damage or in bad condition, be deemed to have been properly delivered by the Authority to the ship in good order and condition when placed into the cargo handling gear at the ship's side whether on the quay or in lighter.

When cargo considered shipped

- 60.—(1) At any quay, wharf, or jetty where cranes, transporters or other mechanically-operated appliances are provided by the Authority, the master of every ship desiring to discharge or ship goods shall, if required by the Management, use these appliance exclusively for that purpose at the rates prescribed in the Tariff, and subject to the following conditions:—
  - (a) the charge shall commence from the time stated in the requisition, handed in by the master or agent of the ship, or, if the crane, transporter or other appliance is not ready, from such time as it is ready or available. The Authority shall not be responsible for any delay howsoever occasioned which may be due to a crane, transporter, or other appliance not being available;

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- (b) no person obtaining the use of a crane or transporter shall reeve the wire rope of chain under the coamings of the hatches and no cargo shall be dragged from under or across decks by the wire ropes of any such crane, transporter or other appliance;
- which may occur in the working of the cranes, transporters or other appliances unless caused through the negligence of its servants or through defect in the crane, transporter or other appliance, or for the loss or delay caused through failure of any crane, transporter or other appliance or other appliance or other appliance or of the electric power;
- (d) notwithstanding that the cranes, transporter or other appliances are worked by the servants of the Authority a person obtaining the use of cranes, transporters, or other appliances shall be liable for any damage done to such cranes, transporters or other appliances or to the gear in connection therewith, or to any property whatever, while the same are being used by such person, reasonable wear and tear only excepted. Applicants for the use of cranes, transporters or other appliances, for purposes other than the loading of a ship shall be a liable to a penalty of US\$ 2,000 or its equivalent for a Tanzanian Resident in Tanzania for each hoist, whether made or attempted to be made, found to be in excess of the certified lifting capacity of such cranes, transporter or other appliances;
- (e) a person obtaining the use of cranes or transporters shall conform with any reasonable order or condition in regard to the working or stoppage of work of the cranes and transporters which may from time to time be given or imposed by the Management;
- (f) the use of cranes, transporters or other mechanical appliances in the transit sheds and on the stacking grounds shall be paid for by the person requiring the use of same at Tariff rates;
- (g) when the Authority supplies a crane (fixed or floating) for the purpose of lifting heavy weights, being 3 tons or more per piece or package, such lifting will be performed solely upon the condition that no liability whatsoever shall attach to the Authority for any accident or damage howsoever caused to or by any pieces or packages so lifted.
- (2) In addition to the provisions of paragraph (1) of this Regulations the following conditions shall apply to the use of a floating crane:—
  - (a) application for the use of such crane shall be made in duplicate to the Management;

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(b) the control of the navigation of such crane shall at all times rest with the Management who shall place the crane in a suitable position with regard to the requirements of the applicant and supply the requisite fug or tugs for so doing and tug or tugs, when under way, shall be deemed to be the use of the floating crane;

(c) subject to the provisions of regulations 56, 58 and 218 of these Regulations, delivery of any goods or articles handled by such crane shall be deemed to have been made to the Authority when such goods or articles have been landed safely upon a wharf, jetty, quay or railway truck or road vehicle to the satisfaction of the Management:

Provided that the Authority may accept delivery of any goods or articles on the deck of the crane or other craft for the purpose of direct transhipment from one ship to another.

#### PART V

#### SHIPS GENERAL

61.—(1) In the event of a fire accurring on board any ship or traditional vessel in a harbour, the master shall at once give the alarm and take such steps towards the protection of property as the Management may direct.

(2) The alarm signal for ships on fire shall be as follows:—

Ships shall hoist N.Q. of the International Code and at the same time ships sound one long and three short blasts in quick succession on the whistle. The signal N.Q. shall be kept hoisted until the fire on board has been

extinguished.

62. When required by the Management, a ship's or traditional vessel's water-closets and latrines shall be closed during such period as the ship or traditional vessel is in harbour.

Sanitary Management in harbour

63. Any duly authorized servant of the Ministry or the Authority may, in the execution of his duty, at any time whilst a ship is in harbour board such ship and inspect it or any part of it.

Ships to be open for inspection

64. No more than two cargo lighters shall be kept abreast of each hatch on either side of the ship, not more than two such lighters to be made fast in a tier astern; one large pontoon shall be counted as two lighters.

Working of lighters

65. No person shall, except with the permission of the Management, board or leave a ship whilst such ship is in motion; nor shall any person leave or board a ship except by means of the gangway or an efficient pilot ladder.

Boarding or leaving ships

66.—(1) (a) No wire-rope, hemp, rope, dunnage, mats, wood, dirt, ballast, ashes, earth, stone, offal or rubbish of any sort whatsoever shall be thrown or allowed to fall or drift into the water of a harbour. The master or owner of any vessel from which such articles or refuse have

Refuse not to be deposited in a harbour been allowed to fall shall make good all loss, damage, and expense which the Authority may sustain or incur in consequence of dealing with such articles or refuse or in any way incidental to such dealing.

- (b) If any noxious offensive liquid is discharged from any vessel, or from any place on land, into the water or a harbour, then if the discharge is from a vessel, the owner and master of the vessel, or if the discharge is from a place on land, the occupier of that place, shall be guilty of an offence under this Regulation.
- (2) No dead animal shall be thrown into harbour from any ship or traditional vessel or from the shore. Such dead animals, suitably weighted shall be taken five nautical miles outside the harbour limits during ebb tide at the expense of the ship or traditional vessel on board which death took place, or at the expense of the owner if from shore and there thrown into the sea.
- (3) All articles which have accidentally fallen or drifted into the water of a harbour shall be at once recovered by the person concerned, failing which the Authority may recover them at the risk and expense of such person.
- (4) The master of every ship or traditional vessel whilst loading or discharging ballast, coal, cinders, stone or any other loose material, shall cause a canvas, tarpaulin or some other safeguard to be placed in such a manner as to prevent any such material from falling into a harbour.
- 67. No timber shall be permitted to float in a harbour unless previous permission in writing for that purpose has been obtained from the Management and then only subject to the payment of rent at the same rate as if it had been landed, and subject to the further condition that the consignee be responsible for any damage caused by such timber.
- 68. The Management may order the removal from a harbour of any ship or traditional vessel which has on beard cargo or other matter injurious to health or offensive or dangerous in any respect, and such cargo or matter shall be disposed of in such manner as it may direct at the risk and expense of the ship or traditional vessel.
- 69. The Management may, with the consent of the Commissioner of Customs and Sales Tax and after giving at least two hours' notice to the owner or other person entitled to receive the goods, or, if the owner or consignee cannot be found, then without such notice, order the removal and, if necessary, the destruction of any cargo or matter of an offensive nature which may be landed or placed upon the wharves, jetties, or quays, or any other part of the harbour premises. Such removal or destruction shall be at the expense of the consignee or other person concerned.
- 70. No naked light or smoking shall be allowed in the hold or near any open hatch of any ship, traditional vessel or small craft carrying, receiving, or discharging any inflammable cargo and, generally, the shipment or discharge of such cargo shall be subject to such further restrictions as the Management may impose.

No timber allowed to float in a harbour

Removal of ships having offensive matter on board

Offensive cargo

Smoking, etc, on ships carrying inflammable cargo

71. Except as stated in Regulation 72 of these Regulations during the intervals of working cargo, ships in harbour shall have their hatches closed or well protected by each master of the ship.

Protection of hatchways

72. Ships laden with coal shall, in order to avoid the possibility of explosion, have their holds well ventilated if necessary by open hatchways, while they are in harbour.

Ships laden with

73.—(1) No ship may be fumigated in a harbour except with the written consent of the Management and subject to such conditions as the Management may impose.

Fummigation

- (2) Where the ship is fumigated by the Management there shall be paid for such service such fee as may be prescribed in the Tariff.
- 74. Except at authorized places, no structural repairs of ships shall be made within a harbour save with the written permission of the Management and subject to the following conditions:—
  - (a) before any repairs are commenced the master shall take such precautions as the Management may direct to prevent dirt or other matter falling into the harbour;
  - (b) the master shall observe such other conditions as the Management may impose in its written permission;
  - (c) if the master contravenes or fails to comply with the provisions of this Regulation, or of any permission given thereunder any such permission granted to effect repairs may be withdrawn and the work stopped by the Management.
- 75.—(1) No construction, repair or maintenance work entailing use of any flame apparatus or any apparatus which produces extreme heat, shall be carried out in any harbour without the prior written permission of the Management:

Restriction on use of flame apparatus in harbour

Provided that, save in the case of a petroleum ship, such work may be carried out at an authorized place without such permission.

- (2) Where it is proposed to do any work in or on any ship in respect of which permission is required under paragraph (1) of this Regulation, the master or agent of the ship shall make application in writing for that purpose to the Management and, where such application relates to a petroleum ship, the application shall be accompanied by a certificate from a person approved by the Management for such purpose that such ship is at the time of the application free from any inflammable liquid or gas which would be likely to explode or to be set on fire as the result of the use of such apparatus.
- 76. No boat, spar, anchor, cable, ship's gear, dunnage, cattle fittings, horse-box or the like, shall be allowed to remain upon any wharf, jetty, or quay, or on any foreshore or approach to a harbour without the written permission of the Management.

No boat, ship's gear, etc., may be placed on any wharf

Beaching ships within a harbour

77. Except at authorized places no ship shall be beached, stranded, careened, or laid upon any foreshore, shoal or bank within a harbour for purposes of cleaning, repairs or otherwise, save with the written permission of the Management and subject to such conditions as it may impose.

Pitch and other combustibles may not be boiled on board ship

78. Pitch, tar, resin, turpentine, oil and combustibles of similar nature required whilst caulking, repairing, etc., any ship or traditional vessel in a harbour, shall be boiled on a stage alongside, or in a boat alongside, the ship or traditional vessel and not on board the ship or traditional vessel.

Explosives may not used or guns fired

- 79.—(1) No guns except for salutes and security measures authorised by the Management, shall be fired, and no mines, torpedoes, or other engines of like nature, shall be exploded in a harbour. No rocket shall be fired or blue light burned on board any ship or traditional vessel while in a harbour without the permission of the Management, except when such ship or traditional vessel may be in actual distress or in want of assistance.
- (2) No blasting shall take place within a harbour without the prior authority of the Management.

Ships not turned by use of engines at while buoy

80. No ship shall attempt to turn round by steaming ahead or astern while made fast to a mooring buoy belonging to the Authority or in an endeavour to clear hawse.

Propellers may not be turned in a harbour without previous warn-

81. Steamships at anchor, or occupying moorings or alongside a quay or jetty, shall not turn their propellers without giving sufficient warning of their intention to craft in the vicinity. They shall not put full power on when trying their engines at any mooring buoy provided by the Authority or when alongside a quay or jetty.

Displaced mooring or mark to be r reported

- 82.—(1) If any mooring or mark buoy is dragged from its position or damaged by a ship, traditional vessel or small craft it shall be reported and the cost of replacing it shall be paid for by the master or owner of the ship, traditional vessel or small craft.
- (2) The master of any ship or traditional vessel hooking or getting foul of any mooring laid by the authority of the Management shall not, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear, but shall immediately report the occurrence to the Management and await instructions.

Submarine cables

83. The Master of any ship hooking or damaging with her anchor any submarine electric cable marked as such within a harbour area shall be liable to the Authority for any expense it may sustain or incur thereby.

84.—(1) All ships or traditional vessels anchored, moored or berthed in a harbour shall receive on board, make fast or cast off lines or warps from any other ship warping in/and out of such harbour, when required so to do by the Management or by the pilot, master or other person in charge of such aforesaid ship or traditional vessel.

Crews of ships 30

Animals

- (2) No lines or warps shall be stretched across the waters of a harbour without the written permission of the Management.
- (3) The Management may, in case of urgent necessity, cut or cause to be cut, any warp, rope, cable, or hawse endangering the safety of any vessel in a port.
- 85.—(1) Animals when ashore or affoat in a harbour area and when being landed, discharged or shipped there, shall be treated in a humane manner and in accordance with veterinary practice.

(2) The Management may in its discretion refuse to land or ship animals if such landing or shipping would in the opinion of the Management entail unnecessary suffering to any animal.

#### PART VI

#### SMALL CRAFT

86. Small craft and traditional vessels within the limits of a harbour Small shall at all times make way for ocean-going ships under way or tugs craft give when engaged in towing.

87. No boat shall secure or make fast to the President's Pier at Dar President es Salaam and no boat shall moor or anchor within a radius of 100 feet thereof.

Pier at Dar es Salaam

88. When two boats are being propelled, one by sail and the other by oars, and are proceeding on a course which, if continued, would involve the risk of collision, the boat propelled by oars shall keep out of the way of the other; and the boat under sail shall use every precaution to avoid accident and if so close that collision cannot be avoided by the action of the vessel giving way alone, she also shall take such action as will best aid to avoid collision.

boats to give way to sailing

89. Small craft and traditional vessels, when under way between sunset and sunrise shall exhibit the lights required under the Management Shipping (Licensing of unregistered vessels) Regulations 1970.

craft carry lights

Approaches to wharves, landing places and ship's ladders to be kept clear

- 90.—(1) Free passages shall be kept to all jetties, landing places, wharves and moorings, and all traditional vessels and small craft shall move when required to clear such passages.
- (2) No boats or other small craft whatsoever shall lie alongside any of the passenger landing places or ship's accommodation ladders longer than is necessary to embark or land passengers and their luggage but, when waiting, shall lie off at a distance of at least twenty yards from such landing place or ship's accommodation ladder in order not to obstruct the approach thereto.
- (3) No boat or launch crew or baggage clearing agents shall loiter on any pontoon or landing steps or accost passengers thereon.

