

Tanzania

Merchant Shipping Act Chapter 165

Legislation as at 31 July 2002

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Tanzania

Merchant Shipping Act Chapter 165

Published in Tanzania Government Gazette

Commenced on 1 December 1967

[This is the version of this document at 31 July 2002.]

[Note: This legislation was revised and consolidated as at 31 July 2002 and 30 November 2019 by the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. All subsequent amendments have been researched and applied by Laws.Africa for TANZLII.]

[Repealed by [Merchant Shipping Act, 2003 \(Act 21 of 2003\)](#) on 23 June 2004]

[s. 1; Acts Nos. 43 of 1967; 2 of 1980]

An Act to make provision for the control, regulation and orderly development of merchant shipping and other related matters.

Part I – Preliminary provisions (ss. 1-2)

1. Short title

This Act may be cited as the Merchant Shipping Act.

2. Interpretation and application

(1) In this Act, unless the context otherwise requires—

"**apprentice**" means an apprentice to the sea service;

"**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 Mogadishu 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 recognised 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 Customs Excise Management Department and any person, other than a labourer, performing duties in relation to Customs;

"**dangerous goods**" or "goods of a dangerous nature" means goods which by reason of their nature, quality or mode of storage are either singularly or collectively liable to endanger the lives of or hazard to the passengers or imperil the ship, and includes all substance specified by the Minister by regulations made pursuant to section [232](#) to be dangerous goods;

"**deck line**" means a mark on each side of a ship indicating the post of the uppermost complete deck as defined by the Load Line Rules;

"**detaining officer**" means a person appointed under section 302;

"**foreign-going ship**" means a ship employed in voyages beyond the limits of a coasting trade voyage;

"**Government service ship**" means a ship or vessel in the police military service of the United Republic or any other State;

"**harbour**" includes harbours properly so called, whether natural or artificial, estuaries, navigable rivers, piers, jetties, and other waters 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 executive 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 314;

"**Minister**" means the Minister responsible for communications;

"**owner**", as applied to unregistered vessels, means the actual owner, or 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 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 charter, 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;

"**port 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 191;

"**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 that ship, and any portion of the personal property on board such ship when it was lost, stranded, abandoned or in distress.

- (2) Subject to section 83 of this Act, this Act shall not apply to the regulation of inland water transport.

Part II – Registering and licensing (ss. 3-77)

Registering ships (ss. 3-6)

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

- (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 twenty five 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.

4. Unregistered ships unless exempt from registration not recognised as Tanzanian ships

- (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 recognised in the United Republic or for the purpose of this Act as a ship being entitled to the rights and privileges accorded to Tanzanian ships.
- (2) Any Tanzanian ship 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.

5. Exemption from registry

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

6. Registrars of Tanzanian ships

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 (ss. 7-15)

7. Register Book

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 sixty four shares;
- (b) subject to the provisions of this Act with respect to joint owners, or owners by transmission, not more than sixty four 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 severalty 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. Survey and measurement of ship

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.

9. Marking of ship

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

10. Application for registry

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 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.

11. Declaration of ownership on registry

A person shall not be entitled to be registered as owner of a share therein until he or, in the case of a corporation, a person authorised 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 constituting 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; and
- (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 paragraph (b) of subsection (1) of section 3.

12. Evidence on first registry

- (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; and
 - (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 recognises 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. Entry of particulars in Register Book

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—

- (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. Documents to be retained by Registrar

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.

15. Port of registry

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.

Certificate of registry (ss. 16-24)

16. Certificate of registry

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.

17. Use of certificate

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.

18. Penalty for use of improper certificate

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 commits an offence under this Act, and on his conviction the ship shall be subject to forfeiture under this Act.

19. Provision for loss of certificate

- (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.
- (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 that 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.

20. Endorsement of change of master on certificate

Whenever the master of a Tanzanian ship is changed, a memorandum of that 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.

21. Endorsement of change of ownership on certificate

- (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 has occurred 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.

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

- (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 the 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. Provisional certificate for ships becoming Tanzanian ships

- (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—
 - (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; and
 - (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) A provisional certificate issued under subsection (1) 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. Temporary passes in lieu of certificates of registry

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.

