

# THE MERCHANT SHIPPING ACT, 1967

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## THE UNITED REPUBLIC OF TANZANIA



No. 43 OF 1967

I ASSENT

*Julius K. Nyerere*  
President

27 November, 1967

**An Act to make provision for the Control, Regulation and Orderly  
Development of Merchant Shipping**

[1ST DECEMBER, 1967]

ENACTED by the Parliament of the United Republic of Tanzania.

**PART I**

## PRELIMINARY

1. This Act may be cited as the Merchant Shipping Act, 1.967, and shall come into operation on the 1st December, 1967.

Short title,  
commence-  
ment and  
application

2.-(1) In this Act, except where the context otherwise requires-  
"apprentice" means an apprentice to the sea service;

Interpretation

"coasting ship" means a ship employed solely in the coasting trade;

"coasting trade" means the carriage of goods or passengers on a sea voyage solely from any place on the coast of the United Republic to any other place or places on the coast of the United Republic or to other places on the coast of Eastern Africa between the limits of Mogadiscio in the north and Ibo in the South;

"collision regulations" means the International Regulations for Preventing Collisions at Sea, 1960, together with such revisions thereto or substitutions therefor as the Minister may, by order in the *Gazette*, declare to be in effect;

"consular officer" means a consular officer of the United Republic and such other officers as are recognized as consular officers by the Government of the United Republic;

"contravention" includes, in relation to any provision, failure to comply with that provision and "contravene", with its grammatical variations, shall be construed accordingly;

- "customs officer" means an officer of the East African Customs and Excise Department and any person, other than a labourer, for the time being performing duties in relation to the Customs-;
- "dangerous goods" or "goods of a dangerous nature" means goods that by reason of their nature, quantity or mode of storage are either singularly or collectively liable to endanger the lives of or hazard the passengers or imperil the ship, and includes all substances specified by the Minister by regulations made pursuant to section 230 to be dangerous goods;
- "deck line" means a mark on each side of a ship indicating the position of the uppermost complete deck as defined by the, Load Line Rules;
- "detaining officer" means a person appointed under section 300 (1);
- "foreign-going ship" means a ship employed in voyages beyond the limits of a coasting trade voyage;
- "foreign country" means any country or place other than the United Republic, and "foreign ship" shall be construed accordingly;
- "Government service ship" means a ship or vessel in the police or military service of the United Republic or any other state or used in the customs service of the East African Community-;
- "harbour" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other works in or at which ships can obtain shelter, or ship and unship goods or passengers;
- "harbour authority" means the body or authority responsible for the provision of harbour services and facilities;
- "legal representative" means any person constituted executor, administrator, or other representative of a deceased person;
- "Load Line Convention" means the International Convention respecting Load Lines 1930 together with such revisions thereto or substitutes therefor as the Minister may, by order in the *Gazette*, declare to be in effect;
- "master" includes every person (except a pilot) having command or charge of a ship, or having command or charge of a seaplane or other craft when it is on or in close proximity to the water;
- "Merchant Shipping Superintendent" means the officer to whom the Minister may delegate his powers under section 312-;
- "Minister" means the Minister for the time being responsible for communications;
- "owner" as applied to unregistered vessels means the actual owner and as applied to registered ships means the registered owner;
- "passenger" means any person carried on a ship other than-
- (a) 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;

- (b) a child under one year of age; or
- (c) a person carried on the ship in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstances which neither the master nor the owner nor the charterer, if any, could have prevented or forestalled;
- "passenger ship" means a ship carrying or capable of carrying more than twelve passengers;
- "pilot" means any person not belonging to a ship who has the conduct thereof;
- "port" means a place, whether proclaimed a harbour or not, and whether natural or artificial, to which ships may resort for shelter or to ship or unship goods or passengers;
- "ports manager" means a port manager appointed to take charge of a harbour;
- "proper officer" means any officer appointed to perform, a certain duty or function when engaged on the performance of that duty or function;
- "Register Book" means the book required to be kept by a registrar pursuant to section 7;
- "registrar" means a registrar of ships and a deputy registrar;
- "sailing ship" means a ship having sufficient sail area to be capable of being navigated under sail alone, whether fitted with mechanical means of propulsion or not;
- "seaman" includes every person (except masters, pilots and apprentices duly contracted or indentured and registered) employed or engaged in any capacity on board any ship;
- "ship" includes every description of vessel used in navigation not propelled by oars;
- "shipping master" includes a deputy shipping master;
- "steamship" means any ship propelled by machinery and not coming within the definition of sailing ship;
- "surveyor" means a person appointed a surveyor pursuant to section 75 or section 189;
- "Tanzanian ship" means a ship registered or licensed under the provisions of this Act at a port in the United Republic;
- "vessel" includes any ship or boat, or any other description of vessel used or designed to be used in navigation;
- "wages" includes emoluments;
- "wreck" includes flotsam, jetsam, lagan and derelict found in or on the shores of the sea or of any tidal water, the whole or any portion of a ship lost, abandoned, stranded or in distress, any portion of the cargo, stores or equipment of such ship, and any portion of the personal property on board such ship when it was lost, stranded, abandoned or in distress.



(2) This Act shall not apply to the regulation of inland water transport.

## PART II

### REGISTERING AND LICENSING

#### *Registering Ships*

Qualification for owning Tanzanian ships and compulsory registration of ships so owned

3. (1) A ship shall be deemed to be a Tanzanian ship if, and only if, it is owned wholly by persons qualified to be owners of a Tanzanian ship, namely-

- (a) a person who is resident in the United Republic;
- (b) a body corporate, incorporated under and subject to the laws of the United Republic and having its principal place of business in the United Republic;
- (c) the Government of the United Republic.

(2) Every ship of 25 tons net register tonnage or over that is so owned by persons qualified to be owners of Tanzanian ships shall unless exempted be registered as a Tanzanian ship, but no obligation shall arise under this subsection to, register a Government service ship.

Unregistered ships unless exempt from registration not recognized Tanzanian ships

4.-(1) Notwithstanding that an unregistered ship is owned wholly by persons qualified to be owners of Tanzanian ships, that ship (unless she is exempted from registry or is not required to be registered by this Act) shall not be recognized in the United Republic or for the purposes as of this Act as being entitled to the rights and privileges accorded to Tanzanian ships.

(2) Any Tanzanian ship whatever unless exempted from registry under this Act may be detained until the master of the ship, if so required, produces the certificate of registry of the ship.

Exemption from registry

5. The Minister may, by notice published in the *Gazette*, exempt certain classes of ships, not exceeding 125 tons register, to be designated by him, from registry under this Act.

Registrars of Tanzanian ships

6. The Minister may, by notice published in the *Gazette*-

- (a) declare any port in the United Republic to be a port of registry; and
- (b) appoint registrars of Tanzanian ships and deputy registrars at such ports of registry.

#### *Procedure for Tanzanian Registry*

Register book

7. Every registrar shall keep a book to be called the Register Book, and entries in that book shall be made in accordance with the following provisions-

- (a) the property in a ship shall be divided into 64 shares;

- (b) subject to the provisions of this Act with respect to joint owners, or owners by transmission, not more than 64 individuals shall be entitled to be registered at the same time as owners of any one ship, but this rule shall not affect the beneficial title of any number of persons or of any body corporate represented by or claiming under or through any registered owner or joint owner;
- (c) a person shall not be entitled to be registered as owner of a fractional part of a share in a ship, but any number of persons not exceeding five may be registered as joint owners of a ship, or of any share or shares therein;
- (d) joint owners shall be considered as constituting one person only as regards the person entitled to be registered and shall not be entitled to dispose in severality of any interest in a ship, or in any share therein in respect of which they are registered; and
- (e) a body corporate may be registered as owner by its corporate name.

8. Every ship shall, before registry in the United Republic, be surveyed by a surveyor and her tonnage ascertained in accordance with the tonnage regulations of this Act and the surveyor shall grant his certificate specifying the ship's tonnage and build and such other particulars descriptive of the identity of the ship, as may for the time being be required by the Minister, and such certificate shall be delivered to the registrar for registry.

Survey and  
measurement  
of ship

9.-(1) Every ship shall, before registry in the United Republic, be marked permanently and conspicuously to the satisfaction of the Minister as follows: -

Marking of  
ship

- (a) her name shall be marked on each of her bows, and her name and the name of her port of registry shall be marked on her stem, on a dark ground in white or yellow letters, or on a light ground in black letters, such letters to be of a length not less than four inches and of proportionate breadth;
  - (b) her official number and the number denoting her registered tonnage shall be cut on her main beam, or some other conspicuous place;
  - (c) a scale of feet denoting her draught of water shall be marked on each side of her stem and of her stern post in Roman capital numerals or m figures, not less than six inches in length, the lower line of such numerals or figures to coincide with the draught line denoted thereby, and those numerals or figures must be marked by being cut in and painted white or yellow on a dark ground or m such other way as the Minister approves.
- (2) The Minister may exempt any class of ship from all or any requirements of this section.
- (3) The marks required by this section shall be permanently continued and no alteration shall be made therein, except in the event of any of the particulars thereby denoted being altered in the manner provided by this Act.
- (4) On a certificate from a surveyor or a registrar, that a ship is insufficiently or inaccurately marked, the ship may be detained until the insufficiency or inaccuracy has been remedied to the satisfaction of the Minister.

Application  
for  
registry

**10.** An application for registry of a ship shall be made in the case of individuals by the person requiring to be registered as owner, or by some one or more of the persons so requiring if more than one, or by his or their agent, and in the case of corporations by their agent; and the authority of the agent shall be testified by writing, if appointed by a corporation, under the common seal of the corporation.

Declaration  
of  
ownership  
on  
registry

**11.** A person shall not be entitled to be registered as owner of a ship or of a share therein until he or, in the case of a corporation, a person authorized on behalf of the corporation, has made and signed a declaration of ownership referring to the ship as described in the certificate of the surveyor and containing the following particulars-

- (a) a statement of his qualification to own a Tanzanian ship, or in the case of a corporation of such circumstances of the constitution and business thereof as prove it to be qualified to own a Tanzanian ship;
- (b) a statement of the time when and the place where the ship was built, or, if the ship is foreign built, and the time and place of building unknown, a statement that she is foreign built, and that the declarant does not know the time or place of her building; and in addition thereto, in the case of a foreign ship a statement of her foreign name, or in the case of a ship condemned, a statement of the time, place and court at and by which she was condemned;
- (c) a statement of the name of the master;
- (d) a statement of the number of shares in the ship of which he or the corporation, as the case may be, is entitled to be registered as owner;
- (e) a declaration that, to the best of his knowledge and belief, no unqualified person or body of persons is entitled as owner of any legal or beneficial interest in the ship or any share therein; or in the case of a body corporate that such body is qualified under section 3 (1) (b).

Evidence on  
first  
registry

**12.**-(1) On the first registry of a ship the following evidence shall be produced in addition to the declaration of ownership:-

- (a) in the case of a Tanzanian built ship, a builder's certificate, that is to say, a certificate signed by the builder of the ship, and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the time when and the place where she was built, and of the name of the person (if any) on whose account the ship was built, and if there has been any sale the bill of sale under which the ship, or a share therein, has become vested in the applicant for registry;
- (b) in the case of a ship built outside the United Republic, the same evidence as in the case of a Tanzanian built ship, unless the declarant who makes the declaration of ownership declares that the time and place of her building are unknown to him, or that the builder's certificate cannot be produced, in which case there shall be required only the bill of sale under which the ship or share therein became vested in the applicant for registry;

(c) in the case of a ship condemned by any competent court, an official copy of the condemnation.

(2) The builder shall grant the certificate required by this section, and such person as the Minister recognizes as carrying on the business of the, builder of the ship shall be included for the purposes of this section in the expression "builder of the ship"

**13.** As soon as the requirements of this Act preliminary to registry have been complied with the registrar shall enter into the Register Book the following particulars respecting the ship: -

Entry of  
particulars in  
Register  
book

(a) the name of the ship and the name of the port to which she belongs;

(b) the details comprised in the surveyor's certificate;

(c) the Particulars respecting her origin stated in the declaration of ownership;

(d) the name and description of her registered owner or owners, and if there are more owners than one, the proportions in which they are interested in her;

**14.** On the registry of a ship the registrar shall retain in his possession the surveyor's certificate, the builder's certificate, any bill of sale of the ship previously made, the copy of the condemnation, if any, and all declarations of ownership.

Documents  
to be  
retained by  
registrar

**15.** The port at which a ship is registered for the time being shall be deemed her port of registry and the port to which she belongs.

Port of  
registry

#### *Certificate of Registry*

**16.** On completion of the registry of a ship, the registrar shall grant a certificate of registry comprising the particulars respecting her entry in the Register Book together with the name of her master.

Certificate of  
registry

**17.** The certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge, or interest whatever, had or claimed by any owner, mortgagee, or other person to, on or in the ship.

Use of  
certificate

**18.** If the master or owner of a ship uses or attempts to use for her navigation a certificate of registry not legally granted in respect of the ship, he shall be guilty of an offence under this Act, and on his conviction the ship shall be subject to forfeiture under this Act.

Penalty for  
use of  
improper  
certificate

**19.**-(1) In the event of the certificate of registry of a ship being mislaid, lost or destroyed, the registrar of her port of registry shall grant a new certificate of registry in lieu of her original certificate.

Provision  
for loss  
of  
certificate

(2) Where the port at which the ship is at the time of the event specified in subsection (1), or first arrives after that event, is not in the United Republic, but has a consular officer, then the master of the ship or some other person having knowledge of the facts of the case shall make a declaration stating the facts of the case and the names and descriptions of the registered owners of such ship to the best of the declarant's knowledge and belief, and the consular officer may thereupon grant a provisional certificate containing a statement of the circumstances under which it is granted.

(3) The master of a ship in respect of which a provisional certificate has been granted under subsection (2) shall within ten days after the first subsequent arrival of the ship at a port in the United Republic deliver the provisional certificate to the registrar at the port of registry, and the registrar shall thereupon grant a new certificate of registry.

Endorsement  
of change of  
master on  
certificate

20. Whenever the master of a Tanzanian ship is changed, a memorandum of such change shall be endorsed on the certificate of registry-

- (a) if the change is made in consequence of a ruling of a court or marine inquiry, by the presiding officer of that court; or
- (b) if the change occurs from any other cause, by the registrar, or if there is none, the consular officer at the port where the change takes place.

Endorsement  
of change  
of ownership  
on certificate

21.-(1) Whenever a change occurs in the registered ownership of a ship, the change of ownership shall be endorsed on her certificate of registry, either by the registrar of the ship's port of registry, or by the registrar of ships at any port at which the ship arrives, who has been advised of the change by the registrar of the ship's port of registry.

(2) The master shall, for the purposes of such endorsement by the registrar of the ship's port of registry, deliver the certificate of registry to the registrar forthwith after the change if the change occurs when the ship is at her port of registry, and if it occurs during her absence from that port, and the endorsement under this section is not made before her return, then upon her first return to that port.

(3) The registrar of any port not being the ship's port of registry who is required to make an endorsement under this section may for that purpose require the master of the ship to deliver to him the ship's certificate of registry so that the ship be not thereby detained, and the master shall deliver the same accordingly.

Delivery up  
of certificate  
of ship lost  
or  
ceasing to be  
a Tanzanian  
ship

22.-(1) In the event of a registered ship being either actually or constructively lost, taken by the enemy, burnt or broken up, or ceasing, by reason of a transfer to persons not qualified to be owners of Tanzanian ships or otherwise, to be a Tanzanian ship, every owner of the ship of any share in the ship shall, immediately on obtaining knowledge of the event, if no notice thereof has already been given to the registrar, give notice thereof to the registrar at her port of registry, and that registrar shall make an entry thereof in the Register Book and the registry of the ship in that book shall be considered as closed, except so far as relates to any unsatisfied mortgages of existing certificates of mortgage entered therein.

(2) In any such case as is provided for in subsection (1), except where the ship's certificate of registry is lost or destroyed, the master of the ship shall, if the event occurs in port, immediately, but if it occurs elsewhere, then within ten days after her arrival in port, deliver the certificate to the registrar, or if there is none, to the consular officer there, and the registrar if he is not himself the registrar of her port of registry or the consular officer shall forthwith forward the certificate delivered to him to the registrar of her port of registry.

**23.**-(1) Where, at a port not within the United Republic, a ship becomes the property of persons qualified to own a Tanzanian ship and such persons declare an intent to apply to have her registered in the United Republic, the consular officer there may grant to her master on his application a provisional certificate stating-

Provisional  
certificate for  
ships  
becoming  
Tanzanian  
ships

- (a) the name of the ship;
- (b) the time and place of her purchase and the names of her purchasers;
- (c) the name of her master;
- (d) the best particulars respecting her tonnage, build and description which he is able to obtain;

and shall forward a copy of the certificate at the first convenient opportunity to the Minister.

(2) Such a provisional certificate shall have the effect of a certificate of registry until the expiration of six months from its date or until the ship's arrival at a port in the United Republic where there is a registrar (whichever first happens), and on either of those events happening shall cease to have effect.

**24.** Where it appears to the Minister that by reason of special circumstances it would be desirable that permission should be granted to any ship to pass without being previously registered from any port in the United Republic to any port outside the United Republic, the Minister may grant a pass accordingly, and that pass for the time and within the limits therein mentioned shall have the same effect as a certificate of registry.

Temporary  
passes in  
lieu of  
certificate of  
registry

#### *Transfers and Transmissions*

**25.**-(1) A registered ship or a share therein (when disposed of to a person qualified to own a Tanzanian ship) shall be transferred by bill of sale.

Transfer of  
ships  
or shares

(2) The bill of sale shall contain such description of the ship as is contained in the surveyor's certificate or some other description sufficient to identify the ship to the satisfaction of the registrar, and shall be in a form approved by the Minister or as near thereto as circumstances permit, and shall be executed by the transferor in the presence of, and be attested by, a witness or witnesses.

Declaration  
of transfer

**26.** Where a registered ship or a share therein is transferred, the transferee shall not be entitled to be registered as owner thereof until he or, in the case of a corporation, the person authorized to make declarations on behalf of the corporation, has made and signed a declaration (in this Act called a declaration of transfer) referring to the ship and containing-

- (a) a statement of the qualification of the transferee to own a Tanzanian ship, or if the transferee is a corporation of such circumstances of the constitution and business thereof as prove it to be qualified to own a Tanzanian ship; and
- (b) a declaration that to the best of his knowledge and belief no unqualified person or body of persons is entitled as owner to any legal or beneficial interest in the ship or any share therein; or in the case of a body corporate that such body is qualified under section 3 (1) (b).

Registry of  
transfer

**27.**-(1) Every bill of sale for the transfer of a registered ship, or of a share therein, when duly executed shall be produced to the registrar of her port of registry with the declaration of transfer, and the registrar shall thereupon enter in the Register Book the name of the transferee as owner of the ship or share and shall endorse on the bill of sale the fact of that entry having been made with the day and hour thereof.

(2) Bills of sale of a ship or of a share therein shall be entered in the Register Book in the order of their production to the registrar.

Registered  
ship or share  
not to be  
transferred to  
unqualified  
person

**28.** A registered ship or share therein shall not be disposed of to a person not qualified to own a Tanzanian ship except with the consent in writing of the Minister.

Transmission  
of property  
in ship  
on death,  
bankruptcy,  
marriage, etc.

**29.**-(1) Where the property in a registered ship or share therein is transmitted to a person qualified to own a Tanzanian ship on marriage, death or bankruptcy of any registered owner, or by lawful means other than by a transfer under this Act-

- (a) that person shall authenticate the transmission by making and signing a declaration (in this Act called a declaration of transmission) identifying the ship and containing the several statements here in before required to be contained in a declaration of transfer, or as near thereto as circumstances admit, and also a statement of the manner in which and the person to whom the property has been transmitted;
- (b) if the transmission takes place by virtue of marriage, the declaration shall be accompanied by a copy of the register of the marriage or other legal evidence of the celebration thereof, and shall declare the identity of the female owner;
- (c) if the transmission is consequent on bankruptcy, the declaration of transmission shall be accompanied by such evidence as is for the time being receivable in the court as proof of the title of persons claiming under a bankruptcy;
- (d) if the transmission is consequent on death, the declaration of transmission shall be accompanied by the instrument of representation or an official extract therefrom.

(2) The registrar, on receipt of the declaration of transmission so accompanied, shall enter in the Register Book the name of the person entitled under the transmission to be registered as owner of the ship or share therein, the property in which has been transmitted, and where there is more than one such person, shall enter the names of all those persons, but those persons, however numerous, shall, for the purpose of the provisions of this Act with respect to the number of persons entitled to be registered as owners, be considered as one person.

**30.**-(1) Where the property in a registered ship or share therein is transmitted on marriage, death, bankruptcy or otherwise to a person not qualified to own a Tanzanian ship, the court may, on application by or on behalf of the unqualified person, order a sale of the property so transmitted and direct that the proceeds of the sale, after deducting the expenses thereof, be paid to the person entitled under such transmission, or otherwise as the court may direct.

Order for sale on transmission to unqualified person

(2) The court may require any evidence in support of the application they think requisite and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3) Every such application for sale shall be made within twelve weeks after the occurrence of the event on which the transmission has taken place, or within such further time as the court allows.

(4) If such an application is not made within the time aforesaid, the ship or share transmitted shall thereupon be subject to forfeiture under this Act.

**31.** Where any court, whether under section 30 or otherwise, orders the sale of any ship or share therein, the order of the court shall contain a declaration of vesting in some person named by the court the right to transfer that ship or share, and that person shall thereupon be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner thereof; and every registrar shall obey the requisition of the person so named in respect of any such transfer to the same extent as if such person were the registered owner.

Transfer of ship or share by order of court

**32.** The court may, if it thinks fit (without prejudice to the exercise of any power of the court), on the application of any interested person make an order prohibiting for a time specified any dealing with a ship or any share therein, and the court may make the order on any terms or conditions the court thinks just, or may refuse to, make the order, or may discharge the order when made with or without costs, and generally may act in the case as the justice of the case requires, and every registrar without being made a party to the proceeding shall, on being served with an order or an official copy thereof, obey the same.

Power of court to prohibit transfer

#### Mortgages

**33.**-(1) A registered ship or share therein may be a security for a loan or other valuable consideration and the instrument creating the security (in this Act called a mortgage) shall be in a form approved by the Minister, or as near thereto as circumstances permit, and on the production of such instrument the registrar of the ship's port of registry shall record it in the Register Book.

Mortgage of ship or share



(2) Mortgages shall be recorded by the registrar in the order in time in which they are produced to him for that purpose, and the registrar shall by memorandum under his hand notify on each mortgage that it has been recorded by him, stating the date and hour of that record.