Mooring of small craft and traditional vessels 91. No small craft or traditional vessel shall, except with the permission of the Management, be secured to any wharf, jetty, quay, mooring, post, pile, bollard or buoy belonging to the Authority.

Beaching for repairs of small craft or traditional vessels 92. No traditional vessel or small craft shall be brought ashore or beached for the purpose of repairs except at authorized places or such other places as may be assigned by the Management for that purpose.

Small craft sunk in harbour to be reported 93. The sinking of any small craft or traditional vessel in a harbour shall be reported by the Master or owner to the Management as early as possible after the occurrence.

Craft not to leave harbour 94. No craft shall proceed outside the limits of a harbour unless registered or licensed under the Merchant Shipping Act No. 43 of 1967.

Boats not to go alongside ships underway 95. No boat or other craft shall go alongside a ship until such ship is at anchor or made fast alongside and has been boarded by Port Health Officer or his representative.

Passengers and goods to be landed at place appointed 96. No boat or launch proceeding to or departing from the side of a ship or traditional vessel shall embark or land persons except at a place parking and landing persons or unload goods except at a place of loading appointed under the Customs laws for the time being in force.

Small craft to be licensed 97. No tug, lighter, motor boat, or other small craft may lie or be used in a harbour without an operating licence from the Authority.

98. Any person who desires to apply for hire with or use in a harbour any tug, hulk, lighter, motor boat, or other small craft shall apply to the Ministry for the time being responsible for matters relating to harbours for registration or licensing of such craft, and upon being registered or licenced by the Ministry, such person shall also apply to the Management for an operating licence for use in a harbour and upon Management's satisfaction that such craft has been registered or licenced by the Ministry in accordance with the relevant laws, Management shall grant the operating licence upon payment of the relevant charges under the Tariff.

Small craft to be Registered or Licensed before operating Licence is granted by Management

99. The provisions of these Regulations shall not apply to any tug, lighter, motor boat, rowing boat or other small craft used solely for pleasure purposes and not plying or let for hire. Application for a licence for such craft shall be made by the owner thereof to the Management who, on payment of the licence fee prescribed in the Tariff, may issue a licence.

Pleasure craft, etc.

100. The said licence shall not be valid for a long period than that mentioned in the certificate or licence and in any case, shall expire on the 30th June in each year. It may, however, be renewed for any unexpired portion of the period mentioned in the certificate or licence or upon production of a fresh certificate or licence as aforesaid, or of the original certificate endorsed by the inspector or inspectors appointed by the Registrar of ships appointed under the Merchant Shipping Act, 1967.

Duration of licence

101. No operating licence shall be issued against a certificate or licence which is dated more than fourteen days since the date of issue.

Renewal of certificate

102. The transfer by sale or otherwise of any licenced craft shall not affect the operating licence already granted but in all such cases the purchaser shall within 14 days reduce the operating licence for endorsement by Management against the documents of the transfer.

Transfer of licensed craft

103.—(1) No licensed craft plying for hire and carrying passengers shall carry more than the number of persons such craft is licensed to carry and a notice showing the number of persons authorized to be carried must be painted on or affixed to some conspicuous part of such craft. No person shall attempt to board a craft containing its full licensed complement.

Persons carried not to exceed authorized number

- (2) No craft holding a passenger licence only shall carry any cargo other than passengers' baggage.
- 104. The person in charge of a craft licensed to carry passengers shall be responsible for all unclaimed property left in his boat, and he shall take or cause to be taken forthwith to the Customs House all such unclaimed property.

Unclaimed property to be taken to Customs House

Expired licence to be returned

105. On the expiration or other determination of any licence the owner of the craft in question shall return to the Management the operating licence and, if licensed to carry passengers, the tariff plate and the copy of the authorised tariff charges.

Life-saving and fire-extinguishing apparatus 106. Every licensed craft shall be equipped with such life-saving and fire-extinguishing appliances as required under the Merchant Shipping Act, 1967.

When holder of licence to cease to use craft

- 107.—(1) Any inspector or surveyor appointed under the Merchant Shipping Act, 1967 may, at any time during the currency of the operating ucence inspect and examine the hull, equipment and machinery of any craft so licensed, and if in his opinion the said hull, equipment and machinery or any of them are not a suitable and fitted for the purpose for which they are being used, he shall notify Management which shall give written notice to the holder of the operating licence to cease to use the said craft unless and until the hull, equipment and machinery, or any of them have been rectified.
- (2) Upon being satisfied, the inspector shall notify Management which shall make an endorsement to that effect on the licence and the date thereof and from such date the holder of the licence shall be entitled to continue to ply for hire or use the said craft for the unexpired period of the currency of the licence.

Penalty for nonobservance of notice 108. Any holder of an operating licence who uses or causes or allows to be used any craft after the written notice mentioned in Regulation 107 of these Regulations has been served upon him or any person who refuses to allow an inspector to inspect and examine any craft or its machinery or equipment or obstructs him thereby shall be guilty of an offence against these Regulations and the licence granted in respect of such craft shall be cancelled.

Licensed craft to be numbered and registered 109. All licensed craft shall be numbered and registered. Every licensed motor boat and row boat and, when required by the Management, every other such small craft, shall have its registered number legibly painted on both sides of the bow.

Person in charge to be capable

110. No holder of an operating licence shall permit his craft to be used unless sufficiently manned and unless the person in charge is competent to manage her.

Licensed craft to occupy assigned berths 111. Every licensed craft, when not accommodated in a privately owned berth, shall occupy such berth as may from time to time be assigned by the Management and the master thereof or other person in the Management.

112.—(1) The charges made by the holder of an operating licence for the hire or use of his craft shall not exceed those which may be prescribed from time to time and a copy of the authorized tariff charges shall at all times be carried in any licensed craft. Such tariff and the licence shall, on demand by any passenger, be produced for inspection by such passenger.

- (2) Every passenger shall, on completion of the journey, pay the authorized tariff charge for such journey.
- 113. No person in charge of a craft that is plying for hire and disengaged shall refuse to accept an engagement or attempt to extort fares in excess of the prescribed tariff.

Persons in charge of boats plyfor ing hire may not refuse engengement

114.—(1) Each member of a boat's crew working in a motor boat or row boat licensed to carry passengers shall be registered with the Management and shall wear a number badge in a conspicuous place, such badge to be supplied by the Authority on payment of a fee prescribed by Management.

Registration of. boat crew

- (2) Each member of the crew shall be capable of performing his work and shall be cleanly clad in uniform on which the registered number of the boat shall be shown.
- (3) Any member of a boat crew may be struck off the register by the Management for misconduct, and in such case, or on his ceasing for any other reason to be employed as member of a boat crew he shall return his badge to the Management.
- 115. Every motor boat or row boat licensed to carry passengers shall, when so ordered by the Management, take either day or night duty as the Management may direct.

licensed to carry passangers to take- day or night duty as ordered

116. When a passenger engages a boat the boat shall immediately Control of cast off and take the passenger to his destination. The boat shall not be kept waiting on the chance of getting more passengers. Persons in charge of boats and boat crews shall not solicit passengers to use their boats. The police may call up boats as required by passengers and any reasonable orders so issued shall be obeyed.

Quantity of luggage that may be carried 117. The Management may regulate the quantity of luggage which may be carried consistent with the safety and convenience of the passed gers conveyed in any licensed craft and the owner or person in charge of the craft shall obey the orders of the Management in this respect kilograms weight shall be taken as the equivalent of one person allowed for on the licence.

Safety valves 118. No person shall place more than the prescribed weight or spoint tension on the safety valves of any steam boiler of a licensed craft

Liability of Authority 119. Nothing in these Regulations contained shall be deemed to the pose any liability or responsibility upon the Authority for any loss of injury caused by the acts or negligence of any owner or possent in charge of any licensed craft.

Small craft prohibited from conveying liquor to ship's crew

- 120.—(1) No owner of any craft and no member of a boat crew or any person employed by such owner shall supply, convex or deliver any intoxicating liquor to any of the crew of, or to any of the other persons on board, any ship at anchor or moored in harbour, except
  - (a) such liquor as may be purchased with the consent of the master of the ship from a person duly licensed to sell the same, and
  - (b) such liquor as may be removed under the Customs laws and regulations from a bonded or bonding warehouse for experimental beyond the limits of the harbour or for ship's stores.
- (2) Where any such owner is convicted of contravetion of this Regulation the licence, if any for any craft used in connection with the commission of such offence shall be cancelled and shall thereupon become null and void, without prejudice to any other penalty provided by the law.

Penalty for breach of small craft rules 121. The owner or person in charge of any small craft in respect of which a breach of these Regulations has been committed shall be quity of an offence and shall, in addition to any other penalty to which he may have rendered himself, be liable to imprisonment for a term not exceeding six months or to a fine not exceeding Sh. 15.000 or to with such fine and such imprisonment.

Suspension of licence for misconduct 122. The Management may suspend or revoke the licence of any small craft whose or any member of whose crew has been quilty of misconduct or guilty of a breach or neglect of any of these Requintious or of any suspension or revocation shall be endorsed on the licence which shall be produced to the Management for the purpose.

#### PART VII

## HARBOUR CRAFT MASTER'S AND ENGINEER'S LICENCE

123. Any person who causes a harbour craft to be navigated in any harbour without the master and engineer thereof being in possession of valid licence shall be guilty of an offence against these Regulations.

bour craft

124. No harbour craft or similar harbour vessel registered in the Harbour United Republic of Tanzania and being of ten tons gross registered or upwards shall be navigated in any harbour, unless the master thereof possesses a valid licence as master, harbour craft.

craft Mas-

125. No harbour craft or similar vessel, registered in the United Republic of Tanzania and being of one hundred nominal horsepower or more, shall be navigated in any harbour unless the engineer thereof possesses a valid licence as an engineers harbour craft.

Harbour craft engineer's li-

126.—(1) The Authority shall from time to time cause an examination to be held of any person who desires to obtain a licence as master, mate or engineer of harbour tugs or similar harbour vessels and shall deliver to every person, who has passed the prescribed examination satisfactorily and has otherwise satisfied the examiner of his competency to act as master, mate or engineer and has given satisfactory evidence of his sobriety, experience, ability and general good conduct, a certificate of competency in the form prescribed in the Sixth Schedule to these Regulations. Notwithstanding, for vessels of a size which are required to be manned by officers holding certificates of competency required under the Merchant Shipping (Certification of Marine Officers) Regulations 1981 such vessels shall be so manned.

Examination for licence

- (2) The Management shall determine and set the syllabus for all such examinations and, having regard to the Class of vessels in which the applicant for examination intends to serve, the standard to be attained by all such persons submitting themselves for examination.
- (3) There shall be paid for any examination held under these Regulations, and for the issue of a licence, such fees as may be prescribed in the Tariff.
- 127.—(1) Every such licence shall be in duplicate and shall be signed by the Management. One copy of such licence shall be delivered to the person entitled to the licence and the other shall be kept for record purposes. All cancellations, suspensions, alterations or other proceedings in any way affecting any such licence shall be entered in the record of such licences.

(2) Every such licence shall be issued subject to the provisions of these Regulations and any conditions endorsed thereon may be cancelled or suspended by the Management in a manner prescribed in Regulation 130.

Licence in duplicate

Licence to be produced on demand

128. On demand by Management or any person authorized by Management is a light of the barrier of agement in that behalf the person to whom any such licence has been issued shall produce such licence.

Inquiries by Management

129. Subject to the Merchant Shipping Act, 1967 Management may make inquiry into the conduct of any master, mate, or engineer, holding a licence granted under these Regulations if it has reason to believe that any such master, mate or engineer is, for incompetency or misconduct, unfit to discharge his duties:

Provided that where any casualty has occurred to any harbour tug or similar harbour vessel of which the master, mate or engineer thereof is in possession of a licence issued under these Regulations, Management shall apply the provisions of Sections 38, 39 and 40 of the Act.

Cancellation suspension of licence

- 130.—(1) The licence of a master, mate or engineer granted under these Regulations may be cancelled either temporarily or for any period not exceeding twelve months by the Management or the Management may grant, in place thereof, a licence of lower grade, if Management after inquiry in accordance with the preceding Regulation, finds that any master, mate or engineer has been guilty of any wrongful act or default, or if it be proved that such master, mate or engineer is incompetent or has been guilty of gross misconduct.
- (2) A harbour craft master, mate or engineer whose licence has been cancelled or suspended shall deliver his licence to the Management for cancellation or endorsement, as the case may be.

Failure in examination

131. If a candidate for examination under this part of these Regulations fails to pass the examination, he may not be re-examined until a period of six months has elapsed. The examiner shall decide whether the whole or part of such period shall be spent in employment on board a harbour craft.

## PART VIII

# DANGEROUS GOODS OR EXPLOSIVES

Master or agent to give notice of dangerous inflammable goods on board

132. The master or agent for every ship, having on board any goods of a dangerous or inflammable nature as described in the Fourth Schedule to these Regulations shall, twenty-four hours before arrival, give notice thereof to the Management and such cargo shall not be landed before the disposal orders are handed in to the Management. If any such goods are landed, the Management may order the same to be placed on board the ship whence they came or otherwise deal with them or destroy them as it considers necessary, at the risk and expense of the ship from which they were discharged. The said goods shall, if required, be discharged at such a time as may enable them to be disposed of or otherwise removed from a harbour during working hours of the same day.

133.—(1) Goods of a dangerous or inflammable nature as described in the Fourth Schedule shall not be loaded into any ship without prior permission from the Management.

Loading and stowage of dangerous inflamma. ble goods

- (2) Such permission to load will only be granted providing that the loading and stowage is carried out in accordance with safety-requirements prescribed out by the Management from time to time or by any legislation.
- 134. Ships of war and transports may be exempted by the Management rom this part of these Regulations if they are fitted with approved nagazines under the water line and capable of being flooded:

Warships and transports

Provided that, whenever such ship is berthed alongside a quay, wharf or jetty, the attendance of a fireman provided by and at the expense of the ship shall be compulsory.