Transfers and transmissions (ss. 25-32)

25. Transfer of ships or shares

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

26. Declaration of transfer

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 authorised 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 to 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 paragraph (b) of subsection (1) of section 3(1) (b).

27. Registry of transfer

- (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 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 not be disposed of to a person not qualified to own a Tanzanian ship except with the consent in writing of the Minister.

28. Registered ship or share not to be transferred to unqualified person

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.

29. Transfer of property in ship on death, bankruptcy, marriage, etc.

- (1) Where the property in a registered ship or share therein is transmitted to a person qualified to own a Tanzanian ship on the 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 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 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; and
 - (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. Order for sale on transmission to unqualified persons

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

31. Transfer of ship or share by order of court

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.

32. Power of court to prohibit transfer

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 proceedings shall, on being served with an order or an official copy thereof, obey the same.

Mortgages (ss. 33-40)

33. Mortgage of ship or share

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

34. Entry of discharge of mortgage

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 the entry being made, the estate, if any, that passed to the mortgage 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.

35. Priority of mortgages

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.

36. Mortgagee not treated as owner

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.

37. Mortgagee to have power of sale

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.

38. Mortgage not affected by bankruptcy

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.

39. Transfer of mortgages

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. Transmission of interest of mortgagee on marriage, death or bankruptcy

- (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.
- (2) The Registrar, on receipt of the declaration and the production of the evidence 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 the transmission has taken place.

Certificates of mortgage and sale (ss. 41-44)**41. Powers of mortgage and sale may be conferred by certificate**

- (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.
- (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; and
 - (c) the limit of time within which the power may be exercised.
- (3) A certificate of sale or mortgage shall not authorise 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 a numeration of any registered mortgages or certificates of mortgage or sale affecting the ship or share in respect of which the certificate is given.

42. Rules as to certificates of mortgage

The following rules shall be observed as to certificates 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; and
- (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.

43. Rules as to certificates of sale

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 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 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 that 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), 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 commit an offence and each be liable on conviction to a fine not exceeding ten thousand shillings;
- (l) 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 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 purpose.

44. Revocation of certificates of mortgage and sale

- (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, authorise 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) The Notice given under subsection (1) 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 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 (s. 45)

45. Rules as to ships' names

- (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 permission under subsection (3) shall be in writing and if the Minister is of the opinion that the application is reasonable he may entertain it, and require a notice 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, commits 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 (ss. 46-52)

46. Registry of alterations

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 register, 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.

47. Alterations noted on certificate of registry

- (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.
- (2) The particulars of the alteration so made and the effect of 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 accompanied, where a new certificate of registry has been granted, by the old certificate of registry.

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

- (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.
- (2) Every 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 certificate or endorsement 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.

49. Registry anew on change of ownership

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.

50. Procedure for a new registry

- (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 application made under section 50 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 and grant a fresh certificate of registry, and 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.

51. Transfer of registry

- (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 registry, 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. Wrecked ships may be registered

- (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—
 - (a) the ship has been thoroughly repaired and made seaworthy;
 - (b) all the transactions connected with the wreck, condemnation and sale of the 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 (s. 53)**53. Provisions for cases of infancy or other incapacity**

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 connection 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 person, 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.

Trusts and equitable rights (ss. 54-55)

54. Notice of trusts not received

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 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.

55. Equities not excluded by Act

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 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 (s. 56)

56. Liability of owner

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 (s. 57)

57. Ship's managing owner or manager to be registered

- (1) The name and address of the managing owner of every ship registered at a port in the United Republic shall be registered with the Registrar at that port.
- (2) Where there is no 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 (ss. 58-60)

58. Power of registrar to dispense with declarations and other evidence

Where 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 of it, dispense with the declaration or evidence.

59. Inspection of register and documents admissible in evidence

- (1) Any 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. Fees

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.

Forms (ss. 61-62)

61. Forms and documents

- (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 make such alterations in the forms so prescribed as he may deem requisite.
- (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 forms under this Part to be supplied to all Registrars under this Act for distribution to persons required to use the same.