Entry of discharge of mortgage

**34.** Where a registered mortgage is discharged, the registrar shall, on the production of the mortgage deed with a receipt for the mortgage money endorsed thereon duly signed and attested, make an entry in the Register Book to the effect that the mortgage has been discharged, and on that entry being made, the estate, if any, that passed to the mortgagee shall vest in the person in whom (having regard to intervening acts and circumstances if any) it would have vested if the mortgage had not been made.

Priority of mortgages

**35.** Where there are more mortgages than one registered in respect of the same ship or share, the mortgages shall, notwithstanding any express, implied or constructive notice, be entitled in priority one over the other, according to the date at which each mortgage is recorded in the Register Book, and not according to the date of each mortgage itself.

Mortgagee not treated as owner

**36.** Except as far as may be necessary for making a mortgaged ship or share available as a security for the mortgage debt, the mortgagee shall not by reason of the mortgage be deemed the owner of the ship or share, nor shall the mortgagor be deemed to have ceased to be owner thereof.

Mortgagee to have power of sale

**37.** Every registered mortgagee shall have power absolutely to dispose of the ship or share in respect of which he is registered, and to give effectual receipts for the purchase money; but, where there are more persons than one registered as mortgagees of the same ship or share, a subsequent mortgagee shall not, except pursuant to an order of the court, sell the ship or share without the concurrence of every prior mortgagee.

Mortgage not affected by bankruptcy

**38.** A registered mortgage of a ship or share shall not be affected by any act of bankruptcy committed by the mortgagor after the date of the record of the mortgage, notwithstanding that the mortgagor at the commencement of his bankruptcy had the ship or share in his possession, order or disposition or was reputed owner thereof; and the mortgage shall be preferred to any right, claim or interest therein of the other creditors of the bankrupt, or any trustee or assignee on their behalf.

Transfer of mortgages

**39.** A registered mortgage of a ship or share may be transferred to any person, and the instrument effecting the transfer shall be in a form approved by the Minister, or as near thereto as circumstances permit, and on the production of such instrument, the registrar shall record it by entering in the Register Book the name of the transferee as mortgagee of the ship or share, and shall by memorandum under his hand notify on the instrument of transfer that it has been recorded by him, stating the date and hour of the record.

**40.**-(1) Where the interest of a mortgagee in a ship or share is transmitted on marriage, death or bankruptcy, or by any lawful means other than by a transfer under this Act, the transmission shall be authenticated by a declaration of the person to whom the interest is transmitted, and shall be accompanied by the like evidence as is required in the case of a transmission of an interest in a ship or share therein under section 29.

Transmission of interest of mortgagee on marriage, death or

(2) The registrar, on receipt of such declaration and the production of the evidence aforesaid, shall enter the name of the person entitled under the transmission in the Register Book as mortgagee of the ship or share or vessel, as the case may be, in respect of which such transmission has taken place.

#### *Certificates of Mortgage and Sale*

**41.**-(1) A registered owner, if desirous of disposing by way of mortgage or sale of the ship or share in respect of which he is registered, at any place out of the United Republic, may apply to the registrar of the ship's port of registry, and the registrar shall thereupon enable him to do so by granting a certificate of mortgage or a certificate of sale.

Power of mortgage and sale may be conferred by certificate

(2) The application for a certificate of mortgage or sale shall state the following particulars:-

- (a) the name of the person by whom the power mentioned in the certificate is to be exercised, and in the case of a mortgage, the maximum amount of charge to be created if it is intended to fix any such maximum, and in the case of a sale, the minimum price at which the sale is to be made, if it is intended to fix any such minimum;
- (b) the place where the power is to be exercised, or if no place is specified a declaration that it may be exercised anywhere, subject to this Act;
- (c) the limit of time within which the power may be exercised.

(3) A certificate of sale or mortgage shall not authorize any mortgage or sale to be made in the United Republic or by any person not named in the certificate.

(4) A certificate of mortgage and a certificate of sale shall contain a statement of the several particulars by this Act directed to be entered in the Register Book on the application for the certificate, and in addition thereto an enumeration of any registered mortgages or certificates of mortgage or sale affecting the ship or share in respect of which the certificate is given.

**42.** The following rules shall be observed as to certificates of mortgage-

Rules as to certificate of mortgage

- (a) the power to mortgage shall be exercised in conformity with the directions contained in the certificate;
- (b) every mortgage made thereunder shall be registered by the endorsement of a record thereof on the certificate by a registrar or consular officer-

- (c) a mortgage made in good faith under the certificate shall not be impeached by reason of the person by whom the power was given dying before the making of the mortgage;
- (d) wherever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a mortgage made in good faith to a mortgagee without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given;
- (e) every mortgage which is so registered as aforesaid on the certificate shall have priority over all mortgages of the same ship or share created subsequently to the date of the entry of the certificate in the Register Book; and, if there are more mortgages than one so registered, the respective mortgagees claiming thereunder shall, notwithstanding any express, implied or constructive notice, be entitled one before the other according to the date at which each mortgage is registered on the certificate, and not according to the date of the mortgage;
- (f) subject to the foregoing rules, every mortgagee whose mortgage is registered on the certificate shall have the same rights and powers and be subject to the same liabilities as he would have had and been subject to if his mortgage had been registered in the Register Book instead of on the certificate-;
- (g) the discharge of any mortgage so registered on the certificate may be endorsed on the certificate by any registrar or consular officer, on the production of such evidence as is by this Act required to be produced to the registrar on the entry of the discharge of a mortgage in the Register Book; and on that endorsement being made, the interest, if any, which passed to the mortgagee shall vest in the same person or persons in whom it would (having regard to intervening acts and circumstances, if any) have vested, if the mortgage had not been made;
- (h) on the delivery of any certificate of mortgage to the registrar by whom it was granted he shall, after recording in the Register Book in such manner as to preserve its priority any unsatisfied mortgage registered thereon, cancel the certificate, and enter the fact of the cancellation in the Register Book; and every certificate so cancelled shall be void to all intents.

Rules as to  
certificates  
of sale

**43.** The following rules shall be observed as to certificates of sale-

- (a) a certificate of sale shall not be granted except for the sale of an entire ship;
- (b) the power to sell shall be exercised in conformity with the directions contained in the certificate;
- (c) a sale made in good faith thereunder to a purchaser for valuable consideration shall not be impeached by reason of the person by whom the power was given dying before the making of the sale;

- 
- (d) whenever the certificate contains a specification of the place at which, and a limit of time not exceeding twelve months within which, the power is to be exercised, a sale made in good faith to a purchaser for valuable consideration without notice shall not be impeached by reason of the bankruptcy of the person by whom the power was given;
- (e) a transfer made to a person qualified to be the owner of a Tanzanian ship shall be by bill of sale in accordance with this Act;
- (f) if the ship is sold to a person qualified to be the owner of a Tanzanian ship, the ship shall be registered anew; but notice of all mortgages enumerated on the certificate of sale shall be entered in the Register Book;
- (g) before registry anew there shall be produced to the registrar required to make the same the bill of sale by which the ship is transferred, the certificate of sale and the certificate of registry of such ship;
- (h) the last-mentioned registrar shall retain the certificates of sale and registry, and after having endorsed on both of those instruments an entry of the fact of a sale having taken place, shall forward them to the registrar of the port appearing thereon to be the former port of registry of the ship, and the last-mentioned registrar shall thereupon make a memorandum of the sale in his Register Book, and the registry of the ship in that book shall be considered as closed, except as far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein;
- (i) on such registry anew the description of the ship contained in her original certificate of registry may be transferred to the new Register Book, without her being resurveyed, and the declaration to be made by the purchaser shall be the same as would be required to be made by an ordinary transferee;
- (j) if the ship is sold to a person not qualified to be the owner of a Tanzanian ship, the bill of sale by which the ship is transferred the certificate of sale, and the certificate of registry shall be produced to a registrar or consular officer, and that registrar or officer shall retain the certificates of sale and registry and having endorsed thereon the fact of that ship having been sold to a person not qualified to be the owner of a Tanzanian ship, shall forward the certificates to the registrar of the port appearing on the certificate of registry to be the port of registry of that ship; and that registrar shall thereupon make a memorandum of the sale in his Register Book, and the registry of the ship in that book shall be considered as closed except so far as relates to any unsatisfied mortgages or existing certificates of mortgage entered therein;

- (k) if, on a sale being made to a person not qualified to be the owner of a Tanzanian ship, default is made in the production of such certificates as are mentioned in paragraph (j) above, that person shall be considered by law as having acquired no title to or interest in the ship; and further, the person upon whose application the certificate of sale was granted and the person exercising the power shall each be guilty of an offence and liable on conviction to a fine not exceeding ten thousand shillings;
- (1) if no sale is made in conformity with the certificate of sale, that certificate shall be delivered to the registrar by whom the same was granted; and he shall thereupon cancel it and enter the fact of the cancellation in the Register Book; and every certificate so cancelled shall be void for all intents and purposes.

Revocation  
of  
certificates  
of  
mortgage  
and sale

**44.**-(1) The registered owner of any ship or share therein in respect of which a certificate of mortgage or sale has been granted specifying the places where the power thereby given is to be exercised may, by an instrument under his hand, authorize the registrar by whom the certificate was granted to give notice to the registrar or consular officer at every such place that the certificate is revoked.

(2) Notice shall thereupon be given accordingly and shall be recorded by the registrar or a consular officer who receives it, and after it is recorded the certificate shall be deemed to be revoked and of no effect so far as respects any mortgage or sale to be thereafter made at that place.

(3) The notice after it has been recorded shall be exhibited to every person applying for the purpose of effecting or obtaining a mortgage or transfer under the certificate.

(4) A registrar or consular officer on recording any such notice shall state to the registrar by whom the certificate was granted whether any previous exercise of the power to which such certificate refers has taken place.

#### *Name of Ship*

Rules as to  
ships names

**45.**-(1) The Minister may refuse the registry of any ship by the name by which it is proposed to register that ship if it is already the name of a registered Tanzanian ship or a name so similar as to be calculated to deceive.

(2) A ship shall not be described by any name other than that by which she is for the time being registered.

(3) A change shall not be made in the name of a ship without the previous written permission of the Minister.

(4) Application for that permission shall be in writing and if the Minister is of the opinion that the application is reasonable he may entertain it, and thereupon require a notice thereof to be published in the *Gazette* in such form and manner as he thinks fit.

(5) On permission being granted to change the name, the ship's name shall forthwith be altered in the Register Book, in the ship's certificate of registry, and on her bows and stern.

(6) Where it is shown to the satisfaction of the Minister that the name of any ship has been changed without permission, he shall direct that her name be altered into that which she bore before the change, and the name shall be altered in the Register Book, in the ship's certificate of registry, and on her bows and stern accordingly.

(7) Where a foreign ship not having been previously registered as a Tanzanian ship, becomes a Tanzanian ship she shall not be registered by any name other than that she bore as a foreign ship immediately before becoming a Tanzanian ship except with the written permission of the Minister.

(8) If any person acts, or suffers any person under his control to act, in contravention of this section, or omits to do, or suffers any person under his control to omit to do, anything required by this section, he shall be guilty of an offence against this Act and the ship may be detained until the provisions of this section have been complied with.

*Registry of Alterations, Registry Anew and Transfer of Registry*

**46.** Where a registered ship is so altered as not to correspond with the particulars relating to her tonnage or description contained in the Register Book, then, if the alteration is made at any port having a registrar, that registrar or, if it is made elsewhere, the registrar of the first port having a register at which the ship arrives after the alteration, shall, on application being made to him and on receipt of a certificate from the proper surveyor stating the particulars of the alteration, either cause the alteration to be registered or direct that the ship be registered anew.

Registry of alteration

**47.**-(1) For the purpose of the registry of an alteration in a ship, the ship's certificate of registry shall be produced to the registrar, and the registrar shall in his discretion either retain the certificate of registry and grant a new certificate of registry containing a description of the ship as altered or endorse and sign on the existing certificate a memorandum of the alteration.

Alterations noted on certificate of registry

(2) The particulars of the alteration so made and the effect of the new certificate having been granted, or endorsement having been made, shall be entered by the registrar of the ship's port of registry in his Register Book and for that purpose the registrar to whom the application for the registry of the alteration has been made (if he is not the registrar of the ship's port of registry) shall forthwith report to the last mentioned registrar the particulars and facts as aforesaid accompanied, where a new certificate of registry has been granted, by the old certificate of registry.

**48.**-(1) Where any registrar, not being the registrar of the ship's port of registry, on an application as to an alteration in a Tanzanian ship, directs the ship to be registered anew, he shall either grant a provisional certificate describing the ship as altered provisionally endorse the particulars of the alteration on the existing certificate.

Provisional certificate and endorsement where a ship is to be registered anew

(2) Every such provisional certificate or certificate provisionally endorsed shall, within ten days after the first subsequent arrival of the ship at a port of registry in the United Republic, be delivered up to the registrar thereof, and that registrar shall cause the ship to, be registered anew.

(3) The registrar granting a provisional certificate under this section, or provisionally endorsing a certificate, shall add to the certificate or endorsement a statement that the same is made provisionally and shall send a report of the particulars of the case to the registrar of the ship's port of registry containing a statement similar to that made on the certificate or endorsement.

Registry  
anew on  
change of  
ownership

**49.** Where the ownership of any ship is changed, the registrar of the port at which the ship is registered may on the application of the owners of the ship register the ship anew, although registration anew is not required under this Act.

Procedure  
for  
registry  
anew

**50.**-(1) Where a ship is to be registered anew, the registrar shall proceed as in the case of first registry and on the delivery up to him of the existing certificate of registry and on the other requisites to registry, or in the case of a change of ownership such of them as he thinks material, being duly complied with, shall make such registry anew and grant a certificate thereof.

(2) When a ship is registered anew her former register shall be considered as closed, except so far as relates to any unsatisfied mortgage or existing certificates of sale or mortgage entered thereon, but the names of all persons appearing on the former register to be interested in the ship as owners or mortgagees shall be entered on the new register and the registry anew shall not in any way affect the rights of any of those persons.

Transfer of  
registrar

**51.**-(1) The registry of any ship may be transferred from one port in the United Republic to another, on the application to the registrar of the existing port of registry of the ship made by declaration in writing of all persons appearing on the register to be interested therein as owners or mortgagees, but that transfer shall not in any way affect the rights of those persons or any of them, and those rights shall in all respects continue in the same manner as if no such transfer had been effected.

(2) On any such application the registrar shall transmit notice thereof to the registrar of the intended port of registry, with a copy of all particulars relating to the ship and the names of all persons appearing on the register to be interested therein as owners or mortgagees.

(3) The ship's certificate of registry shall be delivered up to the registrar either of the existing or intended port of registry, and if delivered up to the former shall be transmitted to the registrar of the intended port of registry.

(4) On the receipt of the above documents the registrar of the intended port of registry shall enter in his Register Book all particulars and names so transmitted as aforesaid and grant a fresh certificate of

gistry, and thenceforth such ship shall be considered as registered at the new port of registry and the name of the ship's new port of registry shall be substituted for the name of her former port of registry on the ship's stern.

**52.**-(1) Where any Tanzanian or foreign registered ship is wrecked and the register thereof is closed, and the certificate of registry delivered up to the registrar and cancelled, the Minister may direct that Such ship may be registered as a Tanzanian ship in any port in the United Republic at and for which there is a registrar, on proof being adduced to the satisfaction of the Minister that-

Wrecked  
ships may  
be  
registered

- (a) such ship has been thoroughly repaired and made seaworthy;
- (b) all the transactions connected with the wreck, condemnation and sale of such ship were in good faith;
- (c) all the requirements of the law have been complied with.

(2) No registrar shall register any such ship as is referred to in subsection (1) without the consent of the Minister.

#### *Incapacitated Persons*

**53.** Where by reason of infancy, lunacy or any other cause any person interested in any ship or any share therein is incapable of making any declaration or doing anything required or permitted by this Act to be made or done in connexion with the registry of the ship or share, the guardian or manager, if any, of that person or, if there is none, any person appointed on application made on behalf of the incapable person or of any other person interested, by any court or judge having jurisdiction in respect of the property of the incapable persons, may make such declaration or a declaration as nearly corresponding thereto as circumstances permit, and do such act or thing in the name and on behalf of the incapable person, and all acts done by the substitute shall be as effectual as if done by the person for whom he has substituted.

Provision  
for cases  
of infancy  
or other  
incapacity

#### *Trusts and Equitable Rights*

**54.** No notice of any trust, express, implied or constructive, shall be entered in the Register Book or be receivable by the registrar; and, subject to any rights and powers appearing by the Register Book to be vested in any other person, the registered owner of a ship or a share therein shall have power absolutely to dispose in the manner in this Act provided of the ship or share, and to give effectual receipts for any money paid or advanced by way of consideration.

Notice of  
trust not  
received

**55.** The expression "beneficial interest" where used in this Part includes interests arising under contract and other equitable interests, and the intention of this Act is that, without prejudice to the provisions of this Act for preventing notice of trusts from being entered in the Register Book or received by the registrar, and without prejudice to

Equities not  
excluded  
by Act



the powers of disposition and of giving receipts conferred by this Act on registered owners and mortgagees, and without prejudice to the provisions of this Act relating to the exclusion of unqualified persons from the ownership of Tanzanian ships, interests arising under contract or other equitable interests may be enforced by or against owners and mortgagees of ships in respect of their interest therein, in the same manner as in respect of any other movable property.

*Liability of Beneficial Owner*

Liability  
of owner

**56.** Where any person is beneficially interested otherwise than by way of mortgage in any ship or share in a ship registered in the name of some other person as owner, the person so interested, as well as the registered owner, shall be subject to all penalties imposed by this or any other Act in respect of any offence under this Act on the owners of ships or shares therein, and proceedings may be taken for the enforcement of any such penalties against both the person holding any such interest and the registered owner or either of them jointly, or jointly and severally:

Provided that such person shall not be liable to any penalty if he is able to show that the offence in question was committed without his knowledge and consent.

*Managing Owner*

Ships  
managing  
owner or  
manager  
to be  
registered

**57.** (1) The name and address of the managing owner for the time being of every ship registered at a port in the United Republic shall be registered with the registrar at that port.

(2) Where there is not a managing owner, there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner, and any person, whose name is so registered shall, for the purposes of this Act, be under the same obligations and subject to the same liabilities as if he were the managing owner.

*Declarations, Inspection of Register and Fees*

Power of  
registrar to  
dispense  
with  
declarations  
and other  
evidence

**58.** When under this Part any person is required to make a declaration on behalf of himself or of any corporation, or any evidence is required to be produced to the registrar and it is shown to the satisfaction of the registrar that for any reasonable cause that person is unable to make the declaration, or that the evidence cannot be produced, the registrar may, with the approval of the Minister and on the production of such other evidence and subject to such terms as he may think fit, dispense with the declaration or evidence.

Inspection  
of register  
and  
documents  
admissible  
in evidence

**59.**-(1) A person on payment of the prescribed fee may, on application to the registrar at a reasonable time during the hours of his official attendance, inspect any Register Book.

(2) The following documents shall be admissible in evidence before a court, namely.

(a) any Register Book under this Part on its production from the custody of the registrar having the lawful custody thereof;

- (b) a certificate of registry under this Act purporting to be signed by the registrar;
- (c) an endorsement on a certificate of registry purporting to be signed by the registrar;
- (d) every declaration made in pursuance of this Part in respect of a Tanzanian ship.

60. The Minister may Prescribe a tariff of fees for the registration, change of name, transfer, transmission, mortgage, survey, and inspection Of registers of Tanzanian ships. Free

#### Forms

61.-(1) The several instruments and documents specified in this Part shall be in the form prescribed by the Minister or as near thereto as circumstances permit, and the Minister may from time to time make such alterations in the forms so prescribed as he may deem requisite. Forms of documents

(2) A registrar shall not be required without the special direction of the Minister to receive and enter in the Register Book any bill of sale, mortgage or other instrument for the disposal or a transfer of any ship or share or any interest therein, that is made in any form other than that for the time being required under this Part.

(3) The Minister shall cause the said forms to be supplied to all registrars under this Act for distribution to persons required to use the same.

62. The Minister may also, for carrying into effect this Part, give such instructions to registrars as to the manner of making entries in the Register Book as to the execution and attestation of powers of attorney, as to any evidence required for identifying any person, or as to the referring to him of any question involving doubt or difficulty and generally as to any act or thing to be done in pursuance of this Part as he thinks fit. Instructions to registrars

#### *Forgery and False Declarations*

63. Every person who forges or fraudulently alters or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered any of the following documents, namely, any Register Book, builder's certificate, surveyor's certificate, certificate of registry, declaration, bill of sale, instrument of mortgage or a certificate of mortgage or sale under this Part, or any entry or endorsement required by this Part to be made, in or on any of those documents, shall be guilty of an offence against this Act and on conviction shall be liable to imprisonment for a term not exceeding seven years. Forgery of documents

64.-(1) Every person who, in the case of any declaration made in the presence of or produced to the registrar under this Part, or in any document or other evidence produced to such registrar- False declarations

- (a) wilfully makes or assists in making or procures to be made any false statement concerning the title to, or ownership of, or the interest existing in any ship or any share in a ship,

(b) utters, produces or makes use of any declaration or document containing any such false statement knowing the same to be false, shall be guilty of an offence against this Act and on conviction shall be liable to imprisonment for a term not exceeding twelve months.

(2) Every person who wilfully makes a false declaration touching the qualification of himself or of any other person or of any corporation to own a Tanzanian ship or any share therein, shall be guilty of an offence against this Act and on conviction shall be liable to imprisonment for a term not exceeding twelve months, and that ship or share shall be subject to forfeiture under this Act, to the extent of the interest therein of the declarant, and also, unless it is proved that the declaration was made without authority, of any person or corporation on behalf of whom the declaration is made.

#### *National Character and Flag*

National character and flag of ship to be declared before clearance

**65.**-(1) A customs officer shall not grant a clearance or transire for any ship until the master of such ship has declared to that officer, the name of the nation to which he claims that she belongs, and that officer shall thereupon inscribe that name on the clearance or transire.

(2) If a ship attempts to proceed to sea without such clearance or transire, she may be detained until a declaration is made.

National colours

**66.**-(1) The national flag of the United Republic is hereby declared to be the national colours of a Tanzanian ship and, save as hereinafter provided, such ship shall wear none other.

(2) A Tanzanian ship shall hoist the national colours-

(a) on entering or leaving any Tanzanian or foreign port;

(b) on a signal being made to the ship by any ship in the service of the Government of the United Republic or of the East African Community or the East African Harbours, Corporation.

Penalty

**67.**-(1) If any person uses or suffers any person to use the national colours of the United Republic on board a ship which is not wholly owned by persons qualified to be owners of a Tanzanian ship for the purpose of making that ship appear to be a Tanzanian ship shall be guilty of an offence and on conviction shall be liable to a term of imprisonment not exceeding two years, and the ship shall be subject to forfeiture.