135. Every ship having only the following explosives on board shall, except where expressly specified in any of the following regulations contained in this part, be exempted from the provisions of such regulations and such explosives shall be similarly exempted and may be landed and dealt with at such places and under such conditions as the Management may direct:-

Exemp-

- (a) safety-cartridges, safety-fuses, railway fog-signals, percussion caps, fireworks, and any other explosives specially exempted by notice in the Official Gazette;
- (b) any other explosive not exceeding twenty five kilograms (25 kg) in weight, properly stored in an approved magazine.
- 136. Every ship carrying or about to carry, explosives shall be an- Berthing chored or berthed only in the position assigned to her by the Management and shall not be moved therefrom, except for the purpose of leaving explosives the harbour without the written order or permission of the Management.

137. Ships with explosives on board in approved magazines well for- Bunkerward and requiring bunkers may, at the discretion of the Management, be brought alongside a wharf specified by the Management and the bunkering shall be carried out as expeditiously as possible.

ships carrying explosives

138. Ships with explosives on board for discharge at a harbour may, at the discretion of the Management, be brought alongside a wharf specified by the Management and there discharged as expeditiously as possible.

Discharge of ships carrying explosives

139. Before any explosives are transhipped from any ship or are landed into or unloaded from, any ship notice shall be given to the Management informing it of the nature and quantity of such explosives.

Notice of loading and loading explosives

Red flag to be exhibited 140. The Master of every ship having explosives on board shall, whilst within the limits of a harbour, keep conspicuously exhibited at the fore by day a red flag (B International Code) in size not less than four feet by three feet, and, at night at the masthead in addition to the lights by three feet, and above them, a red light showing a clear uniform ordinarily required and above them, a red light showing a clear uniform unbroken light all round the horizon, visible on a clear night at a distance of one mile from such ship.

Fires, etc., prohibited 141. No fires or artificial lights shall be allowed near the hatches or in the holds in which explosives are stored, or the place of discharge or shipment:

Provided that this regulation:-

- (i) Shall not prevent the use of an electric lighting installation or a safety lamp of a construction approved by the Management or of ship's riding or signal lights so disposed as to prevent any risk of fire or explosion; and
- (ii) Shall not apply to engine room fires when the same have been previously carefully banked.

Smoking, etc., and certain wearing apparel prohibited 142.—(1) No person shall smoke or be allowed to smoke at or near the place where liquified petroleum or any other goods ofdangerous or inflammable nature are being handled nor shall any person be in or approach such place while carrying matches or any other means of ignition.

An authorized employee may prohibit any person from approaching near the place where liquified petroleum, gas or any other goods of a dangerous or inflammable nature are being handled unless the authorized employee is satisfied that such person is not carrying matches or other means of ignition.

(2) No person while handling explosives shall be allowed to wear boots or shoes with steel or iron heels, tips, or exposed nails of any kind, unless such boots or shoes are covered with leather, India rubber, felt or other suitable material in the form of overshoes or otherwise.

Drunkenness 143. No person under the influence of drink or drugs shall go or be allowed on board any ship into or from which explosives is being loaded or unloaded nor shall approach or be permitted to approach such explosive while in the course of being loaded or unloaded.

Explosive to be covered 144. All explosives on board which are not in the magazine shall, whilst the hatches are open, be carefully covered over and due care taken to prevent sea water or rain obtaining access to the package or contents.

145. If any explosive escapes from the package in which it is contained, such explosive shall be immediately carefully collected and safely destroyed.

Escaping explosives

146. Packages containing explosives shall not, if practicable, be dragged or rolled, but shall be passed from hand to hand when the ship's discharging gear is not available; and, when dragging at rolling cannot be avoided, the surface over which the packages to be moved shall first be covered with suitable Canvas, Cloth or similar material. Packages shall be carefully lifted, deposisted, or stowed, and shall not be thrown or dropped when handled.

Method of handling explosives

147.—(1) When explosives are being discharged no other goods or articles shall be handled or dealt with at or near the place of discharge.

Only explosive to be handled at one time

- (2) Persons other than those actually engaged in or superintending the work of discharge shall not be allowed access to the ship or may, at the discretion of a police officer or other authorised person, be ordered to a reasonable distance from the place of discharge.
- 148. While loading or unloading of explosives is being carried out, all persons engaged in handling explosives shall:—

General precautions to be observed

- (a) take all due precautions to prevent—
  - (i) accidents by fire or explosion; and
  - (ii) unauthorized persons from obtaining acess to explosives;
- (b) abstain from any act whatever which tends to cause a fire or an explosion and is not reasonably necessary for the purpose of such loading or unloading; and shall use very reasonable endeavour to prevent any other person from committing any such act.
- 149. No explosives shall be landed, shipped or transhipped except under the direction and superintendence of the Management whose order shall be obeyed.

Superintendence of Management

150. Explosives shall not be landed except if shipped from any foreign country on production of a certificate on oath of a duly qualified chemists authenticated as such to the effect that the explosives have been shipped in good order and condition, properly packed and labelled, and safe to be shipped through the tropics and handled in warm climate.

Certificate to land explosives

151. In the case of explosives of a nature requiring the application of the Abel heat test, the certificate required under Regulation 150 of these Regulations shall further state that no ingredient capable of masking such test is present in the explosives.

Special permit when Abel test applied

152. Except with the permission of the Management and subject to such conditions as the Management may impose, explosives shall not be loaded or unloaded or handled except between 7 a.m. and 6 p.m.

Hours during which explosives may be handled

Control of quantity of explosives 153. The quantity of explosives to be conveyed to and allowed on a landing place at any one time shall be regulated by the Management and such regulated quantity shall not be exceeded.

Licence for special small craft 154. No boat, barge, lighter or other small craft be used for the conveyance or temporary storage of explosives except under a special licence granted on a certificate from the Management and subject to such conditions as it may impose. Such licensed craft shall not be loaded above the hatches, shall at all times remain afloat and be anchored only at specially appointed moorings and shall exhibit a red flag by day and a red light in an elevated position by night. Hatches shall be properly closed and no inflammable cargo or explosives shall be carried on deck.

Conveyance of passengers

155. Under no circumstances shall passengers be conveyed on such craft unless the explosive are contained in an approved magazine and all due precautions for the prevention of accident by fire or explosion observed.

Detonators, etc. 156. Detonators, percussion caps, fireworks, ammunition or other packages having exposed iron or steel shall not be conveyed in the same boat or craft as dynamite, blasting gelatine, or similar explosives, except under such precautions and conditions as may be prescribed in writing by the Management.

Liability for expenses 157. Any expense incurred in superintendence, the provision of watchmen or other facility in connection with the handling and discharge of explosives shall, except where otherwise provided in these Regulations, be borne by the consignee, consignor, or agent, as the case may be.

Controlling of explosives on railway in harbour

158. Explosives conveyed in or loaded into or unloaded from any vehicle on any lines of railway within a harbour area shall be so conveyed, loaded and unloaded in accordance with these Regulations, and, in the event of any breach thereof by an act or default, the provisions with regard to penalties and forfeiture prescribed in the Regulations shall apply.

Notice to be given to Management 159. Before any explosive is brought into a harbour area for shipment or is loaded into or unloaded from any vehicle, whether a railway vehicle or otherwise, notice in writing shall be given to the Management informing it of the nature and quantity of such explosives.

Control by Management of places where explosives may be loaded, etc. 160. No explosive shall be loaded from, brought into or deposited upon any quay, wharf, jetty landing stage, shed, warehouse, building or other place except with at such place the Management shall from time to time direct.

161. No explosive shall be placed on any wharf, quay or jetty until the ship by which the same is to be removed therefrom shall be at the place in readiness to receive the same.

Ships to be ready to receive explosives

162. In the event of any breach by act or default of any of the foregoing Regulations of this Part of these Regulations, all or any part of the explosive in respect of which, or found in the vehicle in respect of which, the offence has been committed, may be forfeited.

Penalty

163. Every person in control of any explosive or of any ship or vehicle containing explosives shall, when so required by the Management, show all explosives under his control or upon his ship and shall afford every reasonable facility to enable inspection and examination of such explosive and to ascertain whether these Regulations are being duly observed.

Inspection and examination

164. For the avoidance of doubt it is hereby declared that in the case of petroleum and all other inflammable liquids, including turpentine, these Regulations shall apply in addition to and not in derogation of any relevant legislation in force.

Petroleum

165. In the case of ships in the vicinity of the Oil Terminal there shall apply the rules appearing in the Eighth Schedule to these Regulations under the heading of "Safety Rules: Oil Terminals" and in the case of ships berthed at the Oil Terminals it shall be the responsibility of the Master to ensure that the Safety Rules are understood by all members of the crew. The Safety Rules shall also be posted in a prominent position on the ship whilst berthed at the Oil Terminal.

Oil terminals Safety Rules

166.—(1) In the case of carbide of calcium the following special regulations shall apply in addition to the other provisions of these Regulations:—

Carbide

- (a) the owner or master of every ship, the hold of which contains carbide of calcium, shall keep such hold efficiently ventilated so long as any carbide of calcium remains therein;
- (b) all carbide of calcium landed from any ship shall be removed without unnecessary delay to some duly licensed place of storage or beyond the limits of a harbour area;
- (c) no carbide of calcium shall be brought into or landed within a harbour area unless packed in hermetically closed metal vessels of such strength and construction or so protected as not to be liable to breakage or to become defective or insecure except as a result of gross negligence or extraordinary accident;
- (d) no vessel containing carbide of calcium shall be opened within the limits of a harbour area except in some licensed place of storage or with the written consent of the Management in such place as the Management may direct;

- (e) every reasonable precaution shall be taken by the owner and master of every ship carrying carbide of calcium and every person engaged thereon and also by the owner of such carbide of calcium and every person engaged in the such carbide of calcium and every person engaged in the landing and loading thereof to prevent the contact of water or moisture therewith and, where such contact may have occured, to prevent the gas evolved thereby from being ignited;
- (f) the owner and master of a ship carrying carbide of calcium and the owner and any person in charge of carbide of calcium shall when so required by the Management show all carbide of calcium upon the ship or under his control respectively and shall afford every reasonable facility to enable the Management to inspect and examine such ship or such carbide of calcium respectively so as to ascertain whether these Regulations are being duly observed.

Penalty for improper labelling of dangerous goods

(2) All dangerous goods shall be properly marked in accordance with the I.M.D.G. Code of the International Maritime Organization (IMO). Where goods are not so marked the master of the ship carrying such goods shall be subject to a penalty of 15,000 United States Dollars for each breach or TShs. 40,000 for a master of a Tanzanian registered coastal ship for each breach.

## PART IX

## GENERAL SAFETY REGULATIONS

Safety Regulations

167. The Regulations contained in this Part shall apply in respect of the processes of loading, unloading, moving and handling goods in, on, or at any deck, wharf, or quay and the processes of landing, unloading and coaling any ship in any quay or harbour:

Provided that nothing contained in these Regulations shall apply to the unloading of fish from a vessel employed in the catching of fish; and nothing in Regulations 169 and 171 (so far as regards liability to provide means of access) 173, 175, 177 and 178 of these Regulations shall apply to a barge or lighter.

Duties of masters and others.

- 168.—(1) The owner, master or officer in charge of a ship shall comply with Regulations 169 to 178 inclusive of these Regulations.
- (2) The owner of machinery or plant used in the processes and in the case of machinery or plant carried on board a ship not being registered in the United Republic of Tanzania, the master of such ship shall comply with Regulations 179 to 191 inclusive of these Regulations.

Provided that the Government Inspector of Factories from the Ministry of Labour may exempt the master of a ship registered in a country party to the International Labour convention No.

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| Marchant Shipping (minimum standards)

as amended from time to time from compliance with the provisions of Regulations 179 to 191 inclusive of these Regulations on proof that tests similar to those in the Fifth Schedule to these Regulations have been carried out in respect of the matters contained in the said Regulations.

(3) Every person who by himself, his agents, or workmen carries on the processes, and of all agents workmen and persons employed by him in the process shall comply with Regulations 191 to 203 inclusive of these Regulations:

Provided that where the processes are carried by a stevedore or other person other than the owner of the ship it shall be the duty of the owner, master or officer in charge of the ship to comply with Regulation 169 of these Regulations so far as it concerns:—

- (i) any hatch not taken over by the said stevedore or other person for the purpose of the processes;
- (ii) any hatch which, after having been taken over by the said stevedore or other person for the purpose of the processes—
  - (a) has been reported by written notice in the prescribed form to the owner, master or officer incharge of the ship, by or on behalf of the said stevedore or other person, as being a hatch at which the processes have been completed or completed for the time being; and
  - (b) either has been left by the said stevedoring or other person fenced or covered as required by Regulation 197 of these Regulations, or has been taken into use by or on behalf of the owner of ship and, in either case, has been so reported by such written notice as aforesaid.
- (4) The owner, master, or officer in charge of the ship shall give immediately a written acknowledgement in the prescribed form of such written notice as aforesaid.
- (5) All persons, whether owners, occupiers, or persons employed, shall comply with Regulations 105 and 106 of these Regulations.
- (6) Regulations 207 and 208 of these Regulations shall be complied with by the persons on whom the duty is placed in such Regulations.
- 169. If a ship is lying at a wharf or quay for the purpose of loading or unloading or bunkering there shall be safe means of access for the use of persons employed at such times as they have to pass from the ship to the shore or from the shore to the ship as follows:—
  - (a) where reasonably practicable the ship's accommodation ladder or a gangway or a similar construction not less than twenty-two inches wide, properly secured, and fenced throughout on each side to a clear height of 85 cm (2 feet

Safe means of access to wharf to be provided

and 9 inches) by means of upper and lower rails, taut ropes or by other equally safe means, except that in the case of the ship's accommodation ladder such fencing shall be necessary on one side only provided that the other side is properly protected by the ship's side and there is properly secured under such ladder an adequate safety net;

(b) in other cases a ladder of sound material and adequate length which shall be properly secured to prevent slipping:

Provided that nothing in this Regulation shall be held to apply to cargo stages or cargo gangways if other proper means of access are provided in conformity with these Regulations:

Provided further that, as regards any sailing vessel not exceeding two hundred and fifty tons net registered tonnage and any steam vessel not exceeding one hundred and fifty tons gross registered tonnage, this Regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

Loading or embarking passengers

- 170. Whilst passengers are being landed from or embarked upon any ship in harbour, a second gangway shall be provided and one of the crew of the ship shall be in attendance at the ship's end of the gangway to attend to the security of the gangway and the safety of the passengers passing over it.
- (2) Where any ship is in harbour a lifebuoy with a line attached thereto, kept in proper condition for immediate use shall be placed near to the head of each gangway, accommodation ladder or similar construction, which is available for use
- (3) No cargo in course of discharging from or loading to any ship shall be worked by crane, derrick or other means over a passenger gangway.