62. Instructions to registrars

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, the execution and attestation of powers of attorney, any evidence required for identifying any person, or the reference 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.

Forgery and false declarations (s. 63)

63. Forgery of documents

Every person who forges or fraudulently alters or assists in forging or fraudulently altering, or procures to be forged or fraudulently altered 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 the this Part to be made, in or on any of those documents, commits an offence against this Act and is liable on conviction to imprisonment for a term not exceeding seven years.

False declarations (s. 64)

64. False declarations

- (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—
 - (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,commits an offence under this Act and on conviction is 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, commits an offence against this Act and on conviction is 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 (ss. 65-67)

65. National character and flag of ship to be declared before clearance

- (1) A customs officer shall not grant a clearance or transfer 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 inscribe that name on the clearance or transfer.
- (2) If a ship attempts to proceed to sea without such clearance or transfer, she may be detained until a declaration is made.

66. National colours

- (1) The national flag of the United Republic is declared to be the national colours of a Tanzanian ship and, except 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.

67. Penalty

- (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 commits 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 (s. 68)

68. Proceedings on forfeiture of ship

(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 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 (ss. 69-75)

69. Rules for ascertaining tonnage

- (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.
- (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 purpose of the tonnage regulations, the 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 expressed 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 and the effectual carrying out of the principles of measurement adopted, and may issue instructions for the guidance of surveyors.

70. Allowance for engine-room space in steamships

- (1) In the case of any ship propelled for by steam or other power requiring 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, be deemed to be the register tonnage of the ship and that deduction shall be estimated as follows—
 - (a) in ships propelled by screws in which the tonnage of such space is 13 percent or more of the gross tonnage, the deduction shall be 32/100 of the gross tonnage;

- (b) in ships propelled by screws in which the tonnage of such space is less than 13 percent of the gross tonnage of the ship, the deduction shall be 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, provided that this section shall not apply to steamships constructed for the purpose of towing vessels so long as they are exclusively employed as tugs.
- (3) The 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, and 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 goods or stores are carried in any ship the master and owner of the ship commits an offence under this Act.

71. Additional allowances

- (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 appropriate to their use that is certified in the manner required by any Regulations made pursuant to section 137;
 - (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, shall not exceed $2\frac{1}{2}$ percent of the tonnage of the ship.

72. Measurement of ships with double bottoms

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 charge, 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.

73. Tonnage once ascertained to be tonnage of ship

Whenever the tonnage of any ship has been ascertained and registered in accordance with the tonnage regulations of this Act, the tonnage shall be deemed to be the tonnage of the ship and shall be repeated in every subsequent registry 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.

74. Tonnage of ships of foreign countries adopting tonnage regulations

- (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.
- (2) 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 appropriate 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 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.
- (3) 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.
- (4) 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.

75. Surveyors for measurement of ships

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 provision of this Act.

Licensing of unregistered vessels (ss. 76-77)

76. Licences for certain unregistered ships

- (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 connection 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.

77. Provisions as to licences

- (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; and
 - (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 commits an offence and on conviction is liable to a fine not exceeding two hundred shillings 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 thirty days after the event giving rise to the transmission.

- (8) Any person having a beneficial interest in a licensed vessel who has knowledge of any significant alteration having been made to the 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 commits an offence.
- (9) In the event of a licensed vessel being lost or becoming a constructive total loss, the owner or master shall, within two months of the loss, forward to 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 commits an offence.
- (10) A licence issued under this Part shall remain the property of the Minister and shall be produced on demand by 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 connection with the licensing of vessels under this Part commits 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 (ss. 78-187)

Certificates of competency to be held by ships' officers (ss. 78-83)

78. Manning of ships and competence of seamen

- (1) The Minister may make regulations—
 - (a) requiring ships to which this section applies to carry such number of qualified officers of any description and such number of other seamen or qualified seamen of any description as may be specified in the regulations;
 - (b) prescribing standards of competence to be attained and other conditions to be satisfied by officers and other seamen of any description in order to be qualified for the purposes of this section;

- (c) providing for the manner in which the attainment of any standard or the satisfaction of any other condition is to be evidenced;
 - (d) providing for the conduct of examinations, the conditions for admission to them and the appointment and remuneration of examiners;
 - (e) providing for the form, issue and recording of certificates and other documents.
- (2) Regulations made under this section may make provision for different descriptions of ships or for ships of the same description in different circumstances or generally for different circumstances.
- (3) Any person who—
- (a) makes a statement which he knows to be false for the purposes of obtaining for himself or another person a certificate or other document which may be issued under this section; or
 - (b) lends or allows to be used by any other person, a certificate or document which is issued under this section,
- commits an offence under this Act.