(2) In any proceedings for enforcing such penalty and forfeiture, the burden of proving a title to use such national colours and assume the character of a Tanzanian ship shall be upon the person using the same.

#### *Forfeiture of Ship*

Proceedings on forfeiture of ship

**68.** (1) Where any Tanzanian ship has, either wholly or as to any share therein, become subject to forfeiture under this Part-

(a) any commissioned officer of the military services of the United Republic; or

(b) any detaining officer; or

(c) any consular officer,

may seize and detain the ship and bring her for adjudication before the court or before any court having jurisdiction and the court may thereupon adjudge the ship with her tackle, apparel and furniture to be forfeited and make such order in the case as to the court seems just.

(2) Any such officer as is specified in subsection (1) shall not be responsible, either civilly or criminally, to any person in respect of any seizure or detention, if it is shown to the satisfaction of the court before whom any trial relating to such ship or such seizure or detention is held that there were reasonable grounds for such seizure or detention.

#### *Measurement of Ship and Tonnage*

**69.**-(1) The tonnage of every ship to be registered, with the exceptions hereinafter mentioned, shall, before she is registered, be ascertained in accordance with the tonnage regulations of this Act.

Rules for  
ascertaining  
tonnage

(2) In this Act, "the tonnage regulations" means the rules set out in the First Schedule to this Act, together with the other provisions of this Act relating to tonnage.

(3) For the purpose of ascertaining the register tonnage of a ship, the allowance and deductions hereinafter mentioned shall be made from the tonnage of the ship ascertained as aforesaid.

(4) In measuring a ship for the purpose of ascertaining her register tonnage, no deduction shall be allowed in respect of any space which has not been first included in the measurement of her tonnage.

(5) For the purposes of the tonnage regulations, tonnage deck shall be taken to be the upper deck in ships which have less than three decks and to be the second deck from below in all other ships, and all measurements shall be taken in feet, and fractions of feet shall be "pressed in decimals.

(6) The Minister may by order make such modifications or alterations as from time to time become necessary in the rules in the First Schedule to this Act for securing the more accurate and uniform application thereof and the effectual carrying out of the principles of measurement therein adopted, and may issue instructions for the guidance of surveyors.

**70.**-(1) In the case of any ship propelled by steam or other power requiring engine room, an allowance shall be made for the space occupied by the propelling power, and the amount so allowed shall be deducted from the gross tonnage of the ship ascertained in accordance with section 69, and the remainder shall (subject to any deductions hereinafter mentioned) be deemed to be the register tonnage of the ship and that deduction shall be estimated as follows-

Allowance  
for  
engine-room  
space in  
steamships

(a) in ships propelled by screws in which the tonnage of such space is 13 per cent or more of the gross tonnage, the deduction shall be  $\frac{32}{100}$  of the gross tonnage;

(b) in ships propelled by screws in which the tonnage of such space is less than 13 per cent of the gross tonnage of the ship, the deduction shall be  $\frac{32}{100}$  of that gross tonnage proportionately reduced, provided the deduction shall not be made unless the surveyor is satisfied that the space provided for the working of the boilers and machinery and the ventilation and lighting of that space are adequate.

(2) The deduction under this section for the space occupied by the propelling power of a ship shall not in any case exceed 55 per cent of that portion of the tonnage of the ship which remains after deducting from the gross tonnage any deductions allowed under section 71, but this section shall not apply to steamships constructed for the purpose of towing vessels so long as they are exclusively employed as tugs.

(3) Such portion of the space above the crown of the engine room and above the upper deck as is framed in for the machinery or for the admission of light and air shall not be included in the measurement of the space occupied by the propelling power except in pursuance of a request in writing to the Minister by the owner of the ship, but shall not be included in pursuance of that request, unless-

- (a) that portion is first included in the measurement of the gross tonnage; and
- (b) a surveyor certifies that the portion so framed in is reasonable in extent and is so constructed as to be safe and seaworthy and that it cannot be used for any purpose other than the machinery or for the admission of light and air to the machinery or boilers of the ship.

(4) Goods or stores shall not be stored or carried in any space measured for the propelling power, and if the same are carried in any ship the master and owner of the ship shall be guilty of an offence against this Act.

Additional  
allowances

**71.-**(1) In measuring or re-measuring a ship for the purpose of ascertaining her register tonnage the following deductions shall be made from the space included in the measurement of the tonnage-

- (a) in the case of all ships-
  - (i) any space used exclusively for the accommodation of the master and any space occupied by seamen or apprentices and appropriated to their use that is certified in the manner required by any regulations made pursuant to section 135;
  - (ii) any space used exclusively for the working of the helm, the capstan and the anchor gear or for keeping the charts, signals and other instruments for navigation and boatswain's stores;
  - (iii) the space occupied by the donkey engine and boiler if connected with the main pumps of the ship;
  - (iv) any space (other than a double bottom) adapted only for water ballast;
- (b) in the case of a ship wholly propelled by sails, any space set apart and used exclusively for the storage of sails.

(2) The deductions allowed under this section, other than a deduction for a space occupied by seamen or apprentices and certified as aforesaid, shall be subject to the following provisions-

- (a) the space deducted must be certified by a surveyor as being reasonable in extent and properly and efficiently constructed for the purpose for which it is intended;
- (b) there must be permanently marked in or over every such space a notice stating the purpose to which it is to be applied and that whilst so applied it is to be deducted from the tonnage of the ship,
- (c) the deduction on account of space for storage of sails, must not exceed 2½ per cent of the tonnage of the ship.

**72.** In the case of a ship constructed with a double bottom for water ballast, if the space between the inner and outer plating thereof is certified by a surveyor to be not available for the carriage of cargo, stores or fuel then the depth required by the tonnage regulations relating to the measurement of transverse areas shall be taken to be the upper side of the inner plating of the double bottom, and that upper side shall for the purposes of measurement be deemed to represent the floor timber referred to in the regulations.

Measure-  
ment of  
ships with  
double  
bottoms

**73.** Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations of this Act, the same shall henceforth be deemed to be the tonnage of the ship and to shall be repeated in every subsequent registry thereof unless any alteration is made in the form or capacity of the ship or unless it is discovered that the tonnage of the ship has been erroneously computed and in either of those cases the ship shall be re-measured and her tonnage determined and registered according to the tonnage regulations.

Tonnage  
once  
ascertained  
to be  
tonnage  
of ship

**74.**-(1) If it appears to the Minister that any foreign country has brought into operation tonnage regulations substantially the same as the tonnage regulations, the Minister may order that the ships of that country shall, without being re-measured in the United Republic, be deemed to be of the tonnage denoted in their certificate of registry or other national papers in the same manner, to the same extent and for the same purposes as the tonnage denoted in the certificate of registry of a ship is deemed to be the tonnage of that ship; and any space shown by the certificate of registry or other national papers of any such ship as deducted from tonnage, on account of being occupied by seamen or apprentices and appropriated to their use, shall be deemed to have been certified under this Act and to comply with those provisions of this Act which apply to such a space in the case of Tanzanian ships, unless the surveyor certifies to the Minister that the construction and the equipment of the ship as respects that space do not come up to the standard required under this Act in the case of a Tanzanian ship; and if any question arises whether the construction and the equipment of the ship do come up to the required standard, a surveyor may inspect the ship for the purpose of determining whether such a certificate should be given by him or not.

Tonnage  
of ships of  
foreign  
countries  
adopting  
tonnage  
regulations

(2) Where it appears to the Minister that the tonnage of any foreign ship as measured by the rules of the country to which she belongs materially differs from that which would be her tonnage if measured under this Act, the Minister may order that, notwithstanding any order for the time being in force under this section, any of the ships of that country may for all or any of the purposes of this Act be re-measured in accordance with this Act.

Surveyors  
for  
measure-  
ment of  
ships

**75.** The Minister may appoint-

- (a) in any port in the United Republic;
- (b) at any place outside the United Republic,

surveyors to survey and measure ships in conformity with the provisions of this Act.

#### *Licensing of Unregistered Vessels*

Licences  
for certain  
unregistered  
ships

**76.**(1) Every vessel or boat other than a Government Service ship owned by persons, not being bodies corporate, resident in the United Republic or by a corporate body incorporated or having its principal place of business in the United Republic if not required to register as a Tanzanian ship in accordance with the provisions of this Act, shall, if gainfully employed or owned for the purpose of gainful employment within the waters of the United Republic and she proceeds beyond the limits of any port be licensed as hereinafter provided.

(2) The Minister may appoint officers for the purpose of issuing licences at ports where there is no registrar, and the registrar, or if there is no registrar the officer so appointed, shall be the proper officer for the purposes of this Part dealing with the licensing of unregistered vessels.

(3) The Minister may approve forms and certificates to be used in connexion with the licensing of small vessels and may fix a scale of fees to be charged in respect thereof.

(4) This section shall not apply to undecked sailing vessels of primitive construction or to boats propelled by oars.

Provisions  
as to  
licences

**77.**(1) Licences issued under this Part shall be in a form approved by the Minister and shall contain the following particulars-

- (a) the name of the vessel and the year of her build, and the identification number and letter assigned to her;
- (b) the name and address of her owner;
- (c) the principal dimensions and tonnage of the vessel, together with a description of the vessel and her rig;
- (d) the type, brake horse power and the manufacturer's type and serial number of the engine if the vessel is mechanically propelled;
- (e) the trade in which she is to be employed;
- (f) the date when the licence was issued and the fee paid.

(2) A licence shall be valid for a period of twelve months from the date of issue and may be renewed annually on payment of the prescribed fee and provided that the vessel is seaworthy and properly found and equipped and has not been altered in any significant manner since the licence was issued.

(3) Licences shall be prepared in duplicate, and both parts shall be signed by the proper officer and one part shall be delivered to the owner or applicant and the other retained by the proper officer.

(4) Before engaging the vessel in gainful employment, the owner, or if there is more than one owner the managing owner or his agent, of a vessel required to be licensed under this Part shall apply to the proper Officer at the port from which it is intended the vessel will operate.

(5) On receipt of an application, together with the prescribed fees, for a vessel to be licensed under this Part the proper officer shall examine and measure the vessel and ascertain her tonnage under Rule II of the tonnage regulations and shall satisfy himself that the vessel is seaworthy for the employment in which she is to be engaged and properly found and equipped in accordance with the provisions of this Act; and if he is satisfied that the vessel is so seaworthy, properly found and equipped, the proper officer may proceed to issue the licence, but if he is of the opinion that the vessel is unseaworthy or is ill-found or not properly equipped he shall reject the application and retain that portion of the fee paid which relates to the examination and measurement of the vessel and return the balance to the applicant:

Provided that the proper officer may appoint a person who in his opinion is qualified for the purpose, to carry out the examination and measurement of the vessel under this section.

(6) If the owner or master of any vessel required to be licensed under this Part suffers that vessel to proceed to sea beyond the limits of a port without being in possession of a valid licence issued under the provisions of this Part he shall be guilty of an offence and on conviction shall be liable to a fine not exceeding Shs. 200 in respect of each ton of the vessel's tonnage, and the vessel shall be subject to forfeiture.

(7) If any Significant alteration is made to a licensed vessel, or if the property in such vessel is transferred wholly or in part, or if the owner or his agent fails to renew the licence on or before the due date, the licence shall be cancelled and the owner or his agent shall be required to apply for a new licence but, except in cases where the licence has been cancelled by reason of an alteration, the proper officer shall not require the vessel to be re-measured:

Provided that a licence which has become subject to cancellation by reason of a transmission shall be deemed to be valid for a period not exceeding 30 days after the event giving rise to such transmission.

(8) Any Person having a beneficial interest in a licensed vessel who has knowledge of any significant alteration having been made to such vessel or of the transfer of the property wholly or in part in such vessel shall report the matter in writing to the officer who issued the licence, and if he fails to do so he shall be guilty of an offence.



(9) In the event of a licensed vessel being lost or becoming a constructive total loss, the officer by whom the licence for the vessel was issued an account of the matter, together with the licence if it has not been lost or destroyed, and if he fails to do so he shall be guilty of an offence.

(10) A licence issued under this Part shall remain the property of the Minister and shall be produced on demand of any proper officer, shipping, master or customs officer and shall be surrendered on demand to the officer by whom it was issued.

(11) Any person who forges or fraudulently alters, or assists in forging or fraudulently altering, or procures any person to forge or fraudulently alter, any licence or document or certificate used in connexion with the licensing of vessels under this Part shall be guilty of an offence and on conviction shall be liable to imprisonment for a term not exceeding twelve months, and if he is the owner of the vessel or of a share therein in respect of which the forgery or fraudulent alteration was made, the vessel or share shall be subject to forfeiture.

### PART III

#### MASTERS, OFFICERS, SEAMEN AND APPRENTICES

##### *Certificates of Competency to be held by Ships Officers*

Ship to be provided with certificated officers

**78.**-(1) For the purpose of this section and other subsequent sections dealing with certificates of competency, the expression "coasting ship" means a ship of not more than 500 tons register tonnage engaged in the coasting trade which does not normally go more than fifteen nautical miles from the land.

(2) Every Tanzanian foreign-going ship and every Tanzanian coasting ship of 10 tons register tonnage and upwards when going to sea from places in the United Republic, and every foreign ship carrying passengers to or from places in the United Republic which is not provided with certificated officers in accordance with the national laws of the country of registry, shall be provided with officers duly certificated under this Act according to the following scale-

- (a) in every case, with a duly certificated master;
- (b) if the ship is over 100 tons but not over 500 tons register tonnage, with at least one officer besides the master holding a certificate not lower than-
  - (i) Mate in the case of a coasting ship;
  - (ii) Second Mate in the case of a foreign-going ship;
- (c) if the ship is over 500 tons but not over 1,600 tons register tonnage and is engaged on voyages where the distance between the ports visited-
  - (i) does not exceed 500 nautical miles, with at least one officer besides the master holding a certificate not lower than Second Mate;

- (ii) exceeds 500 nautical miles, with at least two officers besides the master one of whom shall hold a certificate not lower than Second Mate and the other a certificate not lower than Third Mate;
  - (d) if the ship is over 1,600 tons register tonnage and is engaged on voyages where the distance between the ports visited-
    - (i) does not exceed 500 nautical miles, with at least two officers besides the master one of whom shall hold a certificate not lower than Chief Mate and the other a certificate not lower than Second Mate;
    - (ii) exceeds 500 nautical miles, with at least three officers besides the master, namely a Chief Mate, a Second Mate and a Third Mate all of whom shall be duly certificated;
  - (e) if any seaman officer is carried in addition to those required by paragraphs (b), (c) and (d) for the purpose of keeping a watch at sea he shall hold a certificate not lower than-
    - (i) Mate in the case of a coasting ship;
    - (ii) Third Mate in the case of a foreign-going ship;
  - (f) if the ship is a steamship of under 500 shaft horse power, with at least one engineer holding a certificate not lower than Third Class Engineer;
  - (g) if the ship is a steamship of over 500 but not over 2,500 shaft horse power and is engaged on voyages where the distance between the ports visited-
    - (i) does not exceed 500 nautical miles, with at least two engineers one of whom shall hold a certificate not lower than second Class Engineer and the other a certificate not lower than Third Class Engineer;
    - (ii) exceeds 500 nautical miles, with at least two engineers one of whom shall be a First Class Engineer and the other a First Class Engineer or a Second Class Engineer duly certificated;
  - (h) if the ship is a steamship of over 2,500 but not over 5,000 shaft horse power she shall be provided with at least three engineers, that is to say, a First Class Engineer, a Second Class Engineer, and a Third Class Engineer all of whom shall be duly certificated;
  - (i) if the ship is a steamship of over 5,000 shaft horse power she shall in addition to those engineers required under paragraph (h) be provided with at least one Third Class Engineer duly certificated;
  - (j) if any engineers are carried in addition to those required by paragraphs (f), (g), (h) and (i) for the purpose of keeping a watch in the engine room at sea they shall hold a certificate not lower than Third Class Engineer.
- (3) No person other than a seaman officer or engineer officer holding a certificate or licence granted under this Act may take charge of a watch on deck or in the engine-room of a Tanzanian ship at sea, and no person other than a duly certificated engineer shall be left in charge of the boiler room of a Tanzanian ship in port if the boilers are under steam.

(4) If any person-

- (a) having been engaged as one of the above-mentioned officers goes to sea as such an officer without being duly certificated; or
- (b) employs a person as one of the above-mentioned officers without ascertaining that the person so employed is duly certificated,

shall be guilty of an offence.

(5) An officer shall not be deemed duly certificated within the meaning of this section, unless he is the holder for the time being of a valid certificate of competency granted under this Act or of a licence as provided for under section 80 of a grade appropriate to his rank and status in the ship and to the tonnage or shaft horse power or the type of engine of the ship or to the trade in which the ship is engaged or of a higher grade.

(6) Where it appears to the Minister that a ship may be unreasonably delayed owing to the inability of the owner to provide officers in accordance with the foregoing scales and the Minister is satisfied that-

- (a) the owner has exercised due diligence to provide such officers; and
- (b) the ship is properly and efficiently manned for the voyage she is about to undertake,

the Minister may on the written application of the owner exempt that ship from any of the provisions of this section.

Grades of  
certificates  
to be  
granted

**79.**-(1) Certificates of competency shall be granted in accordance with this Act in each of the following grades-

Master of a foreign-going ship.

Chief Mate of a foreign-going ship.

Second Mate of a foreign-going ship.

Third Mate of a foreign-going ship.

Master of a coasting ship not exceeding 500 tons register tonnage.

Mate of a coasting ship not exceeding 500 tons register tonnage.

Master of a coasting vessel not exceeding 100 tons register tonnage.

First Class Engineer.

Second Class Engineer.

Third Class Engineer.

(2)-(a) A certificate of competency as Master or Chief Mate of a foreign-going ship is deemed to be superior to a certificate of competency as Master of a coasting ship and shall entitle the holder to go to sea in that capacity, but a certificate of competency as Master of a coasting ship shall not entitle the holder to go to sea in any capacity in a foreign-going ship.

(b) A certificate of competency as Second Mate or Third Mate of a foreign-going ship is deemed superior to a certificate of competency as Mate of a coasting ship and shall entitle the holder thereof to go to sea in that capacity.

(3) A certificate of competency granted under the regulations made pursuant to section 99 of the East African Railways and Harbours Act, shall have the same force to the extent thereby authorized as if it had been granted under this Act.

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**80.** (1) For the purpose of granting certificates of competency the Minister may-

Examina-  
tions for  
certificates  
and  
licences

- (a) cause examinations to be held at such times and at such places as he may direct;
- (b) appoint examiners to conduct the examinations;
- (c) regulate the conduct of the examinations and the qualifications of candidates and do all such acts and things as he thinks expedient for the purpose of the examinations and may set fees therefor;
- (d) cause to be delivered to every candidate who is duly reported by the examiners to have passed his examination, and to have given satisfactory evidence of his experience, ability and good character, such certificate of competency as the case requires;
- (e) prescribe the rights and obligations of holders of certificates of competency and the offences for which certificates may be forfeited.

(2)-(a) Where the government of any country provides for the examination of, and grant of certificates to, persons intending to act as masters, seamen officers and engineers on board ships and the Minister is satisfied that all the examinations are so conducted as to be equally efficient as the examinations for the same purpose in the United Republic under this Act, and the certificates are granted on such principles as to show the like qualifications and competency as those granted under this Act, the Minister may in the case of persons holding such certificates, who desire to go as master, seaman officer or engineer in Tanzanian ships, direct that-

- (i) if the person is a citizen of the United Republic he shall surrender such certificate and be granted a certificate of equivalent grade under this Act;
- (ii) if the person is not a citizen of the United Republic he shall, on payment of the prescribed fee and subject to such conditions as the Minister may impose, be issued with a licence authorizing him to go to sea in a Tanzanian ship in the same rank or station as if his certificate had been granted under this Act.

(b) A licence issued under the provisions of this subsection shall during its currency have the same force as a certificate of competency granted under this Act and be cancelled or suspended for like reasons.

(c) A licence issued under this subsection shall be valid for a period of twelve calendar months from the date of issue and may be renewed annually on payment of the prescribed fee.

(d) The Minister shall by notice in the *Gazette* from time to time declare the names of the countries to which the provisions of this subsection have application.

Offences  
relating to  
certificates  
and  
licences

**81.** Every person who-

- (a) makes, procures to be made or assists in making any false representation for the purpose of obtaining for himself or for any other person any licence or certificate of competency or of service as a deck officer or engineer;
- (b) forges, assists in forging or procures to be forged or fraudulently alters, assists in fraudulently altering or procures to be fraudulently altered, any such licence or certificate or any official copy thereof;
- (c) fraudulently makes use of any such certificate or licence which is forged, altered, cancelled or suspended or to which he is not justly entitled; or
- (d) fraudulently lends such a certificate or licence to or allows the same to be used by any other person,

shall be guilty of an offence against this Act.

#### *Shipping Masters*

Appoint-  
ment of  
shipping  
masters

**82.** The Minister may appoint any person to be shipping master at any port in the United Republic and may also appoint deputy shipping masters.

Business  
and  
Shipping  
Masters

83.-(1) It shall be the general business of the shipping master-

- (a) to afford facilities for engaging seamen by keeping registries of their names and characters;
- (b) to superintend and facilitate the engagement and discharge of seamen as provided in this Act;
- (c) to facilitate the making of apprenticeships to the sea service;
- (d) to perform such other duties relating to seamen, apprentices and merchant ships, as are by or in pursuance of this Act or any Act relating to merchant shipping committed to him.

(2) Any Act done by to or before a deputy shipping master shall have the same effect as if done by to or before a shipping master.

List of  
deserters

**84.** A shipping master shall keep at his office a list of the seamen who, to the best of his knowledge and belief, have deserted or failed to join their ships after signing an agreement to proceed to sea in them, and shall on request show the list to a master of a ship and shall not be liable in respect of any entry made in good faith in the list.

Fees

**85.** The Minister shall establish a scale of fees payable for the defined services performed by shipping masters.

*Apprenticeship to the Sea Service*

(1) All contracts or indentures of apprenticeship or learnership to the sea service entered into in the United Republic shall be executed by the intended apprentice or learner and the owner or master to whom he is to be bound in the presence of and shall be attested by the shipping master who shall, before the execution of the contract or indentures, satisfy himself-

Execution  
of  
contracts  
and  
indentures

- (a) that the intended apprentice or learner-
  - (i) understands the contents and provisions of the contract or indentures;
  - (ii) freely consents to be bound;
  - (iii) has attained the age of sixteen years; and
  - (iv) is in possession of a certificate by a duly qualified medical practitioner to the effect that the said apprentice or learner is physically fit for the sea service;
- (b) if the intended apprentice or learner is under the age of twenty-one years, that his parent's or guardian's consent has been obtained to his being contracted or indentured, or, if there is no parent or guardian, the consent of a labour officer.