Safe means of access to other ships to be provided 171. If a ship is alongside any other ship, vessel, or boat, and persons employed have to pass from one to the other safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk without aid of any special appliance if one of such ships, vessels, or boats is a sailing barge, flat keel, lighter, or other similar vessel of relatively low freeboard, the means of access shall be provided by the ship which has the higher freeboard.

Safe means of access from deck to hold to be provided 172.—(1) If the depth from the level of the deck to the bottom of the hold exceeds 1.54 metres (five feet) there shall be maintained safe means of access from the deck to the hold in which work is being carried on.

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- (2) Save as hereinafter provided, such access shall be afforded by ladder and ladder cleats or cups on the coamings and shall not be deemed to be safe:—
  - (a) unless the ladders between the lower decks are in the same line as the ladder from the top deck if same is practicable having regard to the position of the lower hatch or hatches;
  - (b) unless the ladders provide a foothold of a depth including any space behind the ladder of not less than 11.5 cm (4½ inches) for a width of 25.6 cm (10 inches) and a firm handhold;
  - (c) unless the cleats or cups provided on coamings-
    - (i) provide a foothold or a depth including any space behind the cleats or cups of not less than 11.5 cm (4½ inches) for a width of 25.6 cm (10 inches) and a firm handhold;
    - (ii) are so constructed as to prevent a man's foot slipping off the side;
    - (iii) are placed vertically one above the other and in the same line as the ladders to which they give access.
  - (d) unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder foothold of a depth including any space behind the ladder of not less than 11.5 cm (4½ inches) for a width of 25.6 or (10 inches) and a firm handhold;
  - (e) unless there is room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck;
  - (f) if the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway:

Provided that such access may be afforded:-

- (i) where the provision of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, by cleats or cups complying with the requirements of paragraph (c) hereof;
- (ii) by ladders or steps, separate from any hatchway or sloping from deck to deck, if such ladders or steps comply with the requirements of paragraphs (b), (d) and (e) hereof.
- (3) Shaft tunnels shall be equipped with adequate handhold and foothold on each side.
  - 173. When the processes are being carried on:-
  - (a) the places in the hold and on the decks where work is being carried on;
  - (b) the means of access provided in pursuance of Regulations 169 and 170 of these Regulations; and

efficient lighting to be provided

(c) all parts of the ship to which persons employed may be required

to proceed in the course of their employment, shall be efficiently lighted, due regard being had to the safety of the

navigation of other vessels.

Gear for lifting beams for hatch covering to be provided

174. All fore and aft beams and thwartship beams used for hatch covering shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

Hatch covering to plainly marked

175.—(1) All hatch coverings shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein:

Provided that this regulation shall not apply in cases where all the hatch coverings of a ship are interchangeable, or in respect of marking of position where all hatch coverings of a hatch are interchangeable.

(2) The provisions of this regulation shall apply to fore and aft beams and to thwartship beams as it applies to hatch coverings.

Beams to be maintained in good condition

176. All fore and aft beams and thwartship beams used for hatch covering and all hatch coverings shall be maintained in good condition.

Handgrips on hatch coverings to be provided

177. Adequate handgrips shall be provided on all hatch coverings having regard to their size and weight, unless the construction of the hatch or the hatch coverings is of a character rendering the provisions of handgrip unnecessary.

Provision for removal and replacement of hatches in safety

178. Where the working space around a hatch is less than 60.9 cm wide such provision shall be made as will enable persons employed to remove and replace in safety all fore and aft beams and thwartship beams used for hatch covering and all hatch coverings.

Lifting machinary, etc., be tested and examined

- 179.—(1) All lifting machinery shall be tested and examined by a competent person in the manner set out in the Fifth Schedule of these Regulations before being taken into use.
- (2) (a) All derricks and permanent attachements including bridle chains, to the derrick, mast and deck, used in hoisting or lowering shall be inspected once in every twelve months and be thoroughly examined once at least in every four years.
- (b) All other lifting machinery shall be thoroughly examined once at least every twelve months.

- (c) For the purpose of the Regulation thorough examination means a visual examination, supplemented if necessary by other means such as a hammer test carried out as carefully as the conditions permit in order to arrive at a reliable conclusion as to the safety of the parts examined; and if necessary for the purpose, parts of the machines and gear shall be dismantled.
- 180.—(1) No chain, ring, hook, shackle, swivel or pulley block shall be used in hoisting or lowering unless it has been tested or examined by a competent person in the manner set out in the Fifth Schedule hereto.

Chains, etc., to be tested

- (2) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles and swivels used in hoisting as may be prescribed, shall be effectively annealed under the supervision of a competent person and at the following intervals:—
  - (a) 1.27 cm (half-inch) and smaller chains, rings, hooks, shackles, and swivels in general use: once at least every six months;
  - (b) all other chains, rings, shackles and swivels in general use: once at least every twelve months:

Provided that, where the Management is of the opinion that, owing to the size, design, material or infrequency of use of any such gear or class of such gear, the requirement of this Regulation as to annealing is not necessary for the protection of persons employed, it may, by a certificate in writing (which it may in its discretion revoke), exempt such gear or class of gear from such requirement subject to such conditions as may be specified in such certificate.

- (3) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles, swivels, and pulley blocks shall be inspected by a competent person immediately before each occasion on which they are used in hoisting or lowering, unless they have been inspected within the preceding three months.
- (4) All chains, rings, hooks, shackles or swivels used in hoisting or lowering which have been lengthened, altered or repaired by welding shall, before being again taken into use, be adequately tested and re-examined.

181. For purposes of Regulations 179, 180, and 182 of these Regulations, a competent person shall be deemed to be a person who has been certified under the Factories Ordinance of 1952 as amended from time to time.

Who shall be deemed competent person

- 182.—(1) No rope shall be used in hoisting or lowering unless:
- (a) it is of suitable quality and free from patent defect; and
- (b) in the case of wire rope, it has been examined and tested by a competent person in the manner set out in Fifth Schedule to these Regulations.

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Rope to be of good quality and wire rope to be tested

(2) Every wire rope in general use for hoisting or lowering shall be inspected by a competent person once at least in every three months:

Provided that after any wire broken it shall be inspected once at least in every month.

- (3) No wire shall be used in hoisting or lowering if in any length of eight diameters the total number of visible broken wires exceeds ten cent of the total number of wires or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.
- (4) A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of the rope and two tucks with one-half of the wires cut out of each strand. The strands in all cases shall be tucked against the lay of the rope:

Provided that this Regulations shall not operate to prevent the use of another form of splice which can be shown to be as efficient as that laid down in this Regulation.

Completion and return of certificate to Management

- 183.—(1). A certificate in the form set out in the Fifth Schedule to these Regulations and containing particulars with regard to the tests, examinations, inspections, annealing or other treatment required under Regulations 179, and 182 of these Regulations shall be obtained from the Management and when properly completed shall be returned to the Management within three days of the date upon which the tests, examinations, inspections, annealing or other treatment hereinbefore referred to shall have been completed.
- (2) The person for whom such tests, examinations, inspections, annealing or other treatment have been carried out shall keep a copy of such form duly completed and shall produce it at any time upon request by the Management.

Pulley blocks to have working load stamped thereon 184. No pulley block shall be used in hoisting or lowering unless the safe working load is clearly stamped upon it.

Means to enable safe working load for slings, ropes, etc., to be ascertained

- 185. Means shall be provided to enable any person using a chain or wire rope sling to ascertain the safe working load for such chain or under such conditions as it may be used:—
  - (a) as regards chain slings, such means shall consist of marking the safe working load in plain figures or letters upon the sling or upon a tablet or ring of durable material attached securely thereto;

- (b) as regards wire rope slings, such means shall consist of either the means specified in paragraph (a) above or a notice or notices, so exhibited as to be easily read by any person concerned, stating the safe working loads for the various sizes of wire rope slings used.
- 186. Chains shall not be shortened by tying nots in them, and suitable packing shall be provided to prevent the links coming into contact with sharp edges of hard material.

Shortening of chains

187. Cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while being raised or lowered. In particular, the level controlling the link motion reversing gear of a crane or winch shall be protected with a suitable spring or other locking arrangement.

Reduction of risk in use of cranes and winches

188. The driver's platform on every crane or tip driven by mechanical power shall be securely fenced and shall be provided with safe means of access. In particular, where access is by a ladder:

Crane platforms to be fenced

- (a) the sides of the ladder shall extend to a reasonable distance beyond the platform or some other suitable handhold shall be provided;
- (b) the landing place on the platform shall be maintained free from obstruction;
- (c) in cases where the ladder is vertical and exceeds thirty feet in height, a resting place shall be provided approximately midway between the platform and the foot of this ladder.
- 189. Every crane and derrick shall have the safe working load plainly marked upon it, and every shore crane, if so constructed that the safe working load may be carried by the raising or lowering of the jib or otherwise, shall have attached to it an automatic indicator of safe working loads:

Marking of safe working load on cranes and derricks

- Provided that, in cases where the jib may be raised or lowered, provision on the crane of a table showing the safe working loads at the corresponding inclinations or radii of the jib shall be considered a sufficient compliance with the Regulation.
- 190. Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.

Measures to be taken with regard to derricks

191. Precautions shall be taken to facilitate the escape of workers when employed in a hold or on between decks in dealing with coal or other bulk cargo.

Escape of workers in a hold, etc.

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No lifting machinery to be loaded above safe working load 192.—(1) No lifting machinery, chains or other lifting appliance shall be loaded beyond the safe working load.

Provided that a crane may be loaded beyond the safe working load in exceptional cases to such extent and subject to such conditions as may be approved by the engineer in charge or other competent person if on each occasion—

- (a) the written permission of the owner or his responsible agent has been obtained.
- (b) a record of the overload is kept:

Provided further that, where the load upon a single sheave pulley block is attached to the pulley block instead of to the chain or rope passing round the sheave, the load on the pulley block shall be deemed for the purpose of this regulation to be half the actual load.

(2) No load shall be left suspended from a crane, winch, or other machine unless there is a competent person actually in charge of the machine while the load is so left.

Age and competency of crane, etc., drivers

193. No person under eighteen years of age and no person who is not sufficiently competent and reliable shall be employed as a driver of a crane or winch, whether driven by mechanical power or otherwise or to give signals to a driver or to attend cargo falls on winch-ends or winch-bodies.

Clear
passage to
means of
access to
ship to be
maintained on
wharf

- 194. Where goods are placed on a wharf or quay:
- (a) a clear passage leading to the means of access to the ship required by Regulation 169 of these Regulations shall be maintained on the wharf or quay; and
- (b) if any space is left along the edge of the wharf or quay it shall be at least 91 cm (three feet) wide and clear of all obstruction other than fixed structures, plant and appliances in use.

Provision of substantial deck stage, etc.

- 195.—(1) No deck-stage shall be used in the processes unless it is substantially and firmly constructed and adequately supported and, where necessary, securely fastened.
- (2) No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.
- (3) Any stage which is slippery shall be made safe by the use of sand or otherwise.

Fencing of hatches, etc.

196.—(1) If any hatch of a hold accessible to any person employed and exceeding 1.54m (five feet) in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, is not in use for the passage of goods, coal or other material, or for trimming, and the coamings are less than 77 cm (two feet six inches) in height such shall either be fenced to a height of 91 cm (three feet) or to be

Provided that this requirement shall not apply:—

- (i) to vessels not exceeding two hundred tons net registered tonnage which have only one hatchway;
- (ii) to any vessel during meal times or other short interruptions of work during the period of employment.
- (2) Hatch coverings shall not be used in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.
- (3) Hatch coverings shall be replaced on the hatches in the positions indicated by the marking made thereon in pursuance of regulation 175 of these Regulations.
- 197. No cargo shall be loaded or unloaded by a fall sling at any Loading intermediate deck unless either the platform of a width not less than that of one section of hatch coverings has been placed across it:

Provided that this regulation shall not apply to any process of unloading, the whole of winch will be completed within a period of half an hour

198. When the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands of fastenings of bales of cotton, wool, cork, gunny bags or other similar goods, nor shall can hooks be used for raising or lowering a barrel drums when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe:

Provided that nothing in this regulation contained shall apply to breaking out or making up slings.

199. When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to within a distance of 61.5 cm (two feet) of such deck.

Staging to provided within working on skeleton deck

or unload-

cargo Inter-

mediate

Provision with re-

to

of

deck

gard

hooks

200. Where stacking, unstacking, shoring or unshoring of cargo or handling in connection there with cannot be safely carried out un-aided, reasonable measures to guard against accident shall be taken by shoring or otherwise.