79. Power to exempt from manning requirements

- (1) The Minister may exempt any ship or description of ship from any of the requirements of regulations made under section 78 of this Act.
- (2) An exemption given under this section may be confined to a particular period or to one or more particular voyages.

80. Prohibition of going to sea undermanned

Subject to section 79 of this Act, if a ship to which this section applies goes to sea or attempts to go to sea without carrying such officers and other seamen as it may be required to carry in accordance with regulations made under section 78 of this Act, the owner or master shall be liable on summary conviction to a fine not exceeding two thousand shillings and the ship, if in the United Republic, may be detained.

81. Unqualified persons going to sea as qualified officers or seamen

- (1) Any person who goes to sea as a qualified officer or seamen of any description without being so qualified shall be liable on summary conviction to a fine not exceeding one thousand shillings.
- (2) In this section "qualified" means qualified for the purposes of section 78 of this Act.

82. Production of certificates and other documents of qualification

- (1) Any person serving or engaged to serve in any ship to which this section applies and holding any certificate or other document which is evidence that he is qualified for the purposes of section 78 of this Act shall, on demand, produce the certificate or document to the Merchant Shipping Superintendent or a surveyor or proper officer and, if he is not himself the master, to the master of the ship.
- (2) Any person who without reasonable cause, fails to produce a certificate or document as required under this section shall be liable on summary conviction to a fine not exceeding one thousand shillings.

[s. 81A]

83. Application of sections 78, 79, 80, 81 and 82

Sections 78, 79, 80, 81 and 82 of this Act shall apply to every ship registered in the United Republic and to any ship registered elsewhere which carries passengers—

- (a) between places in the United Republic; or
- (b) on a voyage which begins and ends at the same place in the United Republic and on which the ship does not call at any place outside the United Republic.

[s. 81B]

Shipping masters (ss. 84-87)**84. Appointment of shipping masters**

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

[s. 82]

85. Business of the shipping master

- (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 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.

[s. 83]

86. List of deserters

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.

[s. 84]

87. Fees

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

[s. 85]

Apprenticeship to the sea service (ss. 88-89)

88. Execution of contracts and indentures

- (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—
 - (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.

[s. 86]

89. Records at office of shipping master

- (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.
- (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.

[s. 87]

Engagement of seamen (ss. 90-93)

90. Agreement with crew

The master of every ship of more than one hundred and twenty five 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.

[s. 88]

91. Particulars of agreement with crew

- (1) An agreement with the crew shall—
 - (a) be in a form approved by the Minister;

- (b) be dated at the time of the first signature;
 - (c) be signed by the master before a seaman signs the same.
- (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 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.

[s. 89]

92. Agreements with crew of foreign-going ship

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 agreement 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 agreement 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 commits an offence under 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) except as provided in section 106, the agreement shall not purport to deprive the courts of jurisdiction to hear and determine disputes respecting the agreement.

[s. 90]

93. Crew lists for small vessels

- (1) The master of every vessel of under one hundred and twenty five 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 the 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 the 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 commits an offence and, if such person is the owner or master of the vessel, the vessel shall be subject to forfeiture.

[s. 91]

Certificates from shipping master (ss. 94-97)

94. Changes in crew

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.

[s. 92]

95. Certificate as to agreement with crew

- (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 certificates of competency of such of her officers as are required to be certificated under this Act have been produced to him.
- (2) No customs officer shall clear any foreign-going ship until the shipping master's certificate is produced to him.

[s. 93]

96. Display of and alterations to agreement with crew

- (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.
- (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, commits an offence under this Act.

[s. 94]

97. Engagement of seamen outside the United Republic

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—

- (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.