(2) The provisions of this section shall, except in so far as they prescribe specifically in respect of any matter dealt with under any law in force in the United Republic governing apprenticeships or indentured learnerships, be in addition to and not in derogation of the provisions of any such law.

**87.**-(1) The shipping master shall keep a copy of every contract or indenture of apprenticeship or learnership in his office which shall be open to public inspection free of charge.

Records at  
office of  
shipping  
master

(2) Whenever a contract or indenture is assigned or cancelled or whenever an apprentice dies or deserts, the master of the apprentice or indentured learner shall, within thirty days after the assignment, cancellation, death or desertion if the same happens within the United Republic, or if the same happens elsewhere so soon afterwards as circumstances permit, notify the same to the shipping master.

*Engagement of Seamen*

**88.** The master of every ship of more than 125 tons register tonnage shall enter into an agreement (in this Act called the agreement with the crew) in accordance with this Act with every seaman whom he engages in the United Republic and carries to sea as one of his crew.

Agreement  
with crew

**89.**-(1) An agreement with the crew shall be in a form approved by the Minister, shall be dated at the time of the first signature thereof, and shall be signed by the master before a seaman signs the same.

Particulars  
of  
agreement  
with crew

(2) The agreement with the crew shall show the place at which it is made, the surname and other names of the seaman, his birthplace, and his age or the date of his birth, and shall state clearly the respective rights and obligations of each of the parties and shall contain as terms thereof the following particulars-

- (a) the name of the vessel or vessels on board which the seaman undertakes to serve;
- (b) either the nature and, as far as is practicable, the duration of the intended voyage or engagement, or the maximum period of the voyage or engagement, and the port at which it is intended the crew shall be discharged, and the places or parts of the world, if any, to which the voyage or engagement is not to extend;
- (c) the number and description of the crew;
- (d) if possible, the place and the date at which each seaman is to be on board or to begin work;
- (e) the capacity in which each seaman is to serve;
- (f) the amount of wages which each seaman is to receive;
- (g) a scale of the provisions which are to be furnished to each seaman;
- (h) the time that is to expire after arrival before the seaman is discharged;
- (i) any regulations as to conduct on board and as to fines, short allowance of provisions or other lawful punishment for misconduct which have been approved by the Minister as regulations proper to be adopted and which the parties agree to adopt;
- (j) a list of young persons under the age of eighteen years and the dates of their births.

(3) The agreement with the crew shall be so framed as to admit of such stipulations to be adopted at the will of a master and seaman in each case, whether respecting the advance and allotment of wages or otherwise, as are not contrary to law.

(4) If the master of a ship registered at a port in a foreign country has an agreement with the crew made in due form according to the law of that port or of the port in which her crew were engaged, and engages single seamen in the United Republic, those seamen may sign the agreement so made and it shall not then be necessary for them to sign an agreement in the form approved by the Minister.

(5) An agreement made to employ a seaman under this section shall be terminated by-

- (a) mutual consent of the parties thereto; or
- (b) the death of the seaman; or
- (c) the loss or total unseaworthiness of the vessel.

Agreements  
with crew of  
foreign-  
going ship

**90.** The following provisions shall have effect with respect to the agreements with the crew made in the United Republic in the case of foreign-going ships registered either within or without the United Republic:-

- (a) the agreement shall, subject to the provisions of this Act as to substitutes, be signed by each seaman in the presence of a shipping master;

- (b) the shipping master shall give reasonable facilities to the seaman and his adviser, if any, to examine the agreement and shall cause the agreement to be read over and explained to each seaman or otherwise ascertain that each seaman understands the same before he signs it, and shall attest each signature;
- (c) when the crew is first engaged, the agreement shall be signed in duplicate, and one part shall be retained by the shipping master and the other shall be delivered to the master and shall contain a special place or form for the descriptions and signatures of substitutes or persons engaged subsequently to the first departure of the ship.
- (d) where a substitute is engaged in the place of a seaman who duly signed the agreement and whose services are, within twenty-four hours of the ship's putting to sea, lost by death, desertion or other unforeseen cause, the engagement shall, when practicable, be made before a shipping master, and when not practicable the master shall, before the ship puts to sea if practicable, and if not, as soon afterwards as possible, cause the agreement to be read over and explained to the substitute, and the substitute shall thereupon sign the same in the presence of a witness, and the witness shall attest the signature;
- (e) the agreements may be made for a voyage or if the voyages of the ship average less than six months in duration may be made to extend over two or more voyages, and agreements so made to extend over two or more voyages are in this Act referred to as running agreements;
- (f) running agreements shall not extend beyond the six months' period of time next following the date of the making thereof or the first arrival of the ship at her port of destination in the United Republic after the termination of that period;
- (g) on every return to a port in the United Republic before the final termination of a running agreement the master shall make on the agreement an endorsement as to the engagement or discharge of seamen, either that no engagements or discharges have been made or are intended to be made before the ship leaves port, or that all those made have been made as required by law, and if the master wilfully makes a false statement in any such endorsement, he shall be guilty of an offence against this Act;
- (h) the master shall deliver the running agreement so endorsed to the shipping master and the shipping master shall, if the provisions of this Act relating to agreements have been complied with, sign the endorsement and return the agreement to the master;
- (i) the duplicate running agreement retained by the shipping master on the first engagement of the crew shall be kept by the shipping master until the expiration of the agreement;
- (j) save as provided in section 104, the agreement shall not purport to deprive the courts of jurisdiction to hear and determine disputes respecting the agreement.



Crew lists  
for small  
vessels

**91.**-(1) The master of every vessel of under 125 tons register tonnage who is not required by this Act to enter into an agreement with the crew shall be issued with a crew list by the shipping master at the port where the crew is engaged and before carrying any person to sea as a member of his crew from any port in the United Republic shall produce that person before a shipping master or, if there is no shipping master, to a customs officer and the shipping master or customs officer shall inscribe that person's name and particulars in the crew list.

(2) Crew lists shall be in a form approved by the Minister and shall contain the following information-

- (a) the name and tonnage of the vessel and her port of registry or licensing;
- (b) the name of the master and the name and address of the owner,
- (c) the port and date of issue;
- (d) the full name and address of each member of the crew, his age or date of birth and any peculiarity which might serve to identify him;
- (e) the capacity in which each member of the crew is to serve and the amount of his wages;
- (f) the date when each member of the crew joined the vessel and the date when he left and the reason for his leaving.

(3) On arriving at any place in the United Republic the master shall produce his crew list to the shipping master or if there is no shipping master to the customs officer of that place and if such shipping master or customs officer shall discover any person short or in excess of the number shown in the crew list he shall detain the vessel until a satisfactory explanation of such shortage or excess is forthcoming.

(4) No person, except a shipping master or a customs officer, shall inscribe any name or particular in, or make any alteration to, a crew list.

(5) A new crew list shall be issued on each occasion when the crew is changed or the licence for the vessel is renewed.

(6) Any person who contravenes or assists any person to contravene or procures any person to contravene this section shall be guilty of an offence and, if such person is the owner or master of the vessel, the vessel shall be subject to forfeiture.

#### *Certificates from Shipping Master*

Changes  
in crew

**92.** The master of every foreign-going ship whose crew has been engaged before a shipping master shall, before finally leaving the United Republic, sign and send to the nearest shipping master a full and accurate statement in a form approved by the Minister of every change which takes place in his crew before finally leaving the United Republic, and that statement shall be admissible in evidence in the manner provided by this Act.

**93.**-(1) Where all the requirements of this Part have been complied with to his satisfaction, the shipping master shall give to the master of the ship a certificate to that effect and shall specify in the certificate the class of ship to which the ship belongs, her gross and register tonnage and particulars of her employment, and that the certificate of competency of such of her officers as are required to be certificated under this Act have been produced to him.

Certificate as to agreement with crew

(2) No customs officer shall clear any foreign-going ship until the shipping master's certificate is produced to him.

**94.**-(1) The master shall, at the commencement of every foreign voyage or engagement, cause a legible copy of the agreement with the crew omitting the signatures to be posted up in some part of the ship which is accessible to the crew.

Display of and alterations to agreement with crew

(2) Every erasure, interlineation or alteration in any agreement with the crew, except additions made for the purpose of shipping substitutes or persons engaged after the first departure of the ship, shall be wholly inoperative unless proved to have been made with the consent of all persons interested in the erasure, interlineation or alteration.

(3) In any legal or other proceeding a seaman may bring forward evidence to prove the contents of any agreement with the crew or otherwise to support his case without producing or giving notice to produce the agreement or any copy thereof -

(4) Every person who fraudulently alters, makes any false entry in or delivers a false copy of any agreement with the crew, shall be guilty of an offence against this Act.

**95.** Where the master of a Tanzanian ship engages a seaman at a port out of the United Republic in which there is a consular officer, the provisions of this Act respecting agreements with the crew made in the United Republic shall apply, subject to the following modifications-

Engagement of seaman outside the United Republic

- (a) in any such port the master shall engage the seaman before some officer performing functions equivalent to those of a shipping master or before the consular officer; and
- (b) the master shall request the officer to endorse upon the agreement an attestation to the effect that the agreement has been signed in his presence, and otherwise made as required by this Act.

*Employment of Children and Young Persons as Seamen*

**96.**-(1) No child, which expression for the purposes of this section means a person under fifteen years of age, shall be employed in any vessel, except upon work approved and supervised by the Minister on board a school-ship or training-ship, or where the Minister certifies that he is satisfied, having due regard to the health and physical condition of such child and to the prospective and immediate benefit to such child of such employment, that such employment will be beneficial to such child; provided that under no circumstances shall a child of under fourteen years of age be employed as aforesaid.

Employment of children and young person on board ship

(2) This section shall not apply to a vessel in which only members of one family are employed.

(3) No young person of fifteen, sixteen or seventeen years of age shall be employed in any capacity in any ship unless there has been delivered to the master of the ship a certificate granted by a duly qualified medical practitioner certifying that such person is fit to be employed in that capacity.

(4) Every such certificate-

(a) shall be valid for one year from the date of issue unless revoked under the provisions of this section; and

(b) may at any time be revoked by a duly qualified medical practitioner if he is satisfied that the young person is no longer fit for work.

(5) No young person under the age of eighteen years shall be employed or work on any vessel as a trimmer or stoker.

#### *Certification of Seamen*

Certification of seamen

**97.**-(1) No seaman engaged in a Tanzanian ship shall be rated Able Seaman unless he is the holder for the time being of a certificate of competency as Able Seaman.

(2) The Minister may make regulations for the grant of certificates of competency as Able Seaman and such regulations shall in particular direct that no certificate shall be granted to any person unless-

(a) he has reached the minimum age prescribed by the regulations, which shall not be less than eighteen years; and

(b) he has performed at least three years qualifying service at sea; and

(c) he has passed such examinations as may be prescribed by the regulations:

Provided that the regulations may authorize the grant of a certificate thereunder to any person, notwithstanding that he has not complied with condition (c) aforesaid, if he can show that he was serving as Able Seaman or equivalent or superior seaman rating before or on the date when this Act came into operation.

#### *Discharge of Seamen*

Discharge before shipping master

**98.** When a seaman serving in a foreign-going ship or in a coasting ship of over 125 tons register tonnage, whether registered within or without the United Republic, is on the termination of his engagement discharged in the United Republic, he shall, whether the agreement with the crew is an agreement for the voyage or a running agreement, be discharged in the presence of a shipping master.

Certificate of discharge

**99.**-(1) Subject to the provisions of section 149, the master shall sign and give to a seaman discharged from his ship, either on, his discharge or on payment of his wages, a certificate of his discharge in a form approved by the Minister or any form approved by the proper authority in the place at which the ship is registered,

specifying the period of his service and the time and place of discharge, but not containing any statement as to his wages, or the quality of his work.

(2) The master shall also, upon the discharge of every certificated officer whose certificate of competency has been delivered to and retained by him, return the certificate to the officer.

**100.**-(1) Where a seaman is discharged before a shipping master, the master shall make and sign in a form approved by the Minister a report of the conduct, character and qualifications of the seaman discharged, or may state in the said form that he declines to give any opinion upon such particulars or upon any of them, and the shipping master before whom the discharge is made shall, subject to the provisions of section 149, if the seaman desires give to him a copy of such report (in this Act referred to as the report of character).

Report of  
seaman's  
character

(2) Every person who-

- (a) makes a false report of character under this Act knowing the same to be false;
- (b) forges or fraudulently alters any certificate of discharge or report of character or copy of a report of character;
- (c) fraudulently uses any certificate of discharge or report of character or copy of a report of character which is forged or altered, or does not belong to him; or
- (d) assists in committing or procures to be committed any of such offences as aforesaid,

shall be guilty of an offence against this Act.

#### *Payment of Wages*

**101.**-(1) The master or owner of every foreign-going Tanzanian ship shall pay to each seaman belonging to that ship his wages, if demanded, within three days after the arrival of the ship at the port where the crew is to be discharged or upon the seaman's discharge, whichever first happens.

Time and  
manner of  
payment

(2) Where a seaman is discharged before a shipping master in the United Republic he shall receive his wages in legal tender through or in the presence of the shipping master unless a court otherwise directs.

**102.**-(1) The master of every ship shall, before paying off or discharging a seaman, deliver at the time and in the manner provided by this Act a full and true account, in a form approved by the Minister, of the seaman's wages and of all deductions to be made therefrom on any account whatever.

Master to  
deliver  
account of  
wages

(2) The said account shall be delivered-

- (a) where the seaman is not to be discharged before a shipping master, to the seaman himself not less than twenty-four hours before his discharge or Payment off;

- (b) where the seaman is to be discharged before a shipping master either to the seaman himself at or before the time of his leaving the ship or to the shipping master, not less than twenty-four hours before the discharge or payment off.

Deductions

**103.**-(1) A deduction from the wages of a seaman shall not be allowed unless it is included in the account delivered in pursuance of section 102, except in respect of a matter happening after the delivery.

(2) The master shall, during the voyage, enter the various matters in respect of which the deductions are made with the amount of the respective deductions as they occur in a book kept for that purpose and shall, if required, produce the book at the time of the payment of wages and also upon the hearing before any competent authority of any complaint or question relating to that payment.

Decision as to wages by shipping master

**104.**-(1) Whenever a question as to wages is raised before a shipping master between the owner or master of a ship and a seaman or apprentice and the amount in question does not exceed two hundred shillings, the shipping master may, on the application of either party, adjudicate, and his decision shall be final, but if the shipping master is of opinion that the question is one that ought to be decided by a court of law he may refuse to decide it.

(2) Where any question, of whatever nature and whatever the amount in dispute, between a master or owner and any of his crew is raised before a shipping master, and both parties agree in writing to submit the same to him, the shipping master shall hear and decide the question so submitted, and an award made by him on the submission shall be conclusive as to the rights of the parties, and a document purporting to be the submission or award shall be admissible as evidence thereof.

Shipping master may require ship's papers

**105.** In any proceeding under this Act before a shipping master relating to the wages, claims or discharge of a seaman, the shipping master may require the owner or his agent or the master or any mate or other member of the crew to produce any log-books, papers or other documents in his possession or power relating to a matter in question in the proceeding and may require the attendance of and examine any of those persons, being then at or near the place, on the matter and may administer oaths.

Rate of exchange

**106.** Where a seaman has agreed with the master of a Tanzanian ship for payment of his wages in Tanzanian currency or any other currency, any payment of or on account of his wages if made in any other currency than that stated in the agreement shall, notwithstanding anything in the agreement, be made at the rate of exchange for the currency stated in the agreement for the time being current at the place where the payment is made and such rate of exchange shall be endorsed on the agreement by the consular officer at that Mace.

*Advance and Allotment of Wages*

**107.**-(1) Where an agreement with the crew is required to be made in a form approved by the Minister, the agreement may contain a stipulation for payment to or on behalf of the seaman conditionally on his going to sea in pursuance of the agreement of a sum not exceeding the amount of two weeks' wages payable to the seaman under the agreement.

Advance  
notes  
restricted

(2) Except as provided in subsection (1), an agreement by or on behalf of the employer of a seaman for the payment of money to or on behalf of the seaman conditionally on his going to sea from any port in the United Republic shall be void, and any money paid in satisfaction or in respect of any such agreement shall not be deducted from the seaman's wages, and the person purporting to conclude such agreement with such seaman shall not have any right of action, suit or set off against the seaman or his assignee in respect of any money paid or purporting to have been so paid.

**108.**-(1) Any stipulation made by a seaman at the commencement of a voyage for the allotment of any part of his wages during his absence shall be inserted in the agreement with the crew and shall state the amounts and times of the payments to be made.

Allotment  
notice

(2) Where the agreement is required to be made in a form approved by the Minister, the seaman may require that a stipulation be inserted in the agreement for the allotment, by means of an allotment note, of any part (not exceeding one half) of the seaman's wages in favour either of a near relative or of a savings bank.

(3) Allotment notes shall be in a form approved by the Minister.

(4) For the purposes of the provisions of this Act with respect to allotment notes-

- (a) "near relative" means one of the following persons, namely, the wife, father, mother, grandfather, grandmother, child, grandchild, brother or sister of the seaman;
- (b) "savings bank" means a Post Office Savings Bank or a bank licensed to carry on a banking business in the United Republic.

(5) When any seaman is engaged under the provisions of this Act before a shipping master, the latter shall, after the seaman has signed the agreement with the crew, inquire of the seaman whether he requires a stipulation for the allotment of his wages by means of an allotment note; and if the seaman requires such a stipulation he shall insert the stipulation in the agreement with the crew, and any such stipulation so inserted shall be deemed to have been agreed to by the master.

**109.** Where the balance of wages due to a seaman is more than two hundred shillings and the seaman expresses to the master of the ship his desire to have facilities afforded to him for remitting all or any part of the balance to a savings bank or to a near relative in whose

Master to give  
facilities to  
seaman for  
remitting  
wages

favour an allotment note may be made, the master shall give to the seaman all reasonable facilities for so doing, so far as regards so much of the balance as is in excess of two hundred shillings, but shall be under no obligation to give those facilities while the ship is in port if the sum will become payable before the ship leaves port or otherwise than conditionally on the seaman going to sea in the ship.

Right of  
suit on  
allotment  
notes

**110.**-(1) The person in whose favour an allotment note under this Act is made may, unless the seaman is shown in the manner specified in this Act to have forfeited or ceased to be entitled to the wages out of which the allotment is to be paid, recover the sums allotted when and as the same are made payable with costs from the owner of the ship with respect to which the engagement was made or from any agent of the owner who has authorized the allotment in the same court and manner in which wages of seamen may be recovered under this Act.

(2) In any proceedings for such recovery, it shall be sufficient for the claimant to prove that he is the person mentioned in the note, and that the note was given by the owner or by the master or some authorized agent, and the seaman shall be presumed to be duly earning his wages unless the contrary is shown to the satisfaction of the court either—

- (a) by the official statement of the change in the crew caused by his absence, made and signed by the master as by this Act is required; or
- (b) by a certified copy of some entry in the official log-book to the same effect-, or
- (c) by such other evidence as the court in its absolute discretion considers sufficient to show satisfactorily that the seaman has ceased to be entitled to the wages out of which the allotment is to be paid.

(3) If a master wilfully makes a false statement in any letter intended for use in any proceeding on an allotment note for the recovery of a seaman's wages to the effect that the seaman has left the ship and has ceased to be entitled to the wages out of which an allotment is to be paid, shall be guilty of an offence against this Act.

#### *Rights of Seamen in respect of Wages*

Right to  
wages, etc.,  
when to  
begin

**111.** A seaman's right to wages and provisions shall be taken to begin either at the time at which he commences work or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Right to  
recover  
wages and  
salvage  
not to be  
forfeited

**112.**-(1) A seaman shall not by any agreement forfeit his lien on a ship or be deprived of any remedy for the recovery of his wages to which, in the absence of the agreement, he would be entitled, and shall not by any agreement abandon his right to wages in case of the loss of the ship or abandon any right that he may have or obtain in the nature of salvage; and every stipulation in any agreement inconsistent with any provision of this Act shall be void.

(2) Nothing in this section shall apply to a stipulation made by the seamen belonging to any ship which according to the terms of the agreement is to be employed on salvage service with respect to the remuneration to be paid to them for salvage services to be rendered by that ship to any other ship.

**113.**-(1) The right to wages shall not depend on the earning of freight, and every seaman and apprentice who would be entitled to demand and recover any wages if the ship in which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to demand and recover the same, notwithstanding the freight has not been earned; but in all cases of wreck, or loss of the ship, proof that the seaman has not exerted himself to the utmost to save the ship, cargo and stores, shall bar his claim for wages.

Wages  
not to  
depend on  
freight

(2) Where a seaman or apprentice who would, but for death, be entitled by virtue of this section to demand and recover any wages, dies before the wages are paid they shall be paid and applied in the same way as the wages of a seaman who dies during a voyage.

**114.**-(1) Where the service of any seaman belonging to any Tanzanian ship terminates before the date contemplated in the agreement by reason of his being left on shore at any place abroad under a certificate of his unfitness or inability to proceed on the voyage, such seaman shall be entitled to wages for the time of service carried to such termination as reason of aforesaid, but not for any further period.

Wages  
when  
termina-  
tion of  
service by  
reason of  
unfitness  
or loss  
of ship

(2) Where by reason of a loss of foundering of any such ship on which a seaman is employed his service terminates before the date contemplated in the agreement, he shall be entitled in respect of each day on which he is in fact unemployed during a period of two months from the date of termination of the service to receive wages at the rate to which he was entitled at that date.

(3) A seaman shall not be entitled to receive wages under this section in respect of any day or of any period if the owner shows that the seaman was able to obtain suitable employment on that day or for that period.

**115.** A seaman or apprentice shall not be entitled to wages for any time during which he unlawfully refuses or neglects to work when required, whether before or after the time fixed by the agreement his commencement of such work, nor unless the court hearing the case otherwise directs for any period during which he is lawfully imprisoned for any offence committed by him.

No wages  
for refusal  
to work

**116.**-(1) Where a seaman is by reason of sickness incapable of performing his duty and it is proved that such sickness has been caused by his own wilful act or default, or is a sickness or infirmity Wilfully concealed at the time of engagement, he shall not be entitled to wages for the time during which he is, by reason of the sickness, incapable of performing his duty.

Forfeiture  
if illness  
caused by  
default



(2) Nothing in this section shall be deemed to remove the right of any master, seaman or apprentice to any payments or other benefits to which he may be entitled under the provisions of any law providing for compensation to injured or sick workmen.