Shoring of cargo, etc.

201. The beams of any hatch in use for the processes shall, if not removed, be adequately secured to prevent their displacement.

Security of hatch beams

202. When cargo is being loaded or unloaded by a fall at a hatchway a signaller shall be employed; and, where more than one fall is being worked at a hatchway, a separate signaller shall be employed to attend to each fall:

Employment of signaller in certain circumstances

Provided that where the Management is of opinion that, owing to the nature of the crane or which or other appliance in use or by reason of any special arrangements, the requirements of this regulation are not necessary for the safety of the persons employed,

it may be certified in writing (which it may in its discretion revoke) suspend such requirements subject to such conditions as may be specified in such certificate.

Provision of safe transport by water 203. When any person employed has to proceed to or from a ship by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport. Vessels used for this purpose shall be in charge of a competent person, shall not be overcrowded, and shall be properly equipped for safe navigation and maintained in good condition.

Persons employed to use means of access 204. Every person employed shall use the means of access provided in accordance with regulations 169, 170, 171 and 172 of these Regulations and no person shall authorize or order another to use means of access other than those provided in accordance therewith.

Persons not to go upon beams, etc, in certain circumstances 205. No person shall go upon the fore and beams or thwartship beams for the purpose of adjusting the gear for lifting them on and off, nor shall any person authorize or order another to do so.

Machinery used to comply with Regulation

206. No employer of persons in the processes shall allow machinery or gear to be used by such persons which does not comply with regulations 179 to 191 inclusive of these regulations.

Responsibility of compliance with certain Regulations 207. If the persons whose duty is to comply with Regulations 169, 170, 171 and 172 if these Regulations fails so to do, then it shall also be the duty of the employers of the persons employed, for whose use the means of access and the lights are required to comply with the said Regulations within the shortest time reasonably practicable after such failure.

#### PART X

#### HANDLING OF CARGO

Transit sheds

- 208.—(1) Harbour transit sheds are closed to members of the public.
- 2. The Management may authorize employees of Tanzania Railways Corporation and Tanzania Zambia Railway Authority to be in transit sheds in connection with the loading and unloading of railway vehicles.

Goods not to be delivered without authority from Customs 209. No goods shall be delivered to any consignee without the production by him of the necessary authority from the Commissioner of Customs and Sales Tax.

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- 210. Importers or their agents present at the appointed place during the hours of business notified by the Management in the Tariff the following set of documents before the delivery of cargo may be made:—
  - (a) Declaration and Disposal Orders, or Delivery Orders, complete in every detail and respect and specifying the respective marks and numbers on packages, or articles in respect of unpacked goods, their number, description and contents with the deadweight, cubic measurement and duty free value thereof, also the name of the ship and the port of shipment, the arrival date and disposal instructions; there shall be a separate Declaration and Disposal Order or Delivery Order for each separate consignment; and
  - (b) Bills of Landing or Shipping Company's Delivery Orders, dury released by ship's agents, shall be produced for all cargo landed or to be landed before orders can be accepted or delivery made of any portion thereof, and no Bills of Landing or Delivery Orders shall be accepted on which the authority from the shipper to the holder is not deduced by a complete and accurate chain of endorsement; every Bill of Landing or Shipping Company's Delivery Orders shall clearly show to whose order the goods are to be delivered; and
  - (c) certified copy of the Customs Entry; and
  - (d) removal Orders complete in every detail and respects; and
  - (e) in the case of transhipment cargo, a shipping order complete in every detail and respect:

Provided that this Regulation, so far as it relates to the specification of deadweight and cubic measurement, shall not apply to certain cargo charges which are assessed on a defined basis set out it the Tariff, in which cases, either deadweight or cubic measurement, according to the unit specified in the said Tariff, or Bill of Landing tonnage shall be specified.

211. Goods for Customs examination under a provisional entry shall not be deemed to be cleared until a perfect entry has been duly made.

When goods provisionally entered are deemed to be cleared

212. Persons desiring goods to be shipped shall deliver to the appointed place, during the hours of business notified by the Management in the Tariff, Shipping orders, complete in every detail and respect and specifying the respective marks and numbers on packages or articles in respect of unpacked goods, their number description and contents with the deadweight or cubic measure or value thereof as required by the Tariff, also the name of the ship and the port of destination; there shall be a separate shipping order for each consignment.

Documents required for goods for export

Tendering goods for export

- 213.—(1) Goods for export shall not be deposited in any harbour but shall be tendered in such places as the Management may direct.
- (2) The owner of any goods tendered or deposited in violation of paragraph (1) of this Regulation shall be subject to a penalty of ten United States Dollars or its equivalent in Tanzania shillings per day until the goods are removed; or the Management may remove them, charging the owner with the cost thereof in addition to such fine.

Goods for export and relative documents to be received in time

- 214. All goods intended for shipment by any particular vessel together with the relative shipping orders shall be presented at the appointed place at the harbour not later than 12 working hours after the call for the goods, in the event of goods or shipping orders being received late the exporter shall be liable for any additional expenses incurred.
- (2) Goods in respect of which shipping orders are presented shall be ready for shipment in every respect.
- (3) Resorting or other manipulation of goods is not permitted in harbour area other than by the Authority or its servants.
- (4) Goods which are not in every respect fit for shipment shall be removed from the harbour area within 48 hours from time of receipt.
- (5) The Authority does not accept responsibility for ensuring that the whole or any part of any parcel of goods covered by any shipping order is placed aboard any ship before her time of sailing.
- (6) In all cases export cargo shall not be received by the Management except for warehousing upon the terms and conditions, and at the charges, prescribed in the Tariff.

Cancelling or amending orders

215. Orders from persons in lawful control of goods, cancelling or amending previous orders provided such orders are given 12 hours before sailing time accepted by the Management, provided it is reasonably possible to act upon such orders at the time they are received; a charge may be made in respect of each order cancelling or amending a previous order, and such charge shall be paid at the time such order is delivered to the Management.

When weight or measurement not available

- 216—(1) When the weight or cubic measurement of goods or both is not available the goods shall be weighed or measured by the Management and the charges thereof shall be paid by the person who presents the Declaration and Disposal Order or Delivery Order or Shipping Order in respect of such goods.
- (2) All packages weighing 1,000 kilos or more must have the actual weight thereof legibly painted on the outside of the package in close proximity to the shipping mark; if this is not done, the package may be weighed by the Authority and all expenses of weighing, extra handling, to the consignee and may be forthwith recovered from him.

- (3) The Authority shall not be liable for any error in any weight made under the provisions of this Regulation nor shall the Authority be joined in any suit arising out of a dispute between buyer and seller or shipper and consignee in respect of any goods so weighed.
- 217.—(1) When goods are insufficiently or erroneously marked, the Authority, notwithstanding that all duesand charges have been deposited or paid, may require from any person claiming such goods a special release order signed by the ship's agents, or an indemnification against any loss or damage which the Authority may sustain by reason of the delivery to such person. The ordinary rent shall be charged against all goods remaining on the harbour premises in consequence of such insufficient or errorenous marking.

Marking of packages

- (2) The Authority shall not be liable for any damage, loss, delay, or non-delivery of goods occasioned by insufficient or erroneous marking.
- 218. The delivery of goods to the Customs Warehouse appointed by the commissioner of Customs and Sales Tax shall constitute delivery of such goods to the consignee, and the Authority shall not be liable in respect of goods after they have been so delivered.

Delivery to Customs Warehouse Defective packages

- 219.—(1) Where any goods have been landed in packages of a defective or leaky character, notwithstanding the provisions of Regulations 58 and 60 (2) (c) of these Regulations or the fact that the Management has given a receipt for the goods, delivery of the goods shall not be considered to have been made to the Authority until such packages have been repacked, rebagged, or repaired in a reasonably sound condition such goods have been checked in the presence of the ship's agent or a Customs Officer, and the Authority shall be deemed to have accepted delivery of only such goods as are found upon such check.
- (2) Notwithstanding the provisions of paragraph (1) of this regulation the Authority may decline to accept any goods which are tendered for landing in packages of a defective or leakly character until such packages have been properly repaired or the goods rebagged or the packages have been properly repaired to the satisfaction of the Management.
- 220.—(1) Except for Customs purposes no goods or materials of any kind shall be unpacked within a harbour without the special permission of the Management; and all straw or other material from which goods may have been unpacked shall be immediately swept up and removed by the owner or agent of such goods, failing which the same shall be swept up and removed by the Management at the expenses of such owner or agent.

Unpacking of goods

221.—(1) When acids, grease, oils, tar, pitch, paints or other similar substance come into the possession of the Authority in a leaky condition, the Management may in its discretion repair the leaky or defective packages at the expense of the owner, and may refill any packages from which the original contents have leaked with like substance from other leaky or damaged packages forming part of the same consignment.

Acid, etc., landed in leaky condition

(2) If the packages are repaired or refilled, the consignee or owner shall have no claim in respect of the manipulation of such packages:

Provided that, the owner may at the time of handing in his orders notify the Management that he wishes such articles to be set aside, and in that case they may be removed to a depositing ground or

plaed in a warehouse at his risk and expense.

Charges to be prepaid or secured

222. All dues and charges payable to the Authority upon all goods landed, shipped, transhipped or warehoused shall be paid, or sufficient security furnished for their payment, before orders for shipping, delivery or forwarding are acted upon, and the Authority may prevent the removal of any goods from its premises whilst any dues or charges payable by the consignee remain unpaid:

Provided that, for the purpose of preventing delay, the Management may ship cargo before the dues and charges payable thereon are paid, and, in that case, shall retain the ship's receipts as security for the payment of such dues and charges.

Management may destroy or otherwise deal with dangerous goods

223. In cases of emergency, or for the purpose of securing the better safety of a harbour or the shipping therein, the Management may, wherever it may seem expedient to do so, destroy or otherwise dispose of dangerous goods within a harbour without compensation to the owner of the goods.

Goods stored in the open

224.—(1) The following goods, when not packed, shall not be placed in stores or transit sheds, but shall be stored in the open:

asbestos pipes, sheets and ridges, ashes, ashphalt, bones, bricks, chalk, charcoal, cinders, clay, coal, concrete manufactures, dung, flower pots (earthen), firewood, horns, iron, steel and other metals or manufactures thereof, whether cast, forged, wrought, or rolled, and in such forms as pigs, ingots, billets, blooms, slabs, bars, plates, galvanized sheets and sections rods, tubes, pipes or girders, ores, scrap metal, pipes (earthen), railway material, sand, slate, sleepers, stone, straw, sulphur in bulk (not being flowers of sulphur), timber, vehicle and chassis.

(2) At the request of owners or their agents, wishing to protect goods stored in the open, the Authority is prepared to hire out tarpaulins, when these are available, at the charge prescribed in the Tariff.

#### PART XI

SPECIAL PROVISIONS RELATING TO DHOW CARGO

Dhow cargo to be handled at approved places Import and export car-

BOWS

225. Dhow cargo may be landed or shipped by owner's labour, at such charges as may be prescribed in the Tariff at Dar es Salaam at the Dhow Jetty in the Dhow Wharf and elsewhere at such places as the Management specifically appoints.

226. Import and export cargoes from and to dhows may, at the discretion of the Management, be deposited on the premises of the Authority at such places as may be appointed for the deposit of dhow cargo and at such charges as may be prescribed in the Tariff,

227. Where any goods are landed, shipped or deposited under the provisions of this Part at the places appointed therefor, the Authority shall not incur any liability in respect of any loss, misdelivery or detention of, or damage to, any such goods.

not sponsible for loss.

228.—(1) Dried and salted fish deposited on the premises of the Au- Dried and thority shall be removed therefrom within a period of three days:

salted fish

Provided that if such goods have been entered for home consumption in accordance with the provisions of the Customs laws an extension of one day may be granted by the Management.

- (2) Where any such goods have not been removed within such period, the Management may sell such goods by public auction and may, out of the proceeds of any such sale, deduct any sum due to the Authority and shall deliver the balance, if any, to the person appearing to the Management to be entitled thereto.
- 229. Where any goods other than dried and salted fish are deposited on the premises of the Authority, the Management may give notice to the person appearing to them to be entitled thereto to remove the goods within such time as may be specified in the notice; and if the goods are not removed within the time so specified the Management may sell such goods and dispose of the proceeds of sale in accordance with the provisions of this Part:

Removal and/or sale of entered goods by the Management

Provided that no imported goods shall be sold until they have been entered in accordance with the provisions of the customs laws.

230. No cargo from or to dhows may be landed or shipped at the Authority's quays, jetties or wharves ordinarily used by shipping or lighters, nor may the cranes installed thereat be used for the purpose of landing or shipping such cargo except with the permission and at the discretion of the Management and subject to the payment by the master or owner of the ordinary charges applicable thereto prescribed in the Tariff.

Dhow cargo may not handled at places ordinarily used by shipping. etc

#### PART XII

SPECIAL PROVISIONS RELATING TO CONTAINER SHIPS/HANDLING

231. Subject to Regulation 50 container ships will discharge or load cargo at berths 9, 10 and 11 on first come first served basis. General cargo ships may ocupy these berths at the sole discretion of Management.

Container ships occupy special berths

232. Ships shall not be brought alongside berths 9, 10 and 11 if container handling crane booms on vacant berths are in the lowered position or if the container cranes are parked in vulnerable positions on the berths.

Safety of container cranes or berths

Ship's cranes to be in stowed position

233. Any container ship with container handling cranes shall have them in the stowed position until the ship is safely berthed.

When to unlash containers or deck

234. The master of every container ship shall ensure that all containers stowed on deck which are for discharge are unlashed after the ship is safely berthed before the time fixed for commencement of loading or discharging.