[s. 95]

Employment of children and young persons as seamen (s. 98)

98. Employment of children and young persons on board ship

- (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 the child and to the prospective and immediate benefit to the child of the employment, that the employment will be beneficial to the child:

Provided that under no circumstances shall a child of under fourteen years of age be employed.

- (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 the person is fit to be employed in that capacity.
- (4) Every certificate—
 - (a) shall be valid for one year from the date of issue unless revoked under the provisions of this section; and
 - (b) certifies that the child or young person has performed at least three years qualifying service at sea; and
 - (c) certifies that the child or young person has passed such examination as may be prescribed by the regulations:

Provided that the regulations may authorise the grant of a certificate thereunder to any person, notwithstanding that he has not complied with the condition under paragraph (c) and 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.

[s. 96]

Certification of seamen (s. 99)

99. Certification of seamen

- (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 authorise 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.

[s. 97]

Discharge of seamen (ss. 100-102)

100. Discharge before shipping master

When a seaman serving in a foreign-going ship or in a coasting ship of over one hundred and twenty five 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.

[s. 98]

101. Certificate of discharge

- (1) Subject to the provisions of section 151, 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.

[s. 99]

102. Report of seaman's character

- (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 form that he declines to give any opinion upon the particulars or upon any of them, and the shipping master before whom the discharge is made shall, subject to the provisions of section 151, if the seaman desires give to him a copy of such report (in this Act referred to as the report of 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 under paragraphs (a), (b) and (c),
- commits an offence under this Act.

[s. 100]

Payment of wages (ss. 103-108)

103. Time and manner of payment

- (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.
- (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.

[s. 101]

104. Master to deliver account of wages

- (1) The master of a 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.
- (2) The 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.

[s. 102]

105. Deductions

- (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 [104](#), 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.

[s. 103]

106. Decision as to wages by shipping master

- (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 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.

[s. 104]

107. Shipping master may require ship's papers

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 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.

[s. 105]

108. Rates of exchange

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 place.

[s. 106]

Advance allotment of wages (ss. 109-112)**109. Advance notes restricted**

- (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.
- (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 the agreement with the 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.

[s. 107]

110. Allotment notes

- (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.
- (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, grand child, brother or sister of the seaman;
 - (b) "savings bank" means the Tanzania Postal 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 shipping master, after the seaman has signed the agreement with the crew, shall 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.

[s. 108]

111. Master to give facilities to seamen for remitting wages

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 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.

[s. 109]

112. Right of suit on allotment notes

- (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 authorised 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 a 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 authorised 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;
 - (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, he commits an offence under this Act.

[s. 110]

Rights of seamen in respect of wages (ss. 113-121)

113. Right to wages, etc., when to begin

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.

[s. 111]

114. Right to recover wages and salvage not to be forfeited

- (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.

[s. 112]

115. Wages not to depend on freight

- (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.
- (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.

[s. 113]

116. Wages when termination of service by reason of unfitness or loss of ship

- (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 or proceed on the voyage, the seaman shall be entitled to wages for the time of service carried to the termination as but not any further period.
- (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.

[s. 114]

117. No wages for refusal to work

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 for 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.

[s. 115]

118. Forfeiture if illness caused by default

- (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.
- (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.

[s. 116]

119. Costs of procuring conviction deducted

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.

[s. 117]

120. Compensation where improperly discharged

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 was 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.

[s. 118]

121. Attachment or sale of wages to be invalid

- (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.

[s. 119]

Mode of recovering wages (ss. 122-124)

122. Seaman may sue for wages before magistrate

- (1) A seaman or apprentice, or a person duly authorised on his behalf, may as soon as any wages due to him become payable sue for the wages 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 the 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 the 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 of the order, 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 expense incurred in connection 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.
- (7) Where the ship is not within the jurisdiction of the magistrate, then the magistrate 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.

[s. 120]

123. Restriction on suits for wages before High Court

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 that 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.

[s. 121]

124. Master's remedy for wages

- (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 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 the disbursements or liabilities under subsection (2), 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.

[s. 122]

Power of court to rescind contracts (s. 125)

125. Power of court to rescind contracts

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 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.