Costs of  
procuring  
conviction  
deducted

**117.** Whenever in any proceeding relating to seamen's wages it is shown that a seaman or apprentice has, in the course of the voyage, been convicted of an offence by a competent tribunal and rightfully punished for that offence by imprisonment or otherwise, the court hearing the case may direct any part of the wages due to the seaman not exceeding one month's wages to be applied in reimbursing any costs properly incurred by the master in procuring the conviction and punishment.

Compensa-  
tion where  
improperly  
discharged

**118.** Where a seaman who has signed an agreement is discharged otherwise than in accordance with the terms thereof before the commencement of the voyage or before one month's wages are earned without fault on his part justifying that discharge and without his consent, he shall be entitled to receive from the master or owner, in addition to any wages he may have earned, due compensation for the damage caused to him by the discharge not exceeding one month's wages and may recover that compensation as if it were wages duly earned.

Attachment  
or sale of  
wages to be  
invalid

**119.**-(1) As respects wages due or accruing to a seaman or apprentice, the following provisions shall apply: -

- (a) they shall not be subject to attachment by any court;
- (b) an assignment or sale thereof made prior to the accruing thereof shall not bind the person making the same;
- (c) a power of attorney or authority for the receipt thereof shall not be irrevocable;
- (d) a payment of wages to the seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of those wages or any attachment or encumbrance thereof.

(2) Nothing in this section shall affect the provisions of this Act with respect to allotment notes.

#### *Mode of Recovering Wages*

Seaman  
may sue for  
wages  
before  
magistrate

**120.**-(1) A seaman or apprentice, or a person duly authorized on his behalf, may as soon as any wages due to him become payable sue for the same before any magistrate, other than a primary court magistrate acting in or near the place at which his service has terminated or at which he has been discharged, or at which any master or owner or other person upon whom the claim is made is or resides, and the order made by the magistrate in the matter shall be final.

(2) The magistrate, upon complaint on oath made to him, may summon the master or owner or other person to appear before him to answer the complaint.

(3) Upon the appearance of the master or owner or other person, the magistrate may examine upon oath the parties and their respective witnesses touching the complaint and the amount of wages due, and may make such order for the payment of any wages found due as appears reasonable and just.

(4) Where the master or owner or other person does not appear, then on due proof that the master or owner or other person was duly summoned, the magistrate may examine on oath the complainant and his witnesses touching the complaint and the amount of wages due, and may make such order for the payment of any wages found due as appears reasonable and just.

(5) Where the order so made is not obeyed within twenty-four hours next after the making thereof, the magistrate may issue a warrant to levy the amount of the wages awarded to be due by distress and sale of the goods and chattels of the person on whom the order is made together with all the charges and expenses incurred in connexion with the distress and levy and the enforcement of the order.

(6) Where sufficient distress cannot be found the magistrate may cause the amount of the wages and costs, charges, and expenses to be levied on the ship in respect of which the wages were earned or on the tackle and apparel thereof.

(7) Where the ship is not within the jurisdiction of the magistrate, then he may cause the person upon whom the order for payment is made to be apprehended and committed to prison for a term not exceeding three months.

**121.** The High Court shall not have jurisdiction to hear or determine any action, suit or proceeding instituted by or on behalf of any seaman or apprentice for the recovery of wages, except in the following cases-

- (a) where the owner of the ship is insolvent;
- (b) where the ship is under arrest or is sold by the authority of the court;
- (c) where any magistrate acting under the authority of this Act refers the claim to such court;
- (d) when neither the owner nor the master resides in or resides within twenty miles of the place where the seaman or apprentice is discharged or put ashore.

**122.**-(1) The master of a ship, so far as the case permits, shall have the same rights, liens and remedies for the recovery of his wages as a seaman has under this Act or by any law or custom.

(2) The master of a ship, and every person lawfully acting as master of a ship by reason of the decease or incapacity from illness of the master of the ship, so far as the case permits, shall have the same rights, liens

Restriction  
on suits for  
wages  
before High  
court

Master's  
remedy  
for wages

and remedies for the recovery of disbursements or liabilities properly made or incurred by him on account of the ship as a master has for the recovery of his wages.

(3) Where, in any proceeding touching the claim of a master in respect of wages or of such disbursements or liabilities as aforesaid, any right of set off or counter claim is set up, the magistrate may enter into and adjudicate upon all questions and settle all accounts then arising or outstanding and unsettled between the parties to the proceeding and may direct payment of any balance found to be due.

*Power of Court to Rescind Contracts*

Power of  
court to  
rescind  
contracts

**123.** Where a proceeding is instituted in or before any court in relation to any dispute between an owner or master of a Tanzanian ship and a seaman or apprentice arising out of or incidental to their relation as such, or is instituted for the purpose of this section, the court if, having regard to all the circumstances of the case, it thinks it just to do so, may rescind any contract between the owner or master and the seaman or apprentice, or any contract or indentures of apprenticeship, upon such terms as the court may think just, and this power shall be in addition to any other jurisdiction that the court can exercise independently of this section.

*Property of Deceased Seaman*

Property  
Of  
deceased  
seaman

**124.**-(1) If any seaman or apprentice belonging to a Tanzanian ship, the crew of which are to be discharged at or the voyage of which is to terminate in the United Republic, dies out of the United Republic during the voyage, the master of the ship shall take charge of any money or effects belonging to the seaman or apprentice which are on board the ship.

(2) The master shall enter in the official log-book the following particulars-

- (a) a statement of the amount of the money and a description of the effects; and
- (b) a statement of the sum due to the deceased for wages and the amount of deductions, if any, to be made from the wages.

(3) The entry shall be signed by the master and attested by a mate or some other member of the crew.

(4) The master, if he thinks fit, may cause any of the effects to be sold.

(5) The said money, effects and balance of wages are in this Act referred to as the property of the seaman or apprentice.

Delivery  
of  
property  
to  
shipping  
master

**125.**-(1) Where a seaman or apprentice dies as aforesaid, the master shall, within forty-eight hours after the arrival of the ship at a port in the United Republic, deliver and pay the property of such seaman or apprentice to the shipping master who shall forward such property to the Minister.

(2) In all cases where a seaman or apprentice dies during the progress of a voyage or engagement, the master shall give to the shipping master such account as he requires of the property of the deceased in such form as the Minister requires.

(3) A deduction claimed by the master in such account shall not be allowed unless verified, if an official log-book is required to be kept, by an entry in that book made and attested as required by this Act and also by such other vouchers, if any, as may reasonably be required by the shipping master.

(4) The shipping master shall grant to a master, upon due compliance with such provisions of this section as relate to acts to be done at a port in the United Republic, a certificate to that effect.

**126.**-(1) If the master of a ship fails to comply with the provisions of this Act with respect to taking charge of the property of the deceased seaman or apprentice, or to making in the official log-book the proper entries relating thereto, or to procuring the proper attestation of those entries as required by this Act, or to the payment or delivery of the property, he shall be accountable for the property to the Minister and shall pay and deliver the same accordingly; and in addition shall be guilty of an offence and shall, on conviction, be liable to a fine not exceeding three times the value of the property not accounted for, or if such value is not ascertained, to a fine not exceeding one thousand shillings.

Master  
account-  
able to the  
Minister

(2) Where any such property is not duly paid, delivered or accounted for by the master, the owner of the ship shall pay, deliver and account for the same and such property shall be recoverable from him accordingly, and if he fails to account for and deliver or pay the same, he shall in addition to his liability for the same be guilty of an offence and shall, on conviction, be liable to a fine not exceeding three times the value of the property not accounted for, delivered or paid over, or if such value is not ascertained, to a fine not exceeding one thousand shillings.

(3) The property may be recovered in the same court and manner in which the wages of seamen may be recovered under this Act.

**127.**-(1) Where a seaman or apprentice belonging to a Tanzanian ship, the crew of which are to be discharged at or the final destination of which is a port in the United Republic, is lost with the ship to which he belongs, the Minister may recover the wages due to him from the owner of the ship in the same court and in the same manner in which the wages of seamen are recoverable under this Act, and he shall deal with those wages in the same manner as with the wages of other deceased seamen and apprentices under this Act.

Recovery  
of wages  
of seaman  
lost with  
ship

(2) In any proceeding for the recovery of the wages, if it is shown by some official return produced out of the custody of the shipping master or by other evidence that the ship has two months or upwards before the institution of the proceedings left her port of departure, she shall, unless it is shown that she has been heard of within two months after that departure, be deemed to have been lost with all hands on board either immediately after the time when she was last heard of or at such later time as the court hearing the case may think probable.

(3) Any duplicate agreement made out or statement of a change of the crew delivered under this Act at the time of the last departure of the ship from a port in the United Republic, or a certificate purporting to be a certificate from a consular officer at any port out of the United Republic stating that certain seamen and apprentices were shipped in the ship from the said port, shall, if produced out of the custody of the shipping master or of the Minister, in the absence of proof to the contrary, be sufficient proof that the seamen and apprentices therein named as belonging to the ship were on board at the time of the loss.

Delivery  
of  
property  
of seamen  
dying in  
the  
United  
Republic

**128.** If a seaman or an apprentice belonging to a Tanzanian ship dies in the United Republic, and is at the time of his death entitled to claim from the master or owner of the ship any effects or unpaid wages, the master or owner shall pay and deliver or account for such property to the shipping master

Disposition  
Of  
property  
by the  
Minister

**129.**-(1) Where any property of a deceased master, seaman or apprentice on a Tanzanian ship or the proceeds thereof comes into the hands of the Minister under this Act, the Minister, after deducting any expenses incurred in respect of that master or seaman or apprentice or of his property, shall pay and deliver the residue to the executor or administrator or other legal representative of the deceased, or if there is no legal representative of the deceased, the Minister shall dispose of the residue in accordance with the law of the place in which the deceased was last resident for determining the distribution or succession of personal property of deceased persons or in accordance with the order of such court as has jurisdiction to determine the distribution or succession of the property of the deceased.

(2) Where the value of the property of a deceased master, seaman or apprentice does not exceed the sum of two thousand shillings, the Minister may if he thinks fit pay or deliver the residue to any claimant who is proved to his satisfaction to be the widow or a child of the deceased or to be entitled to such property under the will, if any, of the deceased or under any law providing for the distribution or succession of personal property of deceased persons or otherwise.

Forgery of  
documents  
to obtain  
property  
of  
deceased  
seaman

**130.** Every person who for the purpose of obtaining, either for himself or for any other person, any property of any deceased seaman or apprentice-

- (a) forges or fraudulently alters or assists in forging or fraudulently altering or procures to be forged or fraudulently altered any document purporting to show or assist in showing any right to that property;
- (b) makes use of any document which has been so forged or fraudulently altered as aforesaid;
- (c) gives or assists in giving or procures to be given any false evidence knowing the same to be false;
- (d) makes or assists in making or procures to be made any false representation knowing the same to be false; or

- (e) assists in procuring any false evidence or representation to be given or made knowing the same to be false,

shall be guilty of an offence against this Act.

*Pro-visions, Health and Accommodation*

**131.**-(1) Where three or more of the crew of a Tanzanian ship consider that the provisions or water for the use of the crew are at any time of bad quality, unfit for use or deficient in quantity, they may complain thereof to any of the following officers, namely, a consular officer or a shipping master, and the officer concerned may either examine the provisions or water complained of or cause them to be examined.

Complaints  
as to  
provisions  
or water

(2) Where the officer or person making the examination finds that the provisions or water are of bad quality and unfit for use or deficient in quantity, he shall signify it in writing to the master of the ship and, if the master does not thereupon provide proper provisions or water in lieu of those which have been condemned, he shall be guilty of an offence against this Act.

(3) The officer or person making the examination shall enter a statement of the result of the examination in the official log-book and send a report thereof to the Minister and that report shall be admissible in evidence in the manner provided by this Act.

(4) If the said officer or person certifies in his statement that there was no reasonable ground for complaint, each of the complainants shall be liable to forfeit to the owner out of his wages a sum not exceeding one week's wages.

**132.** In either of the following cases, that is to say-

- (a) if during a voyage the allowance of any of the provisions for which a seaman has by his agreement stipulated is reduced; or  
(b) if it is shown that any of those provisions are or have during the voyage been bad in quality and unfit for use,

Allowance  
for short  
or bad  
provisions

the seaman shall receive by way of compensation for the reduction or bad quality according to the time of its continuance the following amounts to be paid to him in addition to and to be recoverable as wages, that is to say-

- (i) if his allowance is reduced by not more than one-third of the quantity specified in the agreement, a sum not exceeding one shilling a day;  
(ii) if his allowance is reduced by more than one-third of the quantity, two shillings a day; or  
(iii) in respect of bad quality as aforesaid a sum not exceeding three shillings a day,

but, if it is shown to the satisfaction of the court before whom the case is tried that any provisions, the allowance of which has been reduced, could not be procured or supplied in proper quantities and that proper and equivalent substitutes were supplied in lieu thereof, the court shall take those circumstances into consideration, and shall modify or refuse compensation as the justice of the case requires.

Weights and measures on board

**133.** (1) The master of every Tanzanian ship where provisions are supplied to the crew shall keep on board proper weights and measures for determining the quantities of the several provisions and articles served out and shall allow the same to be used at the time of serving out the provisions and articles in the presence of a witness whenever any dispute arises about the quantities.

(2) If the master of the ship fails without reasonable cause to comply with this section, he shall be guilty of an offence against this Act.

Regulations in respect of medical examination, etc.

**134.** The Minister may, subject to the provisions of this Act, make such regulations as may appear to him to be necessary in respect of the following matters, namely-

- (a) for the medical examination of all persons seeking employment in any capacity on board ships and the issue of medical certificates in respect of such persons;
- (b) for the examination and granting of certificates to persons qualifying to be employed as ships' cooks.

Regulations respecting crew accommodation

**135.** The Minister may make regulations respecting the crew accommodation to be provided in Tanzanian ships and, without prejudice to the generality of the foregoing, may in particular make regulations-

- (a) respecting the space and equipment to be provided for the sleeping rooms, wash rooms, mess rooms and galleys;
- (b) providing for the protection of the crew against injury, condensation, heat, cold and noise on a ship;
- (c) prescribing the water, heating, lighting, ventilation and sanitary facilities to be supplied on a ship;
- (d) respecting the inspection, measuring and marking of crew accommodation on a ship and its certification for the purpose of ascertaining register tonnage and prescribing the fees to be charged therefor.

Steamships to carry certificated cooks

**136.**-(1) Every foreign-going Tanzanian steamship of 1,000 tons and upwards register tonnage shall be provided with and carry a duly certificated ship's cook.

(2) When in the opinion of the Minister there is an inadequate supply of certificated ships' cooks, he may in the case of any ship grant an exemption from the requirements of this section.

**57.**-(1) The Minister shall lay down scales of medicines or medical stores and appliances to be carried on different classes of ships and voyages and shall sanction books containing instructions for dispensing the same.

Regulations respecting scales of medicines

(2) The owner and master of every ship shall ensure that the ship carries medicines, medical stores and appliances in accordance with the scales laid down under subsection (1).

**138.**-(1) The Minister may appoint suitable persons as inspectors of medicines or medical stores or appliances with which any ship is under the provisions of this Part required to be provided, and an inspector so appointed shall have the following powers-

Inspection of medicine stores and facilities

- (a) to go on board any ship and inspect the same or any part thereof at all reasonable times;
- (b) to demand from the owner or master of such ship reasonable assistance and pertinent information.

(2) If an inspector is of the opinion that the articles inspected are deficient in quantity or quality or are placed in improper receptacles, he shall give notice in writing to the shipping master and also to the master, owner or consignee of the ship and the master of the ship before proceeding to sea shall produce to the shipping master a certificate under the hand of the inspector that the default found by him has been remedied; and if that certificate is not so produced the ship shall be detained until the certificate is produced.

**139.**(1) If the master or a seaman or apprentice belonging to a Tanzanian ship receives any hurt or injury in the service of the ship or suffers from any illness (not being an illness, other than a venereal disease, due to his own wilful act or default or to his own misbehavior or an illness or infirmity wilfully concealed at the time of his engagement) the expense of providing proper medical care and maintenance for the master or a seaman or apprentice until he is cured or dies or is returned either to the port at which he was shipped or to a port in the country to which he belongs and of his conveyance to such port, and in the case of death the expense, if any, of his burial, shall be defrayed by the owner of the ship without any deduction on that account from his wages.

Expenses of medical attendance in cases of injury or illness

(2) For the purpose of this section proper medical care shall comprise-

- (a) medical treatment and the supply of proper and sufficient medicines and therapeutical appliances; and
- (b) hospitalization or board and lodging.

(3) Where a master, seaman or apprentice becomes eligible to receive and receives medical aid at the expense of his employer under the terms of any law providing for compensation to injured or sick



workmen, the provisions of this section except in relation to the expense, if any, of the burial of such master, seaman or apprentice in the event of his death, shall cease to apply to him.

Carriage  
of medical  
practi-  
tioners

**140.**-(1) Every foreign-going ship which proceeds from a port in the United Republic having 100 persons or upwards on board shall carry on board as part of her complement some duly qualified medical practitioners; and if she does not, the owner shall for each day of every voyage of the ship made without a duly qualified medical practitioner, be guilty of an offence against this Act.

(2) For the purpose of subsection (1), a duly qualified medical practitioner means a medical practitioner authorized by law to practise as a legally qualified medical practitioner in the Commonwealth, or, in the case of a foreign ship, in the country to which the ship belongs.

#### *Facilities for Making Complaints*

Facilities  
for making  
complaints

**141.** (1) Where a seaman or apprentice whilst on board a ship states to the master of the ship his desire to make a complaint to a magistrate, consular officer or shipping master, against the master or any of the crew, the master shall, so soon as the service of the ship will permit, allow the complainant to go ashore-

(a) if the ship is then at a place where there is such an officer as aforesaid;

(b) if the ship is not then at such a place after her first arrival at such a place,  
so that he may make his complaint.

(2) If the master of the ship fails, without reasonable cause, to comply with this section, he shall be guilty of an offence against this Act.

#### *Protection of Seamen from Imposition*

Assignment  
or sale of  
salvage  
invalid

**142.** Subject to the provisions of this Act, an assignment or sale of salvage payable to a seaman or apprentice made prior to the accruing thereof shall not bind the person making the same, and a power of attorney or authority for the receipt of any such salvage shall not be irrevocable.

Seaman's  
debts

**143.** A debt exceeding in amount twenty shillings incurred by any seaman or apprentice after he is engaged to serve shall not be recoverable until the service agreed for is concluded.

#### *Provisions as to Discipline*

Misconduct  
endangering  
life or  
ship

**144.** If a master, seaman or apprentice belonging to a Tanzanian ship by wilful breach of duty or by neglect of duty or by reason of drunkenness-

(a) does any act tending to cause the immediate loss, destruction or serious damage of the ship or tending immediately to endanger the life or limb of a person belonging to or on board the ship; or

- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the ship from immediate loss, destruction or serious damage or for preserving any person belonging to or on board the ship from any immediate danger to life or limb,

he shall be guilty of an offence against this Act and liable on conviction to imprisonment for a term not exceeding twelve months.

145.-(1) If a seaman or apprentice engaged on a Tanzanian ship commits any of the following offences, he shall be guilty of an offence and shall be liable on conviction to be punished as follows-

General  
offences  
against  
discipline

- (a) if he quits the ship without leave after her arrival at a port and before she is placed in security he shall be liable to forfeit out of his wages a sum not exceeding one week's pay;
- (b) if he is guilty of wilful disobedience to any lawful command, he shall be liable to imprisonment for a term not exceeding four weeks and also at the discretion of the court to forfeit out of his wages a sum not exceeding two days' pay;
- (c) if he is guilty of continued wilful disobedience to any lawful command or lawful commands, or continued wilful neglect of duty, he shall be liable to imprisonment for a term not exceeding twelve weeks and also at the discretion of the court to forfeit for every twenty-four hours continuance of disobedience or neglect either a sum not exceeding two days' pay or any expenses properly incurred in hiring a substitute;
- (d) if he assaults the master or any mate or officer of the ship, he shall be liable to imprisonment for a term not exceeding twelve months;
- (e) if he combines with any of the crew to disobey lawful commands or to neglect duty or to impede the navigation of the ship or the progress of the voyage, he shall be liable to imprisonment for a term not exceeding twelve months;
- (f) if he wilfully damages his ship or dishonestly misappropriates or converts to his own use or commits criminal breach of trust in respect of or wilfully damages any of her stores or cargo, he shall be liable to forfeit out of his wages a sum equal to the loss thereby sustained and also at the discretion of the court to imprisonment for a term not exceeding twelve months.
- (g) if he commits an act of smuggling whereby loss or damage is occasioned to the master or owner of the ship he shall be liable to pay to the master or owner a sum sufficient to reimburse the loss or damage and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability without prejudice to any further remedy;
- (h) if he aids or procures a person to stowaway on his ship, for which offence that person is afterwards convicted, he shall be liable to imprisonment for a term not exceeding three months and to pay to the master or owner of the ship a sum sufficient to reimburse

the expenses occasioned to that master or owner in respect of such stowaway and the whole or a proportionate part of his wages may be retained in satisfaction or on account of that liability without prejudice to any further remedy.

(2) A seaman or apprentice shall not be guilty of an offence under this section by reason only of his refusing duty during a lawful strike after his ship has arrived and has been secured in good safety to the satisfaction of the master and the ports manager at a port in the United Republic.

(3) No forfeit or other payment imposed upon any seaman by any court in respect of any offence under this section shall be paid in such a manner as to exceed one-half of one month's salary in any one month, nor in such a manner as to leave to the seaman a sum deemed insufficient by the court for the necessary maintenance of such seaman and his family.

Conviction  
not to  
affect  
other  
remedies

**146.** Nothing in section 145 or in the sections, relating to the offences of desertion or absence without leave shall take away or limit any remedy by action or otherwise that an owner or master would, but for these provisions, have for any breach of contract in respect of matters constituting an offence under those sections, but an owner or master shall not be compensated more than once in respect of the same damage.

Desertion  
and  
absence  
without  
leave

**147.** If a seaman lawfully engaged or an apprentice belonging to a Tanzanian ship commits any of the following offences, he shall, on conviction therefor, be liable to be punished as follows-

- (a) if he deserts from his ship he shall be guilty of the offence of desertion and be liable to forfeit all or any part of the effects he leaves on board and the wages which he has then earned and to satisfy any excess of wages paid by the master or owner of the ship to any substitute engaged in his place at a higher rate of wages than the rate at which wages had been stipulated to be paid to him, and he shall also be liable to imprisonment or a term not exceeding twelve weeks-,
- (b) if he neglects or refuses without reasonable cause to join his ship or to proceed to sea in his ship, or is absent without leave at any time within the period of twenty-four hours next before the ship's sailing from a port either at the commencement or during the progress of a voyage, or is absent at any time without leave and without sufficient reason from his ship or from his duty, he shall, if the offence does not amount to desertion or is not treated as such by the master, be guilty of the offence of absence without leave and be liable to forfeit out of his wages a sum not exceeding two day's pay, and in addition for every twenty-four hours of absence either a sum not exceeding six days' pay or any expenses properly incurred in hiring a substitute, and he shall be liable to imprisonment for a term not exceeding ten weeks.