Master to provide adequate safe means to containers 235. In addition to complying with these Regulations the master of every ship shall provide adequate safe means of access to all containers stowed on deck for the purpose of lashing or unlashing. "Adequate safe means" are ladders of sufficient length to reach the top of the highest tier of containers and of approved constructhion according to International Convention for Safe Containers, 1972. The Master shall also provide a sufficient number of twist lock poles or similar device long enough to operate all the twistlocks from the weather deck level.

Ship's cranes or derricks not impede shipto-shore gantry

236. When a ship-to-shore gantry is to be used for the discharge or loading of cargo the Master shall first ensure that the ship's deck cranes or derricks are placed in such a position that the operation of such a crane is not impeded and its boom does not need to come within 3 metres of the crane jib or derrick head.

Ship's cargo gear to be held in readiness

237. A ship shall have all cargo handling gear in readiness as soon as is practicable after the vessel is safely berthed, before the time fixed for commencement of discharging or loading operations. The use of the ship-to-shore gantries shall be at the sole discretion of Management.

Start of hatches of ships without cranes or derricks 238. Subject to Regulation 52 ships which do not have any cargo handling cranes or derricks and which require the use of shore equipment to open hatches, shall have the hatch-covers ready for lifting off before the time fixed for commencement of discharging or loading operations.

Containers to be sufficiently marked

239. All containers discharged shll be clearly marked with standard ISO Lettering and numbering except in the case of shippers' owned conainers where an adequate marking of non-standard type will suffice. The Authority shall not be liable for loss or mis-delivery of containers which are insufficiently marked.

Master or agent to furnish manifest

- 240. The Master or agent of any ship shall, within four days in advance of arrival, furnish the Authority with the ship's manifest of the cargo to be loaded and cargo plan indication the location of each container, together with:—
  - (i) container number;
  - (ii) port of loading;
  - (iii) port of discharge;

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- (iv) Weight in metric tonnes:
- (v) owner of the container;
- (vi) details of any out of gauge container;
- (vii) details of any refrigerated containers (and the carrying temperature):
- (viii) details of hazardous cargo in containers, using IMO system of class numbering;
- (ix) status of container: full, empty; house to house, pier to pier, pier to house, house to pier;
- (x) details of any breakbulk cargo no board;
- (xi) type of container.
- 241. All containers capable of being sealed shall bear customs approved seal attached through the door latch. The Authority shall not be liable for the loss of any contents if a container is not sealed or the seal is tampered with as evidened by tally records.

Containers to bear customs approved seal

242. Any ship wishing to land any container for its own convenience with the intention of restowing such container on board prior to departure shall first obtain Management's permission. The Authority shall not be liable for any loss or damage to any cointainer or any contents therein. Any container which has not been re-loaded before the ship's departure shall be for storage until such time as the container is removed from the port.

Landing containers on ship convenience

243. When breakbulk cargo is to be discharged at the Container Terminal the Management shall have the liberty to use either the ship's own crane/derricks, the ship-to-shore gantries or the floating crane. The Authority shall not be lible for any such lifts but the ship shall be responsible for these lifts and be charged at a special Tariff rate.

Management to decide use of cargo gear

244. The delivery to, or receiption from, a road vehicle will take place in the container stacking area. All vehicles will be required to enter and leave the container terminal throught the control gate and follow the approved traffic low system. The Authority shall not be liable for the loss of, or damage to, any container once delivery has been effected but shall hold the haulier responsible for the carriage of the container across the terminal.

Delivery or reception of container

245. The Authority's Inland container Depots (ICD's) at Ubungo and Kurasini and any other such areas as may be established later on shall be deemed to be part of the Dar es Salaam Port area and all appropriate Harbours Regulations shall apply.

Harbours Regulations to aply to ICDs

246. All port-to-port and house-to-house containers shall, at the sole discretion of Management, be transferred to either Ubungo or Kurasini depots by the Authority's own vehicles. The order of stripping out of containers shall be determined by the Management and no liability shall be accepted for consequent delays in delivery of cargo or container.

Transfer to depots striping of containers at the discretion of Management

Liability for insufficient packing of cargo in containers 247. All cargo must be evely packed and sufficiently secured inside containers so as to ensure stability of containers. Ships shall be liable for the consequences of any accidents arising out of insfufficient packing of cargo in any container.

Penalty
may be
imposed
for nonobservance of
International
Regulations

248. Half heights and flats shall be properly lashed and secured and shall be packed according to International Regulations and Practices. In the event of non-compliance with these Regulations the importing vessel shall be penalised including but not limited to raising double the charges.

Management to be notified of the intentions to change the status of container

- 249.— (a) (i) Requests for changes of status of containers from house-to-house to pier-to-pier or vice versa must be submitted to and approved by the Customs and Sales Tax Department on form C11 and must include all the necessary details that is the relevant Bills of Landing, container numbers and the status for which change is requested. Such approved changes must be submitted to the Revenue Accountant and Central Documentation Office within four days prior to the arrival of the importing vessel.
  - (ii) If the status of the container is not declared in the manifest, such a container shall be treated as house-to-house and attract storage charges as per Tariff.
  - (b) Amendments of status from pier to pier or house to house and vice versa shall be received before the carrying vessel starts working. If such an amendment is received after the container is landed rent shall be charged on both the container and the cargo up to and including the date of receipt of the amendment. Where the amendment is received after the container has been shipped, stuffing charges shall be raised through a container MPS voucher

### PART XIII

#### STORAGE

The Authority may refuse to accept certain goods for storage

- 250. The Authority may refuse to accept the following goods for storage or in accepting such goods for storage may impose special conditions thereon:—
  - (a) articles of unusual length, bulk or weight, or of exceptional bulk in proportion to weight;
  - (b) articles unpacked or improperly or insufficiently packed;

- (c) dangerous, hazardous or offensive goods, being any goods which are likely to cause harm or damage to persons or property;
- (d) perishables and goods inherently liable to wastage in bulk or weight or to latent or inherent defect, vice or natural deterioration;
- (e) timber;
- (f) scrap metal;
- (g) animals.
- 251. Ship's dues, wharfage, handling, storage and other harbour dues and charges including fire-fighting services shall be levied at such rates as the management may, from time to time, prescribe in the Tariff of Harbour Dues and Charges.

Storage charges on imports

\*252. Storage charges shall be levied on all import cargo and merchandise for which documents have not been received by the Authority or on which charges have not been paid or secured:

Harbour dues and charges

Provided that such cargo and merchandise shall be subject to a free period as prescribed in the Tariff calculated from the posted date of arrival of the ship which shall be the date on which the dischage of cargo from such ship is commenced, or in the case of lighterage harbours, calculated from the date the import shed is declared open, which dates shall be given or posted at the Authority's offices.

253.—(1) Subject to the provisions of Regulations 252 of these Regulations, imported goods, which have not been removed from the Authority's sheds or stacking yards within the time specified in the Tariff shall be subject to storage charges for any period in excess of the free period allowed in Regulation 252 of these Regulations.

Local de-

(2) Imported cargo at any harbour area and in respect of which documents, completed in accordance with Regulation 211 of these Regulations, have not been presented to the Management within the period prescribed in the Tariff, may be moved, at the discretion of the Management, within the transit shed or from the transit shed to any other shed within the port area and any cargo so moved shall incur a removal charge as prescribed in the Tariff.

Tax for examination purposes may, at the discretion of the Management, be exempted from storage charges during the period they are so detained, that is to say, from the date the documents are stopped by Customs until the date of completion of examination.

(2) Goods seized by Police as found goods or property, shall be released by the Authority against signature of a Police officer and such goods shall be returned to the Authority upon completion of investigations or court proceedings for disposal in accordance with applicable procedures: Goods detained by Customs and Police

Export cargo

Provided that any delay attributable to the importer or agent during the period of detentions shall not be given the benefit of such free storage.

255. Storage charges shall be levied on all export cargo and merchandise and, save as otherwise provided herein, shall be levied from the date of acceptance by the Authority of such export cargo and merchandise in the harbour area until the date fixed as the loading date.

Free storage periods on export

256. At Dar es Salaam, Tanga and Mtwara a free storage period as prescribed in the Tariff Book shall be allowed on all export cargo calculated from the date of acceptance by the Authority of goods in the harbour area.

Shut out cargo

- 257.—(1) Shut out cargo shall incur storage and other charges as prescribed in the Tariff.
- (2) Cargo shall be deemed to be shut out if it has been accepted into the port for shipment in accordance with Regulation 215 of these Regulations but is not accepted for carriage by the ship named in the shipping order.

Goods may transferred

258. At Dar es Salaam, Tanga and Mtwara export cargo on which storage charges have become due may be transferred by the Management, at its discretion, to any point in the harbour area or left in situ:

Provided that such cargo shall incur additional charges as prescribed in the Tariff.

Removal of export cargo

- 259.—(1) Where an exporter desires to move any export goods already in the transit sheds for any purpose other than for shipment the Management shall provide labour and cranege necessary at the charge prescribed in the Tariff Book and the employment of private labour for this purpose shall not be permitted.
- (2) Where it is desired to remove export goods from a transit shed to a private godown, the necessary loading orders shall be submitted not less than forty-eight hours before the expiration of the free storage period on the goods concerned. Failure to comply with the provisions of this Regulation shall result in storage rent being charged up to the date on which the goods are loaded.

When storage accomdation not available

260. If there is insufficient harbour storage accommodation available, the Management may order the owners or agents of any goods to make. within a specified time, their owners or agents of any goods to make. wthin a specified time, their own arrangement for the storage of such

Penal storage chages

261. If any order issued under Regulation 260 of these Regulations is not complied with within the specified time, the goods shall be subject in addition to other charges incurred, to a penal charge as prescribed

Change of ownership of goods

262. Any change in the ownership of goods shall be notified to the Management immediately such change takes place and, in the absence of such notified to the Management immediately such notification, the previous owner will be held responsible for all charge.

263.—(1) Storage charges shall be levied on all transhipment and overlanded cargo and merchandise where landed, or discharged into lighter pending reshipment:

Transhipment cargo

Provided that a free storage period shall be allowed as prescribed in the Tariff from the posted date of arrival of the ship by which such goods were imported until the date fixed by the Management as the loading date of the on-carrying ship, or the date of presentation of the relevant shipping documents, whichever is the later.

(2) While awaiting reshipment, transhipment cargo shall not leave the custody of the Authority and shall not be subject to manipulation, otherwise ordinary import and export charges will be applied.

264. Passenger's baggage not removed from the Customs examination location at harbour within twenty-four hours after clearance will be removed and warehoused and charged for at the warehouse rates prescribed in the Tariff Book.

Passengers' baggage

Claims for refund of overcharges in respect of Harbour Dues and Charges must reach the Management before the expiration of six months from the date such Harbour Dues or other charges were incurred and shall be supported by such documents as the Management may require. Unless the provisions of this Regulation are complied with, the Authority shall not accept any liability for the over charge nor shall the claim be considered.

Claims for refund of overchages

#### PART XIV

#### WAREHOUSING

266. The Authority will warehouse export cargo (other than livestock) at harbour subject to the following conditions:—

Warehousing of export cargo

- (a) that space is available;
- (b) that goods intended for harbour warehouses shall be so consigned, when this is not possible the shipper or his representative shall advise the Management in writing not later than noon on the day previous to that on which the goods are to be warehoused;
- (c) that non-harbour labour shall not be allowed in Harbour Warehouses.

267. Services in connection with goods warehoused in Harbour Warehouses not included in the Tariff Book shall, provided such services can in the discretion of the Management be undertaken, be subject to a special charge to be determined by the Management.

268. Dangerous goods, as specified in the Fourth Schedule to these Regulations, shall not be accepted in harbour warehouses.

Special charges where services not specified

Dangerous goods not accepted

Packing of export goods 269. Exports warehoused in harbour warehouses shall be properly packed for shipment. Resorting and other manipulation of goods is not permitted in harbour warehouses.

No shipment without Shipping Order 270. The Authority shall not load goods ex-harbour warehouses into trucks for shipment except upon receipt by the Management of the Shipping Order relating to such goods.

Particulars, etc., to be provided and rent 271. No goods shall be released for export or local delivery from harbour warehouses until all partiuculars including the value of such goods when applicable, have been furnished to the management and warehouse rent thereon paid, or secured.

Warehousing of export cargo discretionary 272. The Authority reserves the right at any time to withdraw the facility of warehousing export cargo.

### PART XV

## CONTROL OF HARBOURS

Closing roads, wharves, etc.

273. The Authority may, when it considers it desirable so to do, within any harbour area, close any road and wharf, jetty, quay, warehouse or any part thereof, and may permit or prohibit the use thereof subject to such conditions or payment as the Authority may think fit to impose.

Trespasesesers 274. No unauthorized person may enter any harbour area, climb upon the roof of any shed or upon any crane, lighthouse, signal station or navigation mark, or remove any timber, wood vegetation or growth from any land, and except as provided in Regulation 282 of these Regulations, remove sand, stone, ballast, or shingle from within a harbour area.

Vehicle to take position or place assigned 275. Road vehicles within a harbour area shall take the position or place assigned to them by the Management.

Vehicles to move when required 276. Persons in charge of road vehicles within a harbour area shall move their vehicles when required to do so by the Management.

Dangerous driving 277. No authorised person shall drive a mechanically propelled vehicle on any throughfare within a harbour area so as to be a danger to the public.

Behaviour of motorists 278. Every driver or person in charge of any mechanically propelled vehicle shall, at all times while in or entering or leaving a harbour area, conduct himself in an orderly manner and shall comply with such orders

as may, from time to time, be issued by the Authority, and with the terms of any notice or sign exhibited by or under the direction of the Authority.

279. No person in a harbour area shall disregard a danger signal or refuse to stop when called upon to do so by a police.