[s. 123]

Property of deceased seaman (ss. 126-132)

126. Property of deceased seaman

- (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.

[s. 124]

127. Delivery of property to shipping master

- (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 that seaman or apprentice to the shipping master who shall forward that 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 that 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 that 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 that provisions of this section as relate to acts to be done at a port in the United Republic, certificate to that effect.

[s. 125]

128. Master accountable to the Minister

- (1) If the master of a ship fails to comply with the provisions of this Act with respect—
 - (a) to taking charge of the property of the deceased seaman or apprentice;
 - (b) to making in the official long-book the proper entries relating thereto;
 - (c) to the procuring the proper attestation of those entries as required by this Act;
 - (d) 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 committing an offence and, 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.

- (2) Where any such property is not duly paid, delivered or accounted for the master, the owner of the ship shall pay, deliver and account for the same and such property shall be recoverable from him according, 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.

[s. 126]

129. Recovery of wages of seamen lost with ship

- (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 the wages of other deceased seamen and apprentices under this Act.

- (2) In any proceeding for the recovery of the wages, if it is shown by some official return produced out 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 that 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.

[s. 127]

130. Delivery of property of seamen dying in the United Republic

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 the property to the shipping master.

[s. 128]

131. Disposition of property by the Minister

- (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.

[s. 129]

132. Forgery of documents to obtain property of deceased seaman

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 stated in paragraph (a);
- (c) gives or assists in giving or procures to be made any false representation knowing the same to be false; or

- (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,

commits an offence under this Act.

[s. 130]

Provisions, health and accommodation (ss. 133-142)

133. Complaints as to provisions or water

- (1) Where three or more of the crew as 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.
- (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 provide proper provisions or water in lieu of those which have been condemned, he commits an offence under 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.

[s. 131]

134. Allowance for short or bad provisions

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,

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 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 modify or refuse compensation as the justice of the case requires.

[s. 132]

135. Weights and measures on board

- (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 weights and measures 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 commits an offence under this Act.

[s. 133]

136. Regulations in respect of medical examination, etc.

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 those persons;
- (b) for the examination and granting of certificates to persons qualifying to be employed as ships' cooks.

[s. 134]

137. Regulations respecting crew accommodation

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 certificate for the purpose of ascertaining register tonnage and prescribing the fees to be charged for them.

[s. 135]

138. Steamships to carry certificated cooks

- (1) Every foreign-going Tanzanian steamship of one thousand 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.

[s. 136]

139. Regulations respecting scales of medicines

- (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 medicines, medical stores and appliances.
- (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).

[s. 137]

140. Inspection of medical stores and facilities

- (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—
 - (a) to go on board any ship and inspect the ship or any part of the ship at all reasonable times;
 - (b) to demand from the owner or master of that 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.

[s. 138]

141. Expenses of medical attendance in cases of injury or illness

- (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 misbehaviour 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 that 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.
- (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) hospitalisation 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 that master, seaman or apprentice in the event of his death, shall cease to apply to him.

[s. 139]

142. Carriage of medical practitioners

- (1) Every foreign-going ship which proceeds from a port in the United Republic having one hundred 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 committing an offence under this Act.

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

[s. 140]

Facilities for making complaints (s. 143)

143. Facilities for making complaints

- (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 seaman or apprentice 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 commits an offence under this Act.

[s. 141]

Protection of seamen from imposition (ss. 144-145)

144. Assignment or sale of salvage invalid

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.

[s. 142]

145. Seaman's debts

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.

[s. 143]

Provisions as to discipline (ss. 146-159)

146. Misconduct endangering life or ship

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,

commits an offence under this Act and is liable on conviction to imprisonment for a term not exceeding twelve months.

[s. 144]

147. General offences against discipline

- (1) If a seaman or apprentice engaged on a Tanzanian ship commits any of the following offences, he is liable on conviction to be punished as follows—
- (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 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 committing 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.

[s. 145]

148. Conviction not to affect other remedies

Nothing in section 147 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.

[s. 146]

149. Desertion and absence without leave

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 an 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 for 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 days' 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.