**148.** Where a seaman belonging to a Tanzanian ship who has been lawfully engaged and has received under his agreement an advance note, after negotiating his advance note wilfully or through misconduct fails to join his ship or desert therefrom before the note becomes payable, he shall be guilty of an offence and shall on conviction be liable to a fine or at the discretion of the court to imprisonment for a term not exceeding twelve weeks; but nothing in this section shall take away or limit any remedy, by suit or otherwise, which any person would otherwise have in respect of the negotiation of the advance note or which an owner or master would otherwise have for breach of contract.

Improper negotiation of advance note

**149.** Where it is shown to the satisfaction of the shipping master that a seaman belonging to a Tanzanian ship and lawfully engaged has wilfully or through misconduct failed to join his ship, the shipping master shall report the matter to the Minister, and the Minister may direct that the seaman's certificate of discharge shall be withheld for such period as he may think fit, and while the seaman's certificate of discharge is so withheld, the shipping master and any other person having the custody of the necessary documents may, notwithstanding anything in this or any other Act, refuse to furnish copies of any of his certificates of discharge or certified extracts of any particulars of service or character.

Withholding of certificate of discharge

**150.** If a seaman on or before being engaged, wilfully and fraudulently makes a false statement of the name of his last ship or alleged last ship or wilfully and fraudulently makes a false statement of his own name, he shall be guilty of an offence against this Act.

False statement as to last ship or name

**151.-** (1) Where it appears to the Minister that due facilities will be given by the Government of any foreign country for recovering and apprehending seamen who desert in that country from Tanzanian ships the Minister may, by order stating that such facilities will be given, declare that this section shall apply in the case of such foreign country, subject to any limitations, conditions and qualifications contained in the order.

Arrangements as to deserters from foreign ships

(2) Where this section applies in the case of any foreign country and a seaman or apprentice deserts when within the United Republic from a merchant ship registered in that country, any court exercising jurisdiction in the United Republic and any officer of that court shall, on application of the master of the ship, aid in apprehending the deserter and for that purpose may, on information given on oath, issue a warrant for him to be conveyed on board his ship or delivered to the master or mate of his ship or to the owner of the ship or his agent to be so conveyed.

**152.** If on or in respect of a Tanzanian ship any offence within the meaning of this Act, of desertion or absence without leave or against discipline, is committed or if any act of misconduct is committed for which the offender's agreement imposes a fine and it is intended to enforce the fine, then-

Entry of offences in official log-book

- (a) an entry of the offence or act shall be made in the official log-book and signed by the master and also by an officer or one of the crew;
- (b) the offender if still in the ship shall, before the next subsequent arrival of the ship at any port or if she is at the time in port before her departure therefrom, either be furnished with a copy of the entry or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit;
- (c) a statement of a copy of the entry having been so furnished or of the entry having been so read over, and in either case the reply if any then made by the offender, shall likewise be entered and signed in the manner aforesaid; and
- (d) in any subsequent legal proceeding, the entries by this section required shall, if practicable, be produced or proved, and in default of that production or proof the court hearing the case may in its discretion refuse to receive evidence of the offence or act of misconduct.

Proof of  
desertion  
in  
proceedings  
for  
forfeiture  
of wages

**153.**-(1) Whenever a question arises whether the wages of any seaman or apprentice are forfeited under this Part for desertion from a Tanzanian ship it shall be sufficient for the person insisting on the forfeiture to show that the seaman or apprentice was duly engaged in or belonged to the ship and that he left the ship before the completion of the voyage or engagement and that an entry of his desertion has been duly made in the official log-book.

(2) The desertion shall thereupon so far as relates to any forfeiture of wages under this part of this Act be deemed to be proved unless the seaman or apprentice can produce a proper certificate of discharge or can otherwise show to the satisfaction of the court that he had sufficient reasons for leaving his ship.

Applica-  
tion of  
forfeitures

**154.**-(1) Where any wages or effects are under this Act forfeited for desertion from a ship, those effects may be converted into money and those wages and effects or the money arising from the conversion of the effects shall be applied towards reimbursing the expenses caused by the desertion to the master or owner of the ship and subject to that reimbursement shall be paid to the Government.

(2) Where wages are forfeited under the foregoing provisions of this Act in any case other than for desertion, the forfeiture shall, in the absence of any specific provision to the contrary, be in favour of the master or owner by whom the wages are payable.

Questions  
of  
forfeiture  
decided  
in suits for  
wages

**155.** Any question concerning the forfeiture of or deductions from the wages of a seaman or apprentice under this Act may be determined in any proceeding lawfully instituted with respect to those wages notwithstanding that the offence in respect of which the question arises, though by this Act made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

**156.** A fine imposed on a seaman for any act of misconduct for which his agreement imposes the fine shall be deducted as follows-

Deduction  
of fine  
from  
wages

- (a) if the offender is discharged in the United Republic and the offence and the entry in the official log-book required by this Act in respect thereof are proved to the satisfaction of the shipping master before whom the offender is discharged, the master or owner shall deduct the fine from the wages of the offender;
- (b) every fine so deducted shall be paid to the shipping master;
- (c) if a master or owner of a ship fails without reasonable cause to pay any fine as required by this section, he shall be guilty of an offence against this Act;
- (d) an act of misconduct for which any fine has been inflicted and paid by or deducted from the wages of the seaman shall not be otherwise punished under this Act.

**157.** (1) If a person by any means whatever persuades or attempts to persuade a seaman or apprentice to neglect or refuse to join or proceed to sea in or to desert from his ship or otherwise to absent himself from his duty, he shall be guilty of an offence in respect of each seaman or apprentice whom he persuades or attempts to persuade as aforesaid.

Enticing  
to desert  
and  
harbouring  
deserters

(2) If a person wilfully harbours or secretes a seaman or apprentice who has wilfully neglected or refused to join or has deserted from his ship knowing or having reason to believe the seaman or apprentice to have so done, he shall be guilty of an offence in respect of each seaman or apprentice so harboured or secreted.

#### *Official Log-Books*

**158.** (1) An official log-book shall be kept in every Tanzanian ship of over 125 tons register tonnage in the appropriate form for that ship approved by the Minister.

Official  
log-books

(2) The Minister shall approve forms of official log-books which may be different for different classes of ships so that each such form shall contain proper places for the entries required by this Act.

(3) The official log-book may, at the discretion of the master, be kept distinct from or united with the ordinary ship's log so that in all cases the spaces in the official log-book be duly filled up.

(4) An entry required by this Act in an official log-book shall be made as soon as possible after the occurrence to which it relates, and if not made on the same day as that occurrence, shall be made and dated so as to show the date of the occurrence and of the entry respecting it, and if made in respect of an occurrence happening before the arrival of the ship at her final port of discharge, shall not be made more than twenty-four hours after that arrival.

(5) Every entry in the official log-book shall be signed by the master and by an officer or some other member of the crew and also, if it is an entry of illness, injury or death, shall be signed by the surgeon or medical practitioner on board, if any.

(6) Every entry made in an official log-book in the manner provided by this Act shall be admissible in evidence.

Entries in  
official  
log-book

**159.** The master of a ship for which an official log-book is required shall enter or cause to be entered in the official log-book the following matters-

- (a) every conviction by a legal tribunal of a member of his crew and the punishment inflicted;
- (b) every offence committed by a member of his crew for which it is intended to prosecute or to enforce a forfeiture or to exact a fine together with such statement concerning the copy or reading over of that entry and concerning the reply if any made to the charge as required by this Act;
- (c) every offence for which punishment is inflicted on board and the punishment inflicted;
- (d) a statement of the conduct, character and qualifications of each of his crew or a statement that he declines to give an opinion on these particulars;
- (e) every case of illness or injury happening to a member of the crew with the nature thereof and the medical treatment adopted, if any;
- (f) every refusal of a member of the crew to take anti-scorbutics or medicines;
- (g) every birth of a child and death of a person happening on board his ship and any particulars required by regulation;
- (h) every Marriage taking place on board with the names and ages of the parties;
- (i) the name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death with the place, time, manner and cause thereof;
- (j) the wages due to any seaman or apprentice who dies during the voyage and the gross amount of all deductions to be made therefrom;
- (k) the sale of the effects of any seaman or apprentice who dies during the voyage including a statement of each article sold and the sum received for it;
- (l) every collision with any other ship and the circumstances under which the same occurred;
- (m) the date and time of posting up in the ship of a notice containing particulars of the ship's draught and freeboard; and
- (n) any other matter directed by this Act to be entered.

160.-(1) The master of every foreign-going Tanzanian ship shall, with-  
forty-eight hours after the ship's arrival at her final port of destination  
the United Republic or upon the discharge of the crew whichever  
first happens, deliver the official log-book of the voyage to the shipping  
master before whom the crew is discharged.

Delivery  
of official  
log-book  
to  
shipping  
master

(2) The master or the owner of every Tanzanian ship engaged in the  
coasting trade for which an official log-book is required to be kept shall,  
within twenty-one days of the thirtieth of June and the thirty-first day  
of December, in each year, transmit or deliver the official log-book for  
the preceding half year to a shipping master in the United Republic.

(3) If the master or owner of a ship fails without reasonable cause to  
comply with this section, he shall be guilty of an offence, and the ship  
shall be liable to forfeiture.

161.-(1) Where, by reason of transfer of ownership or change of  
employment of a Tanzanian ship, the official log-book ceases to be  
required in respect of the ship or to be required at the same date, the  
master or owner of the ship shall, if the ship is then in the United  
Republic within one month and if she is elsewhere within three months  
after the cessation, deliver or transmit to the shipping master at the port  
to which the ship belonged the official log-book, duly made out to the  
time of the cessation.

Disposition  
of official  
log-book  
on  
transfer  
of  
ownership,  
etc.

(2) Where a ship is lost or abandoned, the master or owner thereof  
shall, if practicable, and as soon as possible, deliver or transmit to the  
shipping master at the port to which the ship belonged the official  
log-book, if any, duly made out to the time of the loss or abandonment.

162.-(1) Where an official log-book is not kept in the manner required  
by this Act or if an entry directed by this Act to be made therein is not  
made at the time and in the manner directed by this Act, the master shall  
be guilty of an offence against this Act.

Penalty  
for  
improperly  
kept  
official  
log-book

(2) Every person who makes or procures to be made or assists in  
making any entry in an official log-book in respect of any occurrence  
which took place at a time previous to the arrival of the ship at her  
final port of discharge more than twenty-four hours after that arrival,  
shall be guilty of an offence against this Act.

(3) Every person who wilfully destroys, omits, alters, or renders  
illegible any entry in an official log-book or wilfully makes or procures  
to be made or assists in making a false or fraudulent entry in or omission  
from an official log-book, shall be guilty of an offence against this Act.

#### *Returns and Delivery of Documents*

**163.**- (1) The master-

(a) of every foreign-going ship whose crew is discharged in the United  
Republic;

(b) of a coasting ship,

shall make out and sign a list (in this Act referred to as the list of the  
crew) in a form approved by the Minister containing the following  
particulars-

List of  
crew and  
particulars



- (i) the number and date of the ship's register and her register tonnage;
- (ii) the length and general nature of the voyage or employment;
- (iii) the names, ages and places of birth of all the crew including the master and apprentices, their ratings on board, their last ships or other employments and the dates and places of their joining the ship,
- (iv) the names of any of the crew who have ceased to belong to the ship with the times, places, causes and circumstances thereof;
- (v) the names of any members of the crew who have been maimed or hurt with the time, place, cause and circumstances thereof;
- (vi) the wages due at the time of death to any of the crew who have died;
- (vii) the property belonging to any of the crew who have died, with a statement of the manner in which that has been dealt with, and the money for which any part of it has been sold; and
- (viii) any marriage that takes place on board, with the date thereof and the names and ages of the parties.

(2) The list of the crew-

- (a) in the case of a foreign-going ship, shall be delivered by the master within forty-eight hours after the arrival of the ship at her final port of destination in the United Republic or upon the discharge of the crew, whichever first happens, to the shipping master before whom the crew is discharged;
- (b) in the case of a coasting ship, shall be delivered or transmitted by the master or owner to some shipping master in the United Republic on or within twenty-one days after the thirtieth day of June and the thirty-first day of December in each year,

and the shipping master shall give to such master or owner a certificate of such delivery or transmission and any such ship may be detained until the certificate is produced and a customs officer shall not clear outwards any foreign-going ship until the certificate is produced.

(3) This section shall not apply to ships of under 125 tons register tonnage.

Transfer  
of  
ownership  
or change  
of employ-  
ment of  
ship

**164.**-(1) Where by reason of the transfer of ownership or change of employment of a ship the list of the crew ceases to be required in respect of the ship or to be required at the same date, the master or owner of the ship shall, if the ship is then in the United Republic within one month, and if she is elsewhere within six months, after that cessation deliver or transmit to the shipping master at the port to which the ship belonged the list of the crew duly made out to the time of the cessation.

(2) Where a ship is lost or abandoned, the master or owner thereof shall, if practicable and as soon as possible, deliver or transmit to the shipping master at the port to which the ship belonged the list of the crew duly made out to the time of the loss or abandonment.

**165.**-(1) Where a Tanzanian ship arrives at a port outside the United Republic at which there is a consular officer or shipping master and remains there for forty-eight hours, the master shall, within forty-eight hours of the ship's arrival, deliver to the consular officer or shipping master the agreement with the crew and also all contracts or indentures and assignments of apprenticeships or such of those documents as the ship carries.

Delivery of ship's documents by master to consular officer or shipping master

(2) The officer to whom the said documents are delivered shall keep them during the ship's stay in the port and upon the application of the master or a person on his behalf shall return the documents to him within a reasonable time prior to the expected time of departure of the ship with a certificate endorsed on the agreement with the crew indicating the times respectively when the documents were delivered to him and returned by him.

(3) Where it appears to the officer to whom the said documents are delivered that this Act has been contravened the officer shall make an endorsement to that effect on the agreement with the crew and forthwith shall send to the Minister a copy of the endorsement with all the information in his possession relating to the alleged contravention.

**166.** Where during the progress of a voyage the master of any Tanzanian ship is removed or superseded or for any other reason quits the ship and is succeeded in the command by some other person, he shall deliver to his successor the certificate of registry and the various documents relating to the navigation of the ship and to the crew thereof which are in his custody, and his successor shall immediately on assuming the command of the ship enter in the official log-book a list of the documents so delivered to him.

**167.**-(1) The master of every Tanzanian ship upon its arrival at a port in the United Republic or at such other time and place as there Minister may, by regulation or otherwise, with respect to any ship or class of ships direct, shall deliver or transmit in such form as the Minister directs a return of the facts recorded by him in respect to the birth of a child or the death of a person on board such ship to a shipping master if in the United Republic and to a consular officer if elsewhere.

Returns relating to births and deaths

(2) The said shipping master or consular officer shall send a certified copy of the return relating to such births and deaths to the Minister who shall cause the information contained therein to be sent to the appropriate authority having responsibility for the registration of births and deaths.

#### *conflict of Laws*

**168.** Where in any matter relating to a ship or to a person belonging to a ship there appears to be a conflict of laws, then if there is in this Act any provision on the subject that is hereby expressly made to extend to that ship or person, the case shall be governed by that provision, but if there is no such provision, the case shall be governed by the law of the port at which the ship is registered.

Law of port of registry governs failing this Act

*Relief and Repatriation of Distressed Seamen and Seamen left behind abroad*

Owner to be responsible for repatriating seamen left behind out of the United Republic

**169.**-(1) Save as hereinafter provided every agreement entered into for the employment of any seaman in any ship shall be deemed to provide, should such agreement terminate out of the United Republic, whether by effluxion of time or by any act of the parties, or shipwreck or sale of the ship or inability of the seaman to proceed in the ship by reason of sickness or injury or any other cause whatsoever, for the return of such seaman to a proper return port at the expense of the master or owner of such ship, and such master or owner, whether principal or agent, shall make such arrangements as may be necessary and defray all expenses incurred for the return of such seaman and such liability shall include the cost of such maintenance and medical treatment as may be necessary for such seaman until his arrival at a proper return port, and such seaman shall not become a charge upon the Government.

(2) A seaman who has been left behind or discharged from his ship in any of the following circumstances-

- (a) desertion; or
- (b) imprisonment; or
- (c) inability to proceed in the ship by reason of sickness or injury caused by his own wilful act or default or sickness or infirmity wilfully concealed at the time of the engagement,

shall not be entitled to be returned at the expense of the owner or master as aforesaid, but such master or owner, whether principal or agent, shall make all arrangements necessary and defray all expenses incurred for the return of such seaman to a proper return port as if he was so entitled, and such master or owner may be reimbursed out of any wages owing to such seaman at the time he left the ship or out of the proceeds from the sale of any of his effects left on board, or if this should not prove sufficient, by ordinary process of law, but such seaman shall not become a charge upon the Government.

(3) A shipping master or consular officer may demand guarantees from the master or owner, whether principal or agent, of a ship from which a seaman is to be discharged or left behind for the proper discharge of any obligations imposed by this section and if these are refused he may withhold his sanction to the discharge.

(4) For the purpose of this section the expression "owner-shall, in the case of a foreign ship engaging a seaman at a port in the United Republic, include any person appointed or nominated by the owner, or charterer if the ship is on demise charter, to act as his agent and who was so acting at the time the seaman was engaged.

(5) Where any seaman or apprentice becomes eligible to receive and receives medical aid or periodical payments at the expense of his employer under the terms of any law providing for compensation to injury or sick workmen, the provisions of this section, to the extent that such seaman or apprentice receives such medical aid, shall cease to confer any right upon such seaman or apprentice to receive medical treatment under this section, and to the extent and for so long as such seaman or apprentice receives such periodical payments, shall cease to confer any right upon such seaman or apprentice to receive maintenance under this section.

170.-(1) Where a seaman belonging to any Tanzanian ship is left behind at a place out of the United Republic, the master of the ship shall, subject to the provisions of this section-

- (a) as soon as may be, enter in the official log-book a statement of the effects left on board by the seaman and an account of wages due to him at the time when he was left behind;
- (b) on the termination of the voyage during which the, seaman was left behind, furnish to the shipping master or consular officer, within forty-eight hours after the arrival of the ship at the port at which the voyage terminates, accounts in a form approved by the Minister, one (in this section referred to as the delivery account) of the effects and wages and the other (in this section referred to as the reimbursement account) of any expenses caused to the master or owner of the ship by the absence of the seaman in cases where the absence is due to desertion, neglect to join his ship or any other conduct constituting an offence under section 145 or section 147, including, in the case of a seaman who is not entitled to be repatriated at the expense of the owner or master of the ship, any provision made for the return of such seaman to a proper return port, and the master shall, if required by the shipping master or consular officer, furnish such vouchers as may be reasonably required to verify the accounts.

(2) The master of the ship shall deliver to the shipping master or consular officer, if he will receive the same, the effects of the seaman as shown in the delivery account, and, subject to any deductions allowed under subsection (3), the amount due on account of wages as shown in that account, and the shipping master or consular officer shall give to the master a receipt in a form approved by the Minister for any effects or amount so delivered.

(3) The master of the ship shall be entitled to be reimbursed out of the wages or effects any sums shown in the reimbursement account that appear to the shipping master or consular officer or, in the case of an appeal under this section, to a court of competent jurisdiction to be properly chargeable and for that purpose the shipping master or consular officer or, if necessary in the case of an appeal, the Minister shall allow those sums to be deducted from the amount due on account of wages shown in the delivery account and, so far as that amount is not sufficient, to be repaid to the master out of the effects.

(4) The shipping master or consular officer before allowing any sums to be deducted or repaid under subsection (3) may require such evidence as he thinks fit as to the sums being properly chargeable to be given by the master of the ship either by statutory declaration or otherwise.

(5) Where the master of a ship is aggrieved by the decision of the shipping master or consular officer as to the sums to be allowed as properly chargeable on his reimbursement account and the amount in dispute exceeds one thousand shillings, he may appeal from the decision of the shipping master or consular officer to a court of competent jurisdiction.

Dealing with wages and effects of a seaman who is left behind out of the United Republic

(6) The shipping master or consular officer shall, subject to any repayment made under this section, remit the effects, and any amount received by him on account of wages under this section at such time and in such manner as the Minister requires and shall render such accounts in respect thereof as the Minister directs.

(7) In this section, the expression "effects" includes the proceeds of any sale of the effects if those effects are sold under this section, and the effects may be sold by the shipping master or consular officer in such manner as he thinks fit when they are delivered to him, unless the Minister directs to the contrary, and if not so sold may be sold by the Minister and when he thinks fit unless they are delivered to the seaman.

(8) The master shall be under no liability for any loss of effects or for any damage to the effects if he proves to the shipping master or consular officer that the loss or damage occurred without his neglect or consent after the seaman left the ship.

(9) The Minister shall not be under any liability with respect to anything done under this section except that, if after the wages or effects of a seaman have been dealt with under this section any legal proceedings are taken in respect of those wages or effects or involving the forfeiture of those wages or effects or of any sum out of the wages by the seaman against the master or owner of the ship or by the master or owner of the ship against the seaman, the Minister shall if notice is given to him of the proceedings and a reasonable opportunity afforded him of appearing, comply with any order of the court made as respects the wages or effects so far as he can do so out of the wages and effects remitted to him in respect of the voyage of the ship.

(10) The Minister shall be entitled to appear and be heard in such proceedings or to be represented by any of his officers or any officer of the Government.

(11) The Minister may, if and so far as he thinks fit, meet any claim made by a seaman against the master or owner of the ship in respect of any wages or effects dealt with under this section although legal proceedings are not actually taken in respect thereof, if he has given notice to the master or owner of the ship and the master or owner of the ship has not given written notice of objection within ten days of the notice being given.

(12) For the purpose of subsections (9), (10) and (11) any legal proceedings taken or any claim made by a person in whose favour an allotment note has been made shall be treated as proceedings taken or a claim made by the seaman.

(13) Any sums remitted under this section or arising from the sale of effects under this section, and not disposed of in accordance with this section, shall be paid to the Government.

(14) If the master of a ship fails without reasonable cause to comply with this section, he shall, without prejudice to any other liability, be guilty of an offence under this Act.