Danger signals

280. No road vehicle shall be parked over or near any fire hydrant, railway crossing or crane supply line ducts.

Fire hydrants

281. No person in a harbour area shall disregard the direction of the firemaster, police officer or other authorised person in event of an outbreak of fire, or obstruct or in any way interfere with the fire-fighting operations.

Firefighting operations

282. The Authority may, in the event of a major outbreak of fire, exclude the public from the vicinity of the fire and may close the whole or any section of the harbour area as the Management may think fit.

Power to exclude public if major fire occurs

283. Whenever fire-fighting services are provided by the Authority, whether at the request or not of the master, owner or agents of a vessel, vehicle or goods, then the Authority may make a charge in respect of such fire-fighting services at a rate not exceeding the actual cost of such fire-fighting services plus 10% per cent.

Fee chargeable for fighting services

284. All persons entering or leaving a harbour area shall do so through the harbour entrances or exits provided for the purpose and shall be subject to the lawful orders and direction of the Management or authorized servants of the Authority.

Entering or leaving a harbour area

285. The Management may require all labour employed within a harbour area to carry and exhibit identification disc or ticket from the time of entering to the time of leaving the area.

Labour to carry identification discs

286.—(1) No unauthorized person shall enter or leave a harbour area after gates have been closed.

No unauthorized entry when harbour gates

closed

(2) Any person wishing to go into or out of the harbour area shall stop at the harbour gates for examination which shall include any vehicle or animal by which such person is travelling or accompanied, by a police officer or other duly authorized person.

No loading of or causing to be loaded, motor vehicle for conveyance of goods out of area exept against a proper

gate pass

287.—(1) No person shall knowingly or unknowingly, load or cause to be loaded into any vehicle intended to be used for the conveyance of goods out of a harbour area, or take out of such harbour area, any parcel, package or article of any kind within such area except upon possession of, or production and delivery to a police officer or other duly authorized person at a designated harbour gate, as the case may be, of gate pass and pass out check authorizing such person to take such parcel, package or article out of such harbour area.

- (2) No gate pass shall be endorsed after pass-out checks in respect of manifested cargo, passenger's baggage and unmanifested articles exship, unless and until all customs requirements have been complied with and all harbour dues, rents, and charges in respect thereof have been paid or secured.
- (3) Where parcels, packages or articles of any kind are conveyed out of a harbour area by railway, such parcels, packages or articles shall be so conveyed only when they have been properly booked out for such conveyance and then only after all customs requirements have been complied with and harbour dues, rents, rates and charges in respect thereof have been paid or secured.

When harbour gates to be closed

288. The harbour gates will be closed to such traffic and at such times as may, from time to time, be notified by the Management.

Person wishing to enter harbour area

289. Any person who wishes to enter the harbour area for a legitimate purpose may do so, subject to the provisions of Regulations 264 and 263 of these Regulations and to the condition that the Authority shall not be liable for personal injury, whether fatal or otherwise, loss, damage, delay, or detention of, or to any person and/or his property howsoever caused.

Vagrants

- 290.—(1) No person shall, except with the permission of the Management, enter or remain in any harbour area except on lawful business.
- (2) Any person entering, or who has entered a harbour area, shall whenever required to do so by any duly authorised servant of the business in respect of which such person claims to be entitled to be in such harbour area.
- (3) Any person committing a breach of this Regulation may, without prejudice to his liability to any other penalty at law, be forthwith removed from the harbour area and excluded therefrom.

Hawking and trading 291. No hawking or trading of any kind and by any person whatsoever shall be carried on within a harbour area without the written consent of the Management.

Advertising on harbour property 292. No person may, without having been previously authorized to do so by the Management, advertise or cause any advertisement to be exhibited on any premises or property of the Authority within a harbour area.

Bathing

293. No person shall bathe within a harbour area except at authorized places, and unless he is clothed in a bathing costume or such other garment as, in the opinion of the Management, is sufficient for the purpose of decency.

Burials

- 294.—(1) No dead body of any kind shall be buried either within on shore or sea within three nautical miles seaward of the limits of a harbour.
- (2) The body of a dead person shall not be buried at sea within three nautial miles seaward of the limits of a harbour.

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295. All dogs, reptiles or wild animals found at large on harbour premises may be destroyed by the management. Those on board any ship or traditional vessel shall be properly secured by the master.

Dogs and wild animals

296. No fishing stakes, baskets or other instruments for catching fish shall be placed or remain in any position so as to obstruct or impede navigation in a harbour. No stakes or baskets shall be erected without the permission of the management and on payment of the charges prescribed in the Tariff.

Permission
necessary
to erect
fishing
stakes and
other instrument

297. No steam siren, whistle or foghorn shall, save with the permission of the Management, be sounded within a harbour area except for the purpose of navigation or of giving a fire alarm.

Use of sirens

298. No divers except those in the employment of the Authority shall work within a harbour without the permission in writing of the Management.

Divers

299. No stone or sand shall be removed from any part of the shore, up to the spring tide high-water mark, within the limits of a harbour without the permission in writing of the management. A charge will be levied as prescribed in the Tariff:

**Ballast** permits

Provided that permits for ballast for Government use, public institutions and for small quantities for scrubbing decks and like purposes may be issued at the discretion of the Management.

300. No person shall spit within, upon or against any part of, any harbour premises. Any person continuing so to spit after having been requested to desist by any servant or agent of the management, may be removed from any harbour area by or under the direction of any such servant or agent, without prejudice to any other penalty which may be incurred under these Regulations.

Spitting prohibited

301. No person shall smoke within any shed, or within any section of a harbour area wherein "No smoking" notices are exhibited. Any person committing a breach of this Regulation shall, without prejudice to any other penalty which may be incurred under these Regulations or other law, be forthwith removed from the harbour area.

Smoking prohibited

#### PART XVI

#### SUNDRY AGENTS

302. The Authority may cancel any licence granted under these Regulations whenever it may think fit, or may refuse to renew or endorse any licence.

Licences

303. The granting under these Regulations of a licence or permit for any purpose shall not impose any liability or resposibility upon the Authority for any accident to the holder of a licence or permit while on harbour premises, due to the working of cranes, locomotives, or any other cause whatsoever.

Licences or permits

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Licensing of agents and others 304. No person shall in a harbour area undertake the stevedoring, landing or loading of goods, or act as a harbour baggage attendant or as an agent for the clearing or forwarding of goods from a harbour area otherwise than by agreement with the Authority for the purpose and on payment of such fees as may be prescribed in the Tariff.

Ship chandlers and other dealers 305. No person shall carry on in a harbour area the business of a dealer in marine or other stores or articles without a licence from the Authority and no person shall go on board any vessel for or take away from any vessel, any marine stores, sweeping, dunnage, coal, wood or other articles whatsoever, without the written permission of the master thereof.

Harbour baggage attendants 306. Every harbour baggage attendant shall carry his licence and an identification disc on his person while engaged in working as such harbour baggage attendant.

#### **PART XVII**

#### MISCELLANEOUS

Performance of service and provision of other facilities by other persons.

307. The Authority may enter into agreement with any person including any company or association or body of persons corporate or incorporate, for the performance or the provision by that person of any of the services or the facilities which may be performed or provided by the Authority and thereupon such person shall have no greater liability to any third party than that which the Authority would have had to such third party under the provisions of these Regulations.

Exclusive power of the Authority 308. Save where otherwise expressly provided or save with the written permission of the Authority specifically in that regard obtained, no person shall in any harbour subject to these Regulations perform or cause to be performed any work, service, or facility, or suffer any obstruction or nuisance to remain unabated.

Penalty for contravention Regulations 309. Except in the case of any regulation under which any less penalty is expressly provided, every person doing anything prohibited by any of these Regulations or omitting to do anything required by any of them or otherwise contravening any of these Regulations, shall be liable to a fine not exceeding US \$ 10,000 or its equivalent in Tanzanian Shillings for Tanzanian nationals residing in Tanzania or to imprisonment for a term not exceeding nine months or to both such fine and imprisonment.

Regulations to be subject to Merchant Shipping Law 310. For the avoidance of doubt it is hereby declared that the provisions of these Regulations in so far as the related to merchant shipping shall be subject to the Merchant Shipping Act (No. 43 of 1967).

311.—(1) The East African Harbours Regulations 1970 are hereby revoked.

Revocation of L.N. 9 of 1970

(2) All licences, instrument or other documents granted, made or given under the provisions of the East African Harbours Regulations 1970 (hereby revoked) shall, save in so far as they are inconsistent with the provisions of these Regulations, continue in force according to the tenor thereof as if they had been granted, made or given under these Regulations.

#### FIRST SCHEDULE

# TANZANIA HARBOURS AUTHORITY NOTIFICATION (Regulation 16)

| NOTICE OF EXPECTED ARRIVAL OF A SHIP                                 |         |
|--|---------|
| NOTICE QF EXPECTED ARRIVAL OF A SHIP                                 |         |
| NOTICE OF EXPECTED ARRIVAL OF A SHIP                                 |         |
|  |         |
| 1. Name of ship  |         |
| Name of ship  Nationality  |         |
| 2. Nationality   |         |
| 3. Last port of call   |         |
| 4. Date expected   |         |
| 5. Tonnage of ship: Gross Net  |         |
| 6. Approximate bill of lading tonnage and description of cargo to be |         |
| 7. Approximate bill of lading tonnage and description of cargo to be | shipped |
| 8. Approximate number of passengers to disembark                     |         |
| 9. Agents  |         |
| 10. Remarks  |         |
| Port of  |         |
| 19   |         |
|  |         |
|  |         |
|  |         |
|  |         |
| Owner  | /Agents |

#### SECOND SCHEDULE

## TANZANIA HARBOURS AUTHORITY SHIPPING RETURN

(Regulation 18)

| Name of ship   |
|--|
| Nationality  |
| Ship's Owners  |
| Registered tonnage (a) Gross (b) Net                                     |
| Summer Deadweight  |
| Name of Master   |
| Number of crew   |
| Date of arrival  |
| Port at which voyage commenced   |
| Last port of call  |
| Cargo imported: Deadweight tons i.eB/L tons                              |
| Passengers disembarked   |
| Number of mail bags: (a) Landed  |
| Cargo exported: Deadweight tons i.e                                      |
| Passengers emberked  |
| Number of mail bags: (a) Landed Shipped                                  |
| Draft on departure: (b) forward  |
| (b) aft  |
| Next port of call  |
| Final destination  |
| Deck cargo loaded (excluding livestock) cubic meters                     |
| olus deadweight tons.  |
| ivestock loaded for carriage on deck (state number and types of animals) |
| avestock loaded for entrage on deen (state nameer and types of animals)  |
|  |
| Owners/Agents  |
|  |
| Port Manager/Harbour Master  |

1000

Port of .....

G.N. No. 413 (conta

#### THIRD SCHEDULE

#### TANZANIA HARBOURS AUTHORITY

Ship's Record and Master's Report (Regulation 28)

| PORT OF  |
|--|
| MASTER'S REPORT  |
| Name of ship   |
| National ty  |
| Port of Registry   |
| Name of Master   |
| No of co. v  |
| Owners   |
| Charterers   |
| Type of charterparty   |
| Agents   |
| Registered tonnage (a) Gross   |
| Summer Deadweight  |
| Length overall   |
| Voyage No From (state port at which voyage commenced).                               |
| ······································   |
| Last port of call No of days out from last port                                      |
| Draft arriving (a) forward (b) After   |
| Freeboard at Summer Load Line Feetinches   |
| Total number of passengers carried (including those for disemberkation at this port) |
| this port)   |
| Date and time of anchoring Outer Harbour   |
| Date and time of arrival Inner Harbour   |
| (a) For this port  |
| (b) In transit   |
| ivestock carried on deck (state number and type of animals)                          |
| (a) For this port  |
| (b) In transit   |
| o be landed at this port:  |
| Cargo in deadweight tons which equals  |

| Tunzunia Harbours   | Regulations  |
|---|--|
| G.N. No. 413 (contd.)   |  |
| Bill of Lading tons   |  |
|   | Mail (no. of bags)   |
| Next port of call   |  |
|   | winches and capstans are all in good order.  |
| Date19  | Master   |
| NOTICE TO   | O MASTERS  |
| Masters are notified that this form must be Pilot on his leaving the ship. Should this be in at the office of the Management within the | be completed without delay and handed to the impracticable, the documents must be handed wo hours of ship's arrival. |
|   | THE MANAGEMENT   |
| deadweight tons.  | estock)cubic maters plus   |
| Livestock loaded for carriage on deck (state  | e number and type of animals)  |
| Shipped:  |  |
| Passengers  | Mail (No. of harr)   |
| cargo and deadweight tons<br>bill of lading tons.   | which equals   |
| Date shipping return received   |  |
| Remarks:  |  |
|   |  |
|   |  |
|   |  |

FOURTH SCHEDULE

TANZANIA HARBOURS AUTHORITY DANGEROUS OR INFLAMMABLE GOODS (Regulation 133)

For the purpose of this Schedule to these Regulation reference is hereby made to the I.M.D.G. Code of the I.M.O. as amended from time to time.

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#### FIFTH SCHEDULE

#### TANZANIA HARBOURS AUTHORITY

(Regulation 179)

### MANNER OF TEST AND EXAMINATION BEFORE TAKING LIFTING MACHINERY INTO USE

(a) Every winch with the whole of the gear accessory thereto (including derricks, goose necks, eye-plates, eye-bolts, or other attachments) shall be tested with proof load which shall exceed the safe working load as follows:

Safe working load Proof load

 Up to 20 tons
 25 percent in excess

 20—50 tons
 5 tons in excess

 Over 50 tons
 10 percent in excess

The proof load shall be applied either (i) by hoisting movable weights, or (ii) by means of a spring or hydraulic balance or similar appliance, with the derrick at an angle to the horizontal which shall be stated in the certificate of the test. In the former case, after the movable weights have been hoisted, the derrick shall be swung as far as possible in both directions. In the latter case the proof load shall be applied with the derrick swung as far as practicable first in one direction and then in the other.