[s. 147]

150. Improper negotiation of advance note

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 deserts therefrom before the note becomes payable, commits 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.

[s. 148]

151. Withholding of certificate of discharge

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.

[s. 149]

152. False statement as to last ship or name

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 commits an offence under this Act.

[s. 150]

153. Arrangements as to deserters from foreign ships

- (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 facilities will be given, declare that this section shall apply in the case of the foreign country, subject to any limitations, conditions and qualifications contained in the order.
- (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.

[s. 151]

154. Entry of offences in official log-book

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—

- (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 from, the port either be furnished with a copy of the entry or have the entry read over distinctly and audibly to him, and may thereupon make a reply to it 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 specified under paragraph (a); 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.

[s. 152]

155. Proof of desertion in proceedings for forfeiture of wages

- (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 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.

[s. 153]

156. Application of forfeitures

- (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 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.

[s. 154]

157. Questions of forfeiture decided in suits for wages

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 proceedings.

[s. 155]

158. Deduction of fine from wages

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

- (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 commits an offence under 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.

[s. 156]

159. Enticing to desert and harbouring deserters

- (1) If a person by any means 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 commits an offence in respect of each seaman or apprentice whom he persuades or attempts to persuade.
- (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 commits an offence in respect of each seaman or apprentice so harboured or secreted.

[s. 157]

Official log-books (ss. 160-164)

160. Official log-books

- (1) An official log-book shall be kept in every Tanzanian ship of over one hundred and twenty-five tons register tonnage in the appropriate form for that ship approved by the Minister.
- (2) The Minister shall approve forms of official log-books which may be different for different classes of ships so that each 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 book 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 the 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.

[s. 158]

161. Entries in official log-book

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 the 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 from them;
- (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 collision 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.

[s. 159]

162. Delivery of official log-book to shipping master

- (1) The master of every foreign-going Tanzanian ship shall, within forty-eight hours after the ship's arrival at her final port of destination in 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.
- (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 commits an offence, and the ship is liable to forfeiture.

[s. 160]

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

- (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.
- (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.

[s. 161]

164. Penalty for improperly kept official log-book

- (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.
- (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, commits an offence under this Act.

[s. 162]

Returns and delivery of documents (ss. 165-169)

165. Lists of crew and particulars

- (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—

- (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 members of the crew who have ceased to belong to the ship with the time, 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 it 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 the 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 one hundred and twenty five tons register tonnage.

[s. 163]

166. Transfer of ownership or change of employment of ship

- (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.

[s. 164]

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

- (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.
- (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 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.

[s. 165]

168. Documents to be handed over on change of master

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.

[s. 166]

169. Returns relating to births and deaths

- (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 the 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.
- (2) The 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.

[s. 167]

Conflict of laws (s. 170)

170. Law of port of registry governs in the event of failure of this Act

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.

[s. 168]

Relief and repatriation of distressed seamen and seamen left behind abroad (ss. 171-187)

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

- (1) Except as hereinafter provided every agreement entered into for the employment of any seaman in any ship shall be deemed to provide, should that 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, for the return of that seaman to a proper return port at the expense of the master or owner of the ship, and that master or owner, whether principal or agent, shall make such arrangements as may be necessary and defray all expenses incurred for the return of that seaman and such liability shall include the cost of the maintenance and medical treatment as may be necessary for that seaman until his arrival at a proper return port, and that seaman shall not become a charge upon 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 that master or owner, whether principal or agent, shall make all arrangements necessary and defray all expenses incurred for the return of that 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 that 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 that 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 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.

[s. 169]

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

- (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, namely the delivery account, of the effects and wages and 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 147 or section 149, 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 that 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, 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.
- (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 those accounts 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 as 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 to 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, commit 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 satisfied 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 satisfied 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.

[s. 170]

173. Sanction required for discharge of seamen out of the United Republic

- (1) The master of a Tanzanian ship shall not discharge a seaman at any place out of the United Republic unless he previously obtains endorsement 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.

- (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 that 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 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 that 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.

[s. 171]

174. Certificate of discharge abroad

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 subsection (1) of section 101 of this Act.

[s. 172]

175. Repatriation of seamen on termination of service at foreign