(15) This section shall not apply in the case of an absent seaman where-

- (a) the master of the ship satisfies the shipping master or consular officer that none of the effects of the seaman have to his knowledge been left on board the ship and that he has paid all wages due to the seaman;
- (b) the amount of wages earned by the seaman, after taking into account any deduction made in respect of allotments or advances for which provision is made by the agreement with the crew, appears from the agreement to be less than one hundred shillings;
- (c) the master of the ship satisfies the proper officer that the net amount due to the seaman on account of wages, after taking into account any deductions lawfully made in respect of allotments, advances or otherwise, is less than one hundred shillings; or
- (d) the question of the forfeiture of the wages and effects of the seaman has been dealt with in legal proceedings lawfully instituted before the termination of the voyage or within forty-eight hours of the arrival of the ship at the port at which the voyage terminates.

**171.**-(1) The master of a Tanzanian ship shall not discharge a seaman at any place out of the United Republic unless he previously obtains endorsed on the agreement with the crew the sanction of the shipping master or consular officer in that place; but that sanction shall not be refused where the seaman is discharged on the termination of his service or at a proper return port.

Sanction  
required for  
discharge of  
seamen out  
of the  
United  
Republic

(2) The shipping master or consular officer shall examine the grounds on which the seaman is to be discharged at a place out of the United Republic and for that purpose may, if he thinks fit, administer oaths and grant or refuse the sanction as he thinks just, but such sanction shall not be unreasonably withheld.

(3) If a seaman shows to the satisfaction of the master that he can obtain employment in another vessel in a higher grade than he actually holds, or that any other circumstance has arisen since his engagement which renders it essential to his interest that he should be permitted to take his discharge, he may claim his discharge, provided that without increased expense to the owner and to the satisfaction of the master he furnishes a competent and reliable man in his place; and such seaman shall be entitled to his wages up to the time of taking his discharge but shall have no further claim on the owner or master of the ship.

Certificate of discharge abroad

**172.** Where the master of a Tanzanian ship discharges a seaman at any place out of the United Republic, he shall give to that seaman a certificate of discharge in a form approved by the Minister under section 99 (1) of this Act.

Repatriation of seamen on termination of service at foreign port

**173.**-(1) Where during the currency of the agreement the service of a seaman belonging to a Tanzanian ship terminates at a port out of the United Republic otherwise than by the consent of the seaman, the master of the ship shall, besides giving the certificate of discharge required under this Part, and besides paying the wages to which the seaman is entitled, make adequate provision in accordance with this Act for his maintenance and for his return to a proper return port, and shall request the shipping master or consular officer to endorse upon the agreement with the crew of the ship which the seaman is leaving the particulars of any provision so made.

(2) If the master fails without reasonable cause to comply with subsection (1), the expenses of maintenance and of the journey to the proper return port-

- (a) if defrayed by the seaman shall be recoverable as wages due to him; and
- (b) if defrayed by the shipping master or the consular officer or any other person, shall be a charge upon the ship to which the seaman belonged, and may also be recovered against the person who is the owner of the ship for the time being, or where the ship has been lost, against the person who was the owner of the ship at the time of the loss, or where the ship has been transferred to some person not being a person entitled to be registered as owner of a Tanzanian ship, either against the owner for the time being or against the person who was the owner of the ship at the time of the transfer, at the suit of the shipping master or consular officer or other person defraying the expenses, or in case they have been allowed out of public money, as a debt to the Government either by ordinary process of law or in the court and in the manner in which wages may be recovered by seamen.

Discharge of seaman on change of ownership of ship at a foreign port

**174.**-(1) Where a Tanzanian ship is transferred or disposed of at any port out of the United Republic, any seaman belonging to that ship shall be discharged unless the seaman consents in writing in the presence of the shipping master or consular officer to complete the voyage of the ship if continued.

(2) Where a seaman is so discharged the provisions of this Part as to the certificate of discharge and the return of the seaman to a proper return port shall apply as if the service of the seaman had terminated otherwise than by the consent of the seaman to be discharged during the currency of the agreement, and shall apply to foreign seamen whether they have been shipped at a port in the United Republic or not.

**175.**-(1) The master of a Tanzanian ship shall not leave a seaman behind at any place out of the United Republic except where the seaman is discharged in accordance with this Act, unless he previously obtains endorsed on the agreement with the crew the certificate of the shipping master or consular officer stating the cause of the seaman being left behind, whether the cause is unfitness or inability to proceed to sea, desertion or disappearance or otherwise.

Certificate required where a seaman is left behind in a foreign port

(2) The shipping master or consular officer to whom an application is made for a certificate under this section may examine the grounds on which a seaman is to be left behind and for that purpose may, if he thinks fit, administer oaths and may grant or refuse the certificate as he thinks just, but the certificate shall not be unreasonably withheld.

(3) If the master of a ship fails to comply with this section, he shall, without prejudice to his liability under any other provision of this Act, be guilty of an offence against this Act; and in any prosecution for the offence it shall lie on the master to prove that the certificate was obtained or could not be obtained without unreasonable delay to the ship or was unreasonably withheld.

**176.**-(1) Where a master of a Tanzanian ship leaves a seaman behind on shore in any place out of the United Republic on the ground of his unfitness or inability to proceed to sea, he shall deliver to the person signing the certificate required by section 175 a full and true account of the wages due to the seaman, and if that person is a consular officer, shall deliver the account in duplicate.

Account of wages in case of seaman left behind on ground of unfitness or inability to proceed to sea

(2) If a master fails without reasonable cause to deliver the account, he shall be guilty of an offence against this Act.

**177.**-(1) The master shall pay the amount of wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea to the shipping master or consular officer if such officer will receive the same.

Payment of wages of seamen left behind on ground of unfitness or inability to proceed to sea

(2) Where any payment is so made, the shipping master or consular officer, if satisfied with the account, shall furnish a receipt for the payment.

(3) The payment shall be made whenever it is practicable in money, and when not so practicable by bills drawn on the owner of the ship.

(4) If the master fails without reasonable cause to make such payment of wages as provided by this section, he shall be guilty of an offence against this Act.

**178.** Where the amount of wages due to a seaman left behind on the ground of his unfitness or inability to proceed to sea, is so paid to, and accepted by a shipping master or consular officer, that officer shall so accept them upon condition that he deal with them in the following manner-

Application payment on account of wages of seaman left behind



- (a) if the seaman subsequently obtains employment at or quits the port at which the payment has been made, he shall deduct out of the sum any expenses incurred by him in respect of the maintenance of the seaman under this Act, except such as the owner or master is by this Act required to defray, and shall pay the remainder to the seaman and deliver to him an account of the sum so received and expended on his behalf;
- (b) if the seaman dies before his ship quits the port, he shall deal with the sum as part of the property of a deceased seaman; and
- (c) if the seaman is sent to a proper return port at the public expense under this Act, he shall account for the sum to the Minister, and such sum after deducting any expenses duly incurred in respect of the seaman, except such expenses as the master or owner of the ship is required by this Act to defray, shall be dealt with as wages of the seaman.

Relief of  
distressed  
seamen

**179.**-(1) Where any seaman who has been resident in the United Republic for at least twelve months before the commencement of the voyage or engagement on which he is at the time employed is found in any place out of the United Republic and has been shipwrecked from any Tanzanian ship or ship registered elsewhere than in the United Republic, or by reason of having been discharged or left behind from any such ship in any place, out of the United Republic, is in distress in that place, the shipping master, or consular officer may provide, in accordance with this Act, for the return of any seaman who is in this Act included in the term "distressed seamen" at the expense of the Government to a proper return port and also provide for his necessary clothing and maintenance until his departure for such a port; and in case of death he may provide for burial expenses, and in addition in the case of a shipwrecked seaman for the repayment of any expenses incurred in his conveyance to port after his shipwreck and his maintenance while being so conveyed.

(2) Where any seaman is found in any place in the United Republic as a result of being shipwrecked from a Tanzanian ship, the owner of such ship or his representative shall provide for his necessary clothing and maintenance in that place and shall pay the expenses of returning such seaman to a proper return port.

Repayment  
of expenses  
of relief  
and  
repatriation

**180.**-(1) Where any expenses as defined by this section are incurred by a shipping master or a consular officer on behalf of the Government pursuant to section 179 or are incurred by the government of a foreign country and are repaid to such foreign country by the Government, the Minister may pay to such shipping master or consular officer or foreign government the amount of such expenses out of any moneys available for the purpose or out of any moneys appointed for that purpose.

(2) Any or all money so paid by the Minister pursuant to subsection (1) together with the wages, if any, due to the seaman shall be a charge upon the ship to which the distressed seaman belonged and shall be a debt to the Government from the master or owner of the ship or from

the owner of the ship for the time being or, where the ship has been lost, from the person who was the owner of the ship at the time of the loss or where the ship has been transferred to some person, not being person entitled to be registered as owner of a Tanzanian ship, either from the owner for the time being or from the person who was the owner of the ship at the time of the transfer, and also if the ship is a foreign ship, from the person whether principal or agent who gaged the seaman for service in the ship.

(3) The debt, in addition to any fines and consular fees which may have been incurred, may be recovered by the Minister on behalf of the Government either by ordinary process of law or in the court and manner in which wages may be recovered by seamen.

(4) In any proceeding for such recovery, the production of the account, if any, of the expenses furnished in accordance with this, Act and proof of payment of the expenses by or on behalf of the Government shall be prima facie evidence that the expenses were incorrect or repaid under this Act by or on behalf of the Government.

**181.** A person belonging to a Tanzanian ship shall not wrongfully force a seaman on shore and leave him behind or otherwise cause seaman to be wrongfully left behind at any place, and if he does so, he shall be guilty of an offence against this Act.

Forcing  
ashore

**182.** For the purposes of this Part, either the port at which the seaman was shipped or a port in the country to which he belonged or some other port agreed to by the seaman in the case of a discharged seaman at the time of his discharge shall be deemed to be a proper return port, but in the case of a seaman shipped in the United Republic the return port shall be the same in which he was shipped unless otherwise agreed to by him as aforesaid.

Proper return  
port

**183.**-(1) A seaman may be sent to a proper return port by any reasonable route.

Provision for  
return of  
seamen

(2) Provision may be made for the return of the seaman, if he is fit for work, by providing him with suitable employment on board a ship proceeding to a proper return port that is in want of men to make up its complement or, if that is not practicable, by Providing the seaman with a passage in any ship or aircraft or in other public transport and by providing for his maintenance during the journey.

(3) Where the, master of a ship is required under this Part to provide for the return of a discharged seaman to a proper return port the master may, instead' of providing the seaman's passage or the expenses of his journey, deposit with the shipping master or consular officer such sum as the shipping master or consular officer considers sufficient to defray the expenses of the return of the seaman to a proper return port.

(4) Where a seaman is repatriated as a member of a crew he shall be entitled to the appropriate remuneration for work done during the voyage.

Decision of questions as to return of seamen

**184.** When any question arises as to what return port a seaman is to be sent to in any case or as to the route by which he should be sent, that question shall be decided by the shipping master or consular officer, and in deciding any question under this provision, the shipping master or consular officer shall have regard both to the convenience of the seaman and to the expense involved and also, where that is the case, to the fact that a ship which is in want of men to make up its complement is about to proceed to a proper return port or to a port in the vicinity thereof; but nothing in this section shall relieve the owner from the obligation and expense of returning the seaman to his proper return port.

Assistance to distressed seamen

**185.**-(1) The Minister, may, whenever he deems it necessary, pay out of any moneys applicable to the purpose and appropriated for that purpose such sums as he deems requisite for the temporary relief in the United Republic in such manner as he deems it advisable of shipwrecked, destitute or otherwise distressed seamen not otherwise entitled to relief under this Act or under the laws of the country to which the ship belongs.

(2) Any expenses incurred for shipwrecked, destitute or otherwise distressed seamen under this section, shall be a debt to the Government from the master, owner or agent of the vessel to which the distressed seaman belonged, and may be recovered by the Minister on behalf of the Government in the same manner as expenses incurred out of the United Republic for distressed seamen of sea-going Vessels registered in the United Republic are recovered.

#### PART IV-PASSENGER SHIPS

Regulations by Minister as to passenger ships

**186.** The Minister may make regulations-

- (a) respecting accommodation, facilities and provisions on board passenger ships which carry passengers from a port in the United Republic;
- (b) requiring the preparation and furnishing of particulars as to all passengers to or from a port in the United Republic;
- (c) regulating the number of passengers which a ship may carry from a port in the United Republic whether or not the ship is a passenger ship;
- (d) prescribing the terms and conditions upon which ships may carry passengers between ports in the United Republic.

Offences in connexion with passenger ships

**187.**-(1) Any person who while on board or attempting to board a passenger ship in the United Republic-

- (a) being drunk and disorderly has been on that account refused admission thereto by the owner or any person in his employment, and after having the amount of his fare (if he has paid it) returned or tendered to him nevertheless persists in attempting to enter the ship;

- (b) being drunk or disorderly is requested by the owner or any person in his employment to leave the ship and after having the amount of his fare (if he has paid it) returned or tendered to him, does not comply with the request;
- (c) after warning by the master or other officer thereof molests or continues to molest any passenger;
- (d) after having been refused admission to the ship by the owner or any person in his employment on account of the ship being full and having had the amount of his fare (if he has paid it) returned or tendered to him nevertheless persists in attempting to enter the ship;
- (e) having gone on board the ship at any place and been requested on account of the ship being full by the owner or any person in his employment to leave the ship before it has quitted that place and having had the amount of his fare (if he has paid it) returned or tendered to him does not comply with that request;
- (f) travels or attempts to travel in the ship without first paying his fare and with intent to avoid payment thereof;
- (g) having paid his fare for a certain distance, knowingly and wilfully proceeds in the ship beyond that distance without first paying the additional fare for the additional distance and with intent to avoid payment thereof;
- (h) on arriving in a ship at a point to which he has paid his fare, knowingly and wilfully refuses or neglects to quit the ship; or
- (i) on board the ship fails when requested by the master or other officer thereof either to pay his fare or exhibit such ticket or other receipt, if any, showing the payment of his fare as is usually given to persons travelling by and paying their fare for the ship;
- (j) wilfully does or causes to be done anything in such a manner as to obstruct or injure any part of the machinery or tackle of the ship or to obstruct, impede or molest the crew or any of them in the navigation or management of the ship, or otherwise in the execution of their duty on or about the ship,

shall be guilty of an offence against this Act.

**188.**-(1) If any person receives money from any person for or in respect of a passage in any ship proceeding from any place in the United Republic to any place within or without the United Republic, he shall give to the person paying the same a contract ticket signed by or on behalf of the owner or charterer of the ship.

Tickets to be  
issued for  
passages

- (2) The contract ticket required by this section shall set out-
  - (a) the amount of the fare paid;
  - (b) the places between which the passenger is entitled to be carried;
  - (c) whether the passenger is to be berthed or unberthed;
  - (d) whether the passenger is entitled to be supplied with food or must purchase or provide his own food for the journey;

(e) the amount of baggage the passenger is permitted to carry free of charge; and

(f) any other rights or obligations of the parties,

but such contract ticket shall not contain any clause, condition or stipulation or refer to any clause, condition or stipulation not contained therein, which purports to indemnify the owner or charterer of the ship from the consequences of any neglect to ensure that the ship was seaworthy, or of the consequences of any neglect in the management or navigation of the ship, or which would deprive the passenger of any right or remedy which he would have enjoyed were it not for such clause, condition or stipulation or reference; and if any clause, condition or stipulation or reference as aforesaid is contained in any contract ticket in contravention of this section it shall be void.

(3) Any question which arises respecting the breach or non-performance of any stipulation in any such contract ticket may, at the option of the passenger interested, be tried before a magistrate, other than a primary court magistrate and the magistrate may award the complainant such damages and costs as he thinks just, not exceeding three times the amount of the passage money specified in the contract ticket.

#### PART V-SAFETY

##### Surveyors

Appointment of surveyors **189.**-(1) The Minister may, from time to time, appoint at such places as he deems advisable persons competent to inspect-

- (a) the boilers and machinery of steamships;
- (b) the equipment of ships, including ships tackle, furnishing and appurtenances;
- (c) the hulls and superstructures of ships;
- (d) the life-saving, fire-fighting and other safety equipment of ships;
- (e) the radio-telegraphy and radio-telephony, installations of ships;
- (f) the stowage and manner of loading of ship's cargoes and the stowage of dangerous goods.

(2) A person so appointed is in this Part referred to as a surveyor, and the same person may be appointed in several capacities.

(3) The survey and inspection of ships, so far as regards the enforcement of the regulations made under this Part, shall be carried out by surveyors appointed by the Minister or, subject to such conditions as the Minister may impose, by any corporation or society for the survey and classification of ships approved by the Minister.

**190.**-(1) A surveyor in the exercise of his duties may go on board any ship at all reasonable times and inspect the same or any of the machinery or equipment thereof or any certificate of a master, mate or engineer, and if he considers such ship unsafe, or, if a passenger ship, unfit to carry passengers, or the machinery or equipment defective in any way so as to expose persons on board to serious danger, he shall detain that ship; and a surveyor may also detain any ship in respect of which any of the provisions of this Act have not been complied with, if in his opinion such detention is warranted in the circumstances.

Surveyor's  
rights of  
inspection

(2) When under this section a surveyor visits any ship he may ask the owner or his agent, the master or chief engineer, or any other person on board and in charge or appearing to be in charge, any question concerning the ship or concerning any accident that has happened thereto as he thinks fit and every such person shall fully and truly answer every such question.

(3) A surveyor may require that the machinery be put in motion so that he may satisfy himself as to its condition.

**191.** A surveyor shall keep a record of the inspections he makes and certificates he issues in such form and with such particulars respecting them as the Minister may from time to time direct, and shall furnish copies thereof and any other information pertaining to the duties of his office which the Minister may require.

Record of  
inspections  
and  
certificate

#### *Application of Safety and Load Line Conventions*

**192.** In this Part-

Definitions

"Safety Convention" means the International Convention for the Safety of Life at Sea, 1960, together with such revisions thereto or substitutions therefor as the Minister may, by order in the *Gazette*, declare to be in effect;

"Safety Convention Certificate" means a certificate that is required to be issued to a Safety Convention ship that complies with relevant provisions of the Safety Convention and includes a safety certificate, safety construction certificate, safety equipment certificate, safety radio-telegraphy certificate, safety radio-telephony certificate and any such certificate that is limited, modified or restricted by an exemption certificate;

"Safety Convention" means the International Convention for the Safety the Safety Convention applies; and the expression "Safety Convention passenger steamship" shall be construed accordingly;

"international voyage" means a voyage from a port in one country to a port in another country;

"short international voyage" means an international voyage-

(a) in the course of which a ship is not more than 200 nautical miles from a port or place in which the passengers and crew could be placed in safety; and

(b) does not exceed 600 nautical miles in length between the last port of call in the country where the voyage begins and the final destination,

no account being taken of any deviation by a ship from her intended voyage due solely to stress of weather or any other circumstances that neither the master nor the owner nor the charterer, if any, of the ship could reasonably have prevented or forestalled;

"Load Line Rules" means the rules made by the Minister to give effect to the Load Line Convention;

"Load Line Convention" means the International Convention respecting load lines of 1960 together with any amendment thereto which the Minister may, by order in the *Gazette*, declare to be in effect.

Regulations to give effect to the Safety Convention and Load Line Convention

**193.** The Minister may, subject to this Act, make such regulations as may appear to him to be necessary to give effect to the provisions of the Safety Convention and the Load Line Convention; and such regulations shall not contain any provisions which conflict with any of the provisions of the said Conventions.

Countries to which Safety or Load Line Conventions apply

**194.** The Minister, if satisfied-

(a) that the government of any country has ratified, acceded to or denounced the Safety Convention or the Load Line Convention;

or

(b) that the Safety Convention or the Load Line Convention has been applied or has ceased to apply to any country,

may by notice in the *Gazette* make a declaration to that effect.

#### *Inspection for Safety*

Initial and subsequent surveys of ships

**195.**-(1) Every Tanzanian passenger ship shall be subjected to the surveys specified below, namely-

- (a) a survey before the ship is put into service;
- (b) a periodic survey at intervals of not more than 12 months;
- (c) additional surveys as occasion arises.

(2) The surveys referred to above shall be carried out as follows-

- (a) the survey before the ship is put into service shall include a complete inspection of the hull, machinery and equipment, and this survey shall be such as to ensure that the arrangements, material, and scantlings of the hull, boilers and other pressure vessels, main and auxiliary machinery, electrical installation, radio installation, radio installations in motor life-boats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, pilot ladders, and other equipment fully comply with the requirements of the Safety Convention and with any regulations made under sections 193 and 197 and the survey shall be such to ensure that the workmanship of all parts of the hull and machinery and equipment is satisfactory, and that the ship is provided with such light and sound signals and distress signals as are required by the Safety Convention and the collision regulations;

- (b) the periodic survey shall be such as to ensure that the hull, boilers and other pressure vessels, main and auxiliary machinery, electrical installations, radio installations, radio installation in motor life-boats, portable radio apparatus for survival craft, life-saving appliances, fire detecting and extinguishing appliances, pilot ladders, and other equipment are in a satisfactory condition and fit for the service for which they are intended and that they comply with the requirements of the Safety Convention and the regulations made under sections 193 and 197 and the light and sound signals and the distress signals carried by the ship shall also be subject to the above survey;
- (c) a survey, either general or partial, according to the circumstances, shall be made every time an accident occurs or a defect is discovered which affects the safety of the ship or the efficiency or completeness of its life-saving appliances or other equipment, or whenever important repairs or renewals are made; and the survey shall be such as to ensure that the necessary repairs or renewals have been effectively made, that the material and workmanship of such repairs or renewals are in all respects satisfactory and that the ship complies in all respects with the provisions of the Safety Convention and of the collision regulations and any regulations made under this Act.
- (3) The hull, machinery and equipment (other than items in respect of which cargo ship safety equipment certificates, cargo ship safety radio-telephony certificates are issued) of a cargo ship shall be surveyed on completion and thereafter at intervals as to ensure that the arrangements, material and scantlings of the hull, boilers and other pressure vessels, main and auxiliary machinery, electrical installations and other equipment are in all respects satisfactory for the service for which the ship is intended.
- (4) The life-saving appliances and fire-fighting appliances of cargo ships shall be subject to survey before the ship is put into service and thereafter at intervals of not more than two, years; and the fire control plans in new ships and the pilot ladders, light and sound signals and distress signals in new and existing ships shall be included in the surveys for the purpose of ensuring that they comply fully with the requirements of the Safety Convention and, where applicable, the collision regulations.
- (5) The radio installations of cargo ships and any radio-telegraph installations in a motor life-boat or portable radio apparatus for survival craft which is carried in compliance with any regulations made under sections 193 and 197 shall be subject to survey before the ship is put into service and thereafter at intervals of not more than 12 months.
- (6) Pleasure yachts shall be exempt from the inspections required by this section.