(b) Every crane and other hoisting machine with its accessory gear shall be tested with a proof load which shall axceed the safe working load as follows:—

Safe working load

Proofload

| Up to 20 tons | <br>25 percent in excess |
|---------------|--------------------------|
| 20—50 tons    |                          |
| Over 50 tons  | <br>10 percent in excess |

The said proof load shall be hoisted and swung as far as possible in both directions. In the case of a jib-crane, if the jib has a variable radius, it shall be tested with a proof load as defined above at the maximum and minimum radii of the jib. In the case of hydraulic cranes or hoists, where, owing to the limitation of pressure, it is impossible to hoist a load 25 per cent in excess of the safe working load, it shall be sufficient to hoist the greatest possible load.

(c) Every article of loose gear (whether it is accessory to a machine or not) shall be tested with a proof load at least equal to that shown against the article in the following table:—

Arricle of Gear

Chain

Ring

Hook

Shackle

Swivel

Proof Load

Twice the safe working load

Bulley Blocks

Proof Load

Single Skeave Block

Four times the safe working load

Multiple Sheave Block w. load up to and including 20 tons

Twice the safe working load.

1003

Multiple Sheave Block with safe working load over 20 tons up to and including 40 tons

20 tons in excess of the safe working load.

Multiple Sheave Block with safe working load over 40 tons

One and a half times the safe working load

Provided that where the Government Factories Inspector (Port Safety) is of the opinion that, owing to the size design, construction, materials or use of any such loose gear or class of such gear, any of the above requirements are not necessary for the protection of persons employed, he may by certificate in writing (which he may in his discretion revoke) exempt such gear or class of gear from such requirement, subject to such conditions as may be stated in the certificate.

- (d) After being tested as aforesaid, all machines with the whole of the gear accessory thereto and all loose gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see that no part is injured or permanently deformed by the test.
- (e) In the case of wire ropes, a sample shall be tested to destruction and the safe working load shall not exceed one-fifth of the breaking load of the sample tested.

#### GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA

CERTIFICATE OF TEST, EXAMINATION, INSPECTION OR TREATMENT OF **APPLIANCES** 

I hereby certify that the appliances shown hereunder have been tested examined, inspected, or treated by me in accordance with the Docks Rules 1962 made under the provisions of section 55 of the Factories Ordinance 1952 Cap. 297 and Tanzania Harbours Regulations 1991.

| Description<br>of<br>Appliance | Quantity | Name of<br>Owner | Date of latest<br>test examina-<br>tion or inspe-<br>ction | Date Exami-<br>ned tested<br>or Inspected | examination |
|--------------------------------|----------|------------------|--|---|-------------|
|                                |          |                  |  |   |             |
|                                |          |                  |  |   |             |

| Date: |   |
|-------|---|
| Date  |   |
|       | *************************************** |
|       |   |
|       | Signature of Examiner                   |
|       |   |

#### SIXTH SCHEDULE

#### HARBOUR CRAFT MASTERS AND ENGINEER'S LICENCE (Regulation 126)

WHEREAS you have been found duly qualified to perform the duties of a of a ...... in terms of these Regulations, I hereby grant you this Licence pursuant to the provisions of the Tanzania Harbours Authority Act, 1977.

#### Tanzania Harbours Regulations

G.N. No. 413 (contd.)

| By Order of the Director General, Tanz         | zania Harbours Authority.  |
|--|--|
| Date this day of                               | 19   |
| 192250 11                                      | the settlement of the settleme |
|  |  |
|  | PORTMANAGER  |
| Signature of Holder                            | Full Names of Holder   |
| Address  |  |
|  | Company to senies  |
| This licence is granted in respe               | ct of a successful examination passed  |
| This licence is not transferable and is lia    |  |
|  |  |
| SEVENT   | H SCHEDULE   |
|  | E ATTENDANT'S LICENCE  |
| bolom anomalopo se de la Maria (Regu           | ulation 306)   |
| In consideration of the payment of the to Mris | fee of twenty shillings licence is hereby granted  |
| Regulations made hereunder.                    | anzania Harbours Authority Act, 1977, and all  |
|  | parties and period the total at the second action making the second and the second to second the second state and  |
|  | Port Manager<br>Tanzania Harbours Authority  |
|  |  |

#### EIGHTH SCHEDULE

## TANZANIA HARBOURS AUTHORITY SAFETY RULES: OIL TERMINALS

(Regulation 165)

Authority

1. These Rules shall apply within the restricted area of all oil terminals and to all vessels carrying bulk petroleum products within the harbour limits, and to all other vessels or craft at, or in the vicinity of, all oil terminal facilities within the ports of the Tanzania Harbours Authority (THA), including the Mjimwema Bay Single Point Mooring (SPM) at Dar es Salaam, other than where otherwise specified.

2. The Master, or Officer-in-charge, of a vessel to which these Rules apply shall ensure that the Rules are understood by all members of the crew. An abstract version of the Rules is available (in English and Kiswahili) which clearly states the main requirements of this schedule and which is suitable for display on the vessel.

Condition of Vessel

3. All vessels shall be adequately moored with efficient ropes which must be properly tended and kept taut to the satisfaction of the Port Manager's representative.

Emergency Towing Wires

4. Vessels shall provide emergency towing wires at each outboard quarter. The towing eye shall be maintained at water level with a suitable amount of slack on deck.

Gangway to Jetties

All vessels shall provide and tend a safe gangway complete with safety net for access to and from the jetty. Access to the vessel by any person by means other this gangway is prohibited. A lifebuoy with not less than 10 fathoms of line, shall be provided at the gangway.

Ignition of Flammable Vapours

- 6. All reasonable practicable precautions shall be taken to avoid the accumulation or ignition of flammable vapours.
- 7. Other than with the express written permission of the Port Manger or his representative and, in the case of 7 (iii), the Master of the vessel, the following are prohibited:-
  - (i) Fires or naked lights of any description.
  - (ii) Portable hand torches, electric lights or other portable electrical equipment, including radios and recorders, other than those certified by a competent authority as being safe for use in a flammable atmosphere.
  - (iii) Smoking on board any vessel berthed at an oil terminal.
  - (iv) Smoking within the restricted areas.
- 8. No person angaged in loading or discharging shall carry mechanical lighters, matches or any appliance whatsoever for producing ignition.
- 9. The lids of all engine room, boiler room, pump room and galley skylights and accommodation doors and portlights in proximity to any bulk petroleum handling operation, shall be securely closed.
- 10. All scuppers must be plugged to the satisfaction of the Port Manager or his representative.
- 11. Intakes of air conditioning or mechanical ventilation system shall where practicable be adjusted to prevent the entry of petroleum vapours. This shall be achieved, where possible, by recirculation of air within the enclosed spaces.
  - 12. When loading or discharging a vessel:-
  - (a) tank lids shall, wherever practicable, be kept closed and tank openings in use shall be fitted with spark arrestors.
  - (b) all pressure and relief valves shall be kept in operational condition.
  - (c) every precaution shall be taken to prevent the escape of sparks through the funnel or any other exhaust vent.
  - (d) the Port Manager or his representative shall have the right to request the shut-down of any equipment he deems necessary under the circumstance.
- 13. The master of the vessel loading or discharging shall ensure that appropriate firefighting equipment is kept in a constant state of readiness.

#### Oil Pollution

- 14. It is forbidden to discharge oily ballast or filge water from any vessel within Harbour limits. Any discharge or leakage of oil of any description or oily water within the Harbour Limits is a contravention of Tanzania Harbours Regulations 1991. The Master of an offending vessel shall be liable to prosecution and, upon conviction, to a fine not exceeding (US\$ 100,000) or imprisonment to a term not exceeding seven years, or both such fine and imprisonment.
- 15. All external overboard discharge valves connected or capable of being directly connected to the cargo systems shall be securely closed and leak proof and lashed in the closed position, or blanked off.
- 16. In the event of any leakage or spillage of oil, or oily water ballast on deck, immediate steps shall be taken by the Officer-in-charge of the vessel to effect its recovery and in no circumstances shall it be swept or washed overboard. A supply of oil absorbent material shall be kept ready for use on deck near pipeline manifold hose connections.
- 17. All vessels entering port limits shall hold a valid oil polution insurance certificate subject to verification by the Port Manager or his representative.

Loading and Discharging

- 18. The Port Manager or his representative may refuse to load or receive cargo from any vessel if in his opinion conditions are such as to endanger life, the safety of the vessel or any other vessel or port installation.
  - 19. Loading or discharging shall not commence until:-
    - (i) The Master or Officer-in-charge of the ship is satisfied that all necessary checks and check lists are complete and that conditions are safe for cargo transfer to
  - (ii) The Port Manager or his representative is satisfied that all necessary checks and check lists are complete and that conditions are safe for cargo transfer to com-
  - (iii) Drip pans are placed beneath all pipeline manifold hose connections.
  - (iv) The Port Manager or his representative is satisfied that the Inert Gas System (where applicable) is fully operational and that all tanks can be kept inerted throughout discharge/loading.
  - 20. During loading or discharging:-
    - (i) A competent person with adequate staff shall be on deck at all times to attend to all loading and discharging operations.
    - (ii) All deck pipelines and hoses shall be in good condition free from leakage and carefully handled to prevent the escape of oil therefrom.
  - (iii) Loading or discharging shall be suspended and all tank ullage screens and plugs shall be kept in place during an electric storm where either the Port Manager's representative or the Officer-in-charge of the vessel decides that conditions are hazardous.
  - (iv) Ballasting will normally be allowed during the discharge but only with the express permission of the Port Manager or his representative. In the case of ballasting in dirty tanks, a "dry" certificate shall be issued by the Port Manager's representative, or the consignee.

Immobilisation of vessel or Equipment:

- 21. No repairs shall be carried out on board vessels berthed at an oil terminal which are likely to immobilise the vessel, without the permission of the Port Manager or his representative.
- 22. Masters of vessels shall ensure that power is available at all times to equipment which may be required to maintain the safety of the vessel.

Lightersand Launches:

23. Lighters and launches are forbidden to lie alongside petroleum Jetties or ships unless they are properly equipped for safe operation in a petroleum vapour-laden atmosphere, and are permitted to do so by the Port Manager or his representative.

25. The port Manager or his representative shall be allowed on board a vessel within the Harbour Limits at any time for the purpose of enforcing these Rules.

Mjimwema Bay Single Point Mooring (SPM) Additional Requirement: Mooring equipment

All tankers berthing at the SPM will be required to have situated on the foc'sle head a bow stopper and centerline Panama fairlead capable of accepting 76mm. diameter chafing chain manufactured and fitted in accordance with the Oil Companies International Marine Forum and Classification Societies recommendations regarding the standards of equipment employed in the mooring of ships at single point moorings.

- 26. No person, vessel or craft, other than the Navy, Marine Police or THA craft shall be allowed within the restricted area of the SPM, that is an area of 0.5 nautical mile radius centered on the terminal buoy, unless in possession of a pass issued by or on behalf of the Port Manager. Persons contravening this Rule shall render themselves liable to a fine and/or imprisonment under the Tanzania Harbours Regulations 1991.
- 27. Masters of petroleum vessels secure to the SPM shall ensure that vigilance is paid to the following points:-

  - (i) Vessel Moorings (ii) Pressure alarms and oil transfer hoses
  - (iii) Competent persons on deck at all time.
  - (iv) Vessel riding up to the SPM.
  - (v) Immediate availability of the vessels engine.
  - (vi) Vessels are required to maintain a minimum of 20% of SDWT ballast/load condi-
- 28. Immobilisation of the vessel engines is prohibited, and vessels unable to use engines on immediate request shall either not commence or cease discharge and towed to a safe anchorage. This operation shall be at the vessel's expense.

International Safety Guide;

29. Notwithstanding any of the foregoing Regulations, all operations shall conducted in general in accordance with the recommendations made in the current edition of the "International Safety Guide for Oil Tankers and Terminals" published by the Oil Com-

Tanzania Harbours Regulations 1991:

30. The foregoing Regulations do not relieve the Master of any ship of his responsibility for the strict observance of the Merchant Shipping Act, 1967 and the Tanzania Harbours

confidence that he caucal by the year Warmaner's represent Dar es Salaam, 20th August, 1991

JACKSON M. MAKWETA, Minister for Communications and Transport GOVERNMENT NOTICE No. 414 published on 27/9/91

- Minister for Home Affairs

### THE PAYROLL LEVY ACT, 1985

(No. 12 of 1985)

#### ORDER

#### Made under section 8

THE PAYROLL (EXEMPTION) (PRIVATE SECONDARY SCHOOLS) ORDER, 1991

- 1. This Order may be cited as the Payroll Levy (Exemption) Private Secondary Schools) Order, 1991.
- 2. This Order shall be deemed to have come into operation on 1st day of January, 1991.
  - 3. In this Order unless specified otherwise—
- "Private Secondary School" means a school wholly owned and maintained by a person or board of persons other than the Government or Local Government.
- 4. The payroll levy chargeable to Private Secondary Schools is hereby exempted.

Dar es Salaam, 19th June, 1991 STEVEN A. KIBONA, Minister for Finance

GOVERNMENT NOTICE No. 415 published on 27/9/91

#### THE SOCIETIES ORDINANCE

(CAP. 337)

#### ORDER

Made under section 6

THE SOCIETIES (DECLARATION OF UNLAWFUL SOCIETY) (DINI YA MASHAHIDI WA JEHOVA) ORDER, 1991

1. This Order may be cited as the Societies (Declaration of an Unlawful Society) (Dini ya Mashahidi wa Jehova) Order, 1991.

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