Surveyor's  
report to  
Minister

**196.** A surveyor, if satisfied on inspection that he can with propriety do so, shall forward a report to the Minister which shall contain a statement showing-

- (a) that the hull and machinery are sufficient for the service intended and in good condition;
- (b) that the hull and machinery are constructed, arranged and fitted in accordance with any regulations made under this Part;
- (c) that the equipment that is required under any regulations is on board and in good condition;
- (d) that the master, mates and engineers are persons duly certificated as required under this Act and that the crew is sufficient and efficient;
- (e) the class of voyage on which the steamship is fit to ply and the time, if less than one year, for which the hull, equipment and machinery will be sufficient;
- (f) if the steamship is a passenger steamship, the number of passengers which she may carry; and
- (g) the steam pressure that may be carried on the boilers.

*Safety Regulations*

Safety  
Regulations  
by the  
Minister

**197.** The Minister may make regulations respecting-

- (a) the construction of hulls including their sub-division into water-tight compartments and the fitting of double-bottoms and fire-resisting doors;
- (b) the construction of machinery, with particular reference to the testing of the main and auxiliary boilers, connexions, steam pipes, high pressure vessels, and fuel tanks for internal combustion engines;
- (c) the construction of equipment and the class and quantity of various types of equipment to be carried in any vessel including the marking of boats, life-boats and buoyant apparatus;
- (d) compasses, sounding apparatus and other navigating appliances;
- (e) propelling power and the appliances and fittings for steering;
- (f) stability and the data in regard thereto to be supplied to the master of a steamship;
- (g) the marking of sub-division load lines on passenger steamships;
- (h) the provisions to be made for mustering the passengers and crew for abandoning ship, including the lighting of decks, passage ways and similar parts of the ship, and the provision of proper means of escape from the various parts of the ship;
- (i) passenger accommodation and the number of passengers allowed to be carried;

- (j) the production of plans and documentary evidence showing the construction of hulls, machinery and equipment, the sub-division of hulls into water-tight compartments, the arrangement of passenger accommodation and like information necessary to decide on the fitness of a steamship for any particular service;
- (k) the inspection of the hulls, equipment and Machinery of steamships and the extent to which inspection shall be carried out having due regard to the class of voyage on which a steamship is to be engaged and the trade on which she is employed and whether the ship is classed with a society or association for the classification and registry of shipping approved by the Minister;
- (l) the manning of steamships, the number of certificated life-boat men to be carried, and the qualifications for and the granting of certificates to life-boat men;
- (m) the carrying of line throwing apparatus,
- (n) precautions against fire and damage control plans;
- (o) the holding of periodic boat and fire drills;
- (p) the provision of pilot ladders on ships;
- (q) the lights to be carried and exhibited;
- (r) the fog and distress signals to be carried and used;
- (s) the steering and sailing rules to be observed;,"
- (t) the radio apparatus and the number of radio operators to be carried in various classes of ships and -the hours of duty of such radio operators.

#### *Issue of Certificates*

**198.**-(1) Where a Tanzanian steamship being a Safety Convention ship is intended to carry more than twelve passengers on an international, voyage and the Minister, on receipt of the report of inspection provided for under section 196, is satisfied that all relevant provisions of this Act have been complied with, there shall be issued the appropriate Safety Convention certificate or certificates and an inspection certificate in respect of that ship.

Issue of certificates to passenger and cargo ships

(2) Where a Tanzanian steamship, being a cargo ship of 500 tons gross tonnage or more, is intended to be employed on an international voyage and a surveyor is satisfied that all relevant provisions of this Act have been complied with, there shall be issued under this Act the appropriate Safety Convention certificate and inspection certificate for that ship.

**199.** The Minister may make regulations prescribing safety requirements and providing for the issue of local safety certificates in respect of-

Local safety certificates

- (a) any ship or class of ship to which the Safety Convention does not apply; and
- (b) any ship or class of ship to which the Safety Convention applies, in respect of matters for which it has not expressly provided.

Posting of  
certificates

200.-(1) On receipt of an inspection certificate or a local safety certificate or a Safety Convention certificate, the owner or master shall cause such certificate or certificates to be posted up in some conspicuous place on board the ship for the information of all on board, and the certificate or certificates shall be kept so posted while in force and the ship is in use.

(2) A certificate shall be in force for the period specified therein or until notice is given by the Minister to the owner or master that the certificate has been cancelled.

(3) Where a Tanzanian ship in respect of which any certificate has been issued is absent from the United Republic at the date when the certificate expires, the Minister may, if it appears proper and reasonable so to do, grant such extension of a certificate as will allow the ship to return to the United Republic.

Issue of  
certificates by  
other  
governments

201. The Minister may request the government of a country to which the Safety Convention applies to issue in respect of any Tanzanian ship any certificate provided for by the Safety Convention; and the certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Act as if it had been issued thereunder.

Issue of  
certificates to  
ships that  
not  
Tanzanian  
ships

202-(1) The Minister, at the request of the government of a country to which the Safety Convention applies, may cause any certificate are provided for by the Safety Convention to be issued in respect of a ship of that country, if he is satisfied in like manner as in the case of a Tanzanian ship that such a certificate can properly be issued, and where a certificate is issued at such a request it shall contain a statement that it has been so issued.

(2) The Minister may make such regulations as appear to him to be necessary for the purpose of securing that Safety Convention certificates issued by the governments of foreign countries in respect of Safety Convention ships not registered in the United Republic shall be accepted as having the same force as corresponding certificates issued by the Minister under this Act.

#### *Proceeding to Sea*

Production of  
certificate

203.-(1) The master of every Safety Convention ship that is not a Tanzanian ship for which a clearance is demanded in respect of an international voyage shall produce to the customs officer a valid Safety Convention certificate, and if the Safety Convention certificate is qualified shall show that the corresponding exemption certificate has been issued; and a clearance shall not be granted, and the ship shall be detained, until the appropriate certificate or certificates is or are produced.

(2) The master-

(a) of every Tanzanian Safety Convention ship; and

(b) of every Tanzanian ship required to possess a local safety certificate,

shall in respect of every international voyage produce to the customs officer from whom a clearance is demanded a valid Safety Convention Certificate or local safety certificate as the case may be.

**204.** No passenger ship that is registered in a country to which the Safety Convention does not apply, and no cargo ship of 500 tons gross tonnage or more that is so registered, shall proceed or attempt to proceed to sea on an international voyage from a port or place in the United Republic until the ship has complied with the provisions of this Act respecting safety that apply to ships that are Tanzanian ships; but the Minister may authorize the clearance of any ship to which this section applies if he is satisfied that-

- (a) no passengers are carried;
- (b) the amount of cargo carried is not more than is sufficient to enable the ship to make a voyage in safety;
- (c) the hull, boilers, machinery and equipment of the ship are in good condition and sufficient for the voyage contemplated; and
- (d) the radio installation is in good condition and sufficient for the voyage contemplated.

International voyage from the United Republic by ships to which Safety Convention does not apply

#### *General Safety Precautions and Responsibilities*

**205.** Every Tanzanian ship shall be manned with a crew sufficient and efficient from the point of view of safety of life for the purpose of the intended voyage, and shall during such voyage be kept so manned.

Crew to be sufficient and efficient

**206.**-(1) The master of any Tanzanian ship on meeting with dangerous ice, a dangerous derelict, a tropical storm or any other direct danger to navigation shall send information accordingly by all means of communication at his disposal and in accordance with any regulations that the Minister may take or adopt for the purpose of this section to ships in the vicinity or to such authorities on shore as may be prescribed by those regulations.

Obligation to notify of Hazards to navigation

(2) Every person in charge of a radio station in the United Republic or on board any Tanzanian ship shall, on receiving the signal prescribed in the regulations for indicating that a message is about to be sent under this section, refrain from sending messages for a time sufficient to allow other stations to receive the message, and if so required by the Minister shall transmit the message in such a manner as may be required by him.

(3) For the purposes of this section a tropical storm means a hurricane, typhoon, cyclone or other storm of a similar nature, and a master of a ship shall be deemed to have met with a tropical storm if he has reason to believe there is such a storm in the vicinity.

(4) A transmission of messages in pursuance of this section shall be without charge.

**207.**-(1) The Minister may make regulations as to what signals shall be signals of distress and urgency and the signals prescribed by the regulations shall be deemed to be signals of distress and urgency respectively.

Signals of distress

(2) Such regulations shall further prescribe, so far as is necessary and expedient, the circumstances in which and the purposes for which any signals prescribed by such regulations shall be used, and the circumstances in which they shall be revoked.

(3) If a master of a ship uses or displays or causes or permits any person under his authority to, use or display-

(a) any signal prescribed by regulations under this section except in the circumstances and for the purposes prescribed by the said regulations; or

(b) any private signal whether registered or not that is liable to be mistaken for any signal so prescribed by regulations,

he shall be guilty of an offence against this Act and in addition to any penalty imposed upon him on conviction he shall be liable to pay compensation for any labour undertaken, risk incurred or loss sustained in consequence of the signal having been supposed to be a signal of distress or urgency; and such compensation may, without prejudice to any other remedy, be recovered in the same manner in which salvage is recoverable.

Obligation to  
assist vessels  
in  
distress

**208.**-(1) The master of a Tanzanian ship at sea on receiving a signal from any source that a ship or aircraft or survival craft thereof is in distress shall proceed with all speed to the assistance of the persons in distress, informing them if possible that he is doing so, but if he is unable, or in the special circumstances of the case considers it unreasonable or unnecessary, to proceed to their assistance, he shall enter in the official log-book the reason for failing to proceed to the assistance of the persons in distress.

(2) The master of any ship in distress may, after consultation so far as possible with the master of the ships which answer his distress signal, requisition such one or more of the ships as he considers best able to render assistance, and it shall be the duty of the master of any Tanzanian ship that is so requisitioned to comply with the requisition by continuing to proceed with all speed to the assistance of the persons in distress.

#### *Prevention of Collisions*

Method of  
giving helm  
orders

**209.** No person in any Tanzanian ship shall when the ship is going ahead give a helm or steering order containing the word "starboard" or "right" unless he intends that the head of the ship shall move to the right; or give a helm or steering order containing the word "port" or "left" unless he intends that the head of the ship shall move to the left.

Observance  
of collision  
regulations

**210.**-(1) All owners and masters of ships and sea-planes and other craft when on or in close proximity to the water shall obey the collision regulations and shall not carry or exhibit any other lights or use any other signals than such as are required by regulations made under this Part.

(2) If an infringement of the collision regulations is caused by the wilful default of a master or owner, that master or owner shall be guilty of an offence against this Act.

(3) If any damage to property arises from the non-observance of the collision regulations, the damage shall be deemed to have been caused by the wilful default of the person in charge of the ship, sea-plane or other craft at the time, unless it is shown to the satisfaction of the court that the circumstances of the case made a departure from the collision regulations necessary.

211.-(1) In every case of collision between two vessels it shall be the duty of the master or person in charge of each vessel, if and so far as he can do so without danger to his own vessel, crew and passengers (if any)-

- (a) to render to the other vessel, her master, crew and passengers (if any) such assistance as may be practicable and may be necessary to preserve them from any danger caused by the collision and to stay by the other vessel until he has ascertained that she has no need of further assistance; and also
- (b) to give to the master or person in charge of the other vessel the name of his own vessel and of the port to which she belongs and also the names of the ports from which she comes and to which she is bound.

(2) If the master or person in charge fails without reasonable cause to comply with this section he shall be guilty of an offence against this Act.

Duty of vessel to assist the other in case of collision

212. In every case of collision in which it is practicable so to do, the master of every ship shall, immediately after the occurrence, cause a statement thereof and of the circumstances under which the same occurred to be entered in the official log-book and the entry shall be signed by the master and also by an officer or one of the crew.

Collisions to be entered in official log-book

213. Where a Tanzanian ship has sustained or caused any accident occasioning loss of life or any serious injury to any person or has received any material damage affecting her seaworthiness or her efficiency either in her hull or in any part of her machinery the owner or master shall, as soon after the happening of the accident or damage as possible, transmit to the Minister by letter signed by the owner or master a report of the accident or damage and of the probable occasion thereof stating the name of the ship, her official number if any, the port to which she belongs and the place where she is.

Report to Minister of accidents to Tanzania ships

#### *Load Lines and Loading*

214.-(1) The following ships shall be exempt from the provisions of this Part of this Act relating to load lines and loading, namely-

Application

- (a) sailing ships of under eighty tons register tonnage engaged solely in the coasting trade;

- (b) ships solely engaged in fishing;
- (c) pleasure yachts.

(2) Ships which are not exempt from the provisions of this Part of this Act by virtue of subsection (1) are hereafter in this Act referred to as "load line ships" and for the purpose of this Part of this Act are divided into the following classes, namely-

- (a) international load line ships, that is to say, ships of one hundred and fifty tons gross tonnage or upwards which carry cargo or passengers on international voyages; and
- (b) local load line ships, that is to say ships other than international load line ships which carry cargo or passengers.

(3) International load line ships belonging to countries to which the Load Line Convention applies are hereafter in this Act referred to as "Load Line Convention ships"

Load Line  
Rules

**215.** The Minister may make such rules (hereinafter in this Act referred to as the "Load Line Rules"), as appear necessary for the purpose of giving effect to the Load Line Convention, and such rules may prescribe load line requirements and provide for the issue of local load line certificates in respect of ships to which the Load Line Convention does not apply.

Marking of  
deck line  
and load  
lines

**216.**-(1) No Tanzanian load line ship shall proceed to sea unless-

- (a) the ship has been surveyed by a surveyor in accordance with the Load Line Rules;
- (b) the ship complies with the conditions of assignment contained in the Load Line Rules;
- (c) the ship is marked on each side with a mark (hereafter in this Act referred to as a deck line) indicating the position of the uppermost complete deck as defined by the Load Line Rules, and with marks (hereafter in this Act referred to as load lines) indicating the several maximum depths to which the ship can be safely loaded in various circumstances prescribed by the Load Line Rules;
- (d) the deck line and load lines are of the description required by the Load Line Rules, the deck line is in the position required by those Rules, and the load lines are of the number required by such of those Rules as are applicable to the ship; and
- (e) the load lines are in the position required by such of the Load Line Rules as are applicable to the ship.

(2) Where any ship proceeds or attempts to proceed to sea in contravention of this section, the master or owner or charterer, or agent if he be privy to such contravention, of the ship shall be guilty of an offence against this Act.

**217.**-(1) A Tanzanian load line ship shall not be so loaded as to submerge in sea water when the ship has no list the appropriate load line on each side of the ship, that is to say, the load line indicating or purporting to indicate the maximum depth to which the ship is for the time being entitled, under the Load Line Rules, to be loaded.

Submersion  
of load  
lines

(2) Where any ship is loaded in contravention of this section, the owner or master or charterer, or agent if he be privy to such contravention, of the ship shall be guilty of an offence against this Act; and in addition to any penalty which may otherwise be imposed upon him on conviction he shall be liable to a fine not exceeding five thousand shillings for every inch or fraction of an inch by which the appropriate load line on each side of the ship was submerged or would have been submerged if the ship had been floating in sea water and had no list.

(3) Any ship loaded in contravention of this section shall be detained until she ceases to be so loaded.

**218.** If-

- (a) the owner or master of a Tanzanian load line ship which has been marked in accordance with the foregoing provisions of this Part fails without reasonable cause to keep the ship so marked; or
- (b) any person conceals, removes, alters or defaces or obliterates or suffers any person under his control to conceal, remove, alter or obliterate any mark placed on any ship in accordance with the foregoing provisions of this Part, except with the authority of a person entitled, under the Load Line Rules to authorize the alteration of the mark,

Alteration  
or defacement  
of marks

he shall be guilty of an offence against this Act.

**219.**-(1) Where a Tanzanian load line ship has been surveyed and marked in accordance with the foregoing provisions of this Part, and complies with the conditions of assignment to the extent required in her case by those provisions, there shall be issued to the owner of the ship on his application and on payment of the prescribed fee-

Issue of  
Load Line  
certificates  
and effect  
thereof

- (a) in the case of an international load line ship, a load line certificate hereafter in this Act referred to as a "Load Line certificate"; and
- (b) in the case of a local load line ship, a load line certificate, hereafter in this Act referred to as a "local load line certificate"

(2) Every such certificate shall be issued by the Minister and shall be issued in such form and manner as may be prescribed by the Load Line Rules.

(3) Load Line certificates, except as in this Act otherwise provided, shall be signed by the Minister or some officer authorized by him for the purpose.



(4) The Minister may request the government of a country to which the Load Line Convention applies to issue a Load Line certificate in respect of a Tanzanian Load Line Convention ship and a certificate issued in pursuance of such a request and containing a statement that it has been so issued shall have effect for the purposes of this Part as if it had been signed by or on behalf of the Minister.

(5) Where a Load Line certificate issued in pursuance of subsection (4) and for the time being in force is produced in respect of a ship, that ship shall, for the purpose of the foregoing provisions of this Part be deemed to have been surveyed as required by those provisions; and if the deck line and load lines correspond with the position specified in the certificate, the ship shall be deemed to be marked as required by those provisions.

Certificates may be issued by corporation or society for the survey of shipping

**220.** The Minister may authorize, subject to such conditions as he may deem fit, any corporation or society for the survey and classification of shipping approved by the Minister to survey ships in respect of load lines, to assign load lines to ships and to issue Load Line certificates and any certificate so issued shall have effect in place of the certificate provided for under section 219.

Duration, renewal and cancellation of certificates

**221.**-(1) Every Load Line certificate unless it is renewed in accordance with the provisions of subsection (2) shall expire at the end of such period, not exceeding five years from the date of its issue, as may be specified therein.

(2) A Load Line certificate may, after survey not less effective than the survey required by the Load Line Rules before the issue of the certificate, be renewed from time to time and by the authority by which it was granted for such period not exceeding five years on any occasion as the authority renewing the certificate thinks fit.

(3) The Minister shall cancel any such Load Line certificate in force in respect of a ship if he has reason to believe that-

- (a) material alterations have taken place in the hull or super-structure of the ship which affect the position of the load lines; or
- (b) fittings and appliances for the protection of openings, guard rails, the freeing ports or the means of access to the crew's quarters have not been maintained on the ship in, as effective a condition as they were in when the certificate was issued.

(4) The owner of every ship in respect of which any such certificate has been granted shall, so long as the certificate remains in force, cause the ship to be surveyed in the manner prescribed by the Load Line Rules once at least in each year after the issue of the certificate for the purpose of seeing whether the certificate should remain in force having regard to subsection (3), and if the ship is not so surveyed the Minister shall cancel the certificate:

Provided that the Minister, if he thinks fit in any particular case, may extend the said period of one year.

(5) Where a Load Line certificate has expired or has been cancelled, the Minister may require the owner or master of the ship to which the certificate relates to deliver up the certificate as he directs and the ship may be detained until such requirement has been complied with; and if the owner or master fails without reasonable cause to comply with such requirement he shall be guilty of an offence against this Act.

(6) On the survey of any ship pursuant to the provisions of this section there shall be paid by the owner of the ship such fee as may be prescribed by the Load Line Rules.

**222.**-(1) No Tanzanian ship being an international load line shall proceed to sea on an international voyage unless there is in force in respect of such ship a Load Line certificate.

Ships not to proceed to sea without certificates

(2) No Tanzanian ship being a local load line ship shall proceed to sea unless there is in force in respect of such ship a local load line certificate.

(3) The master of every Tanzanian load line ship shall produce to the customs officer from whom a clearance for the ship is demanded the certificate that is required by the foregoing provisions of this section to be in force when the ship proceeds to sea; and a clearance shall not be granted and the ship shall be detained until that certificate is so produced.

**223.**-(1) When a Load Line certificate has been issued pursuant to this Act in respect of a Tanzanian load line ship-

Publication of Load Line certificate

- (a) the owner of the ship shall forthwith on the receipt of the certificate cause it to be framed and posted up in some conspicuous place on board the ship and to be kept so framed and posted up and legible so long as the certificate remains in force and the ship is in use; and
- (b) the master of the ship, before making any other entry in any official log-book, shall enter therein the particulars as to the position of the deck line and load lines specified in the certificate.

(2) Before any Tanzanian load line ship leaves any dock, harbour or other place for the purpose of proceeding to sea on an international voyage, the master thereof shall-

- (a) enter into the official log-book such particulars relating to the depth to which the ship is for the time being loaded, as the Minister may by regulation prescribe; and
- (b) cause a notice in such form and containing such of the particulars as may be required by the said regulation to be posted up in a conspicuous place on board the ship and to be kept so posted up and legible until the ship arrives at some other dock, harbour or place.

Insertion of particulars as to load line in agreement with crew

**224.**-(1) Before an agreement with the crew of any Tanzanian load line ship is signed by any member of the crew, the master of the ship shall insert in the agreement the particulars as to the position of the deck line and load lines specified in the certificate.

(2) In the case of a Tanzanian load line ship being a foreign-going ship, a shipping master shall not proceed with the engagement of the crew until-

- (a) there is produced to him a Load Line certificate for the time being in force in respect of a ship; and
- (b) he is satisfied that the particulars required by this section have been inserted in the agreement with the crew.

*Special Provisions as to Load Line Convention Ships Not Registered in the United Republic*

Load Line certificates of Convention ships not registered in the United Republic

**225.**-(1) The Minister may, at the request of the government of a country to which the Load Line Convention applies, cause to be issued a Load Line certificate in respect of an international load line ship of that country, if he is satisfied in like manner as in the case of a Tanzanian ship that the certificate can properly be issued, and where a certificate is issued at such a request it shall contain a statement that it has been so issued.

(2) With a view to determining the validity in the United Republic of certificates purporting to have been issued in accordance with the Load Line Convention in respect of the Load Line Convention ships not registered in the United Republic, the Minister may make such regulations as appear to him to be necessary for the purpose of giving effect to the Load Line Convention; and for the purpose of the provisions hereafter contained in this Part relating to Load Line Convention ships not registered in the United Republic, the expression "a valid Load Line certificate" means a certificate complying with such of those regulations as are applicable in the circumstances.

inspection and control of Convention ships not registered in the United Republic

**226.**-(1) A surveyor may go on board any Load Line Convention ship not registered in the United Republic that is at a place in the United Republic for the purpose of demanding production of any Load Line certificate for the time being in force in respect of the ship.

(2) Where a valid Load Line certificate is produced to the surveyor on any such demand the surveyor's powers of inspecting the ship with respect to load line shall be limited to seeing-

- (a) that the ship is not loaded beyond the limits allowed by the certificate;
- (b) that the position of the load lines on the ship corresponds with the position specified in the certificate;
- (c) that no material alterations have taken place in the hull or superstructures of the ship which affect the position of the load lines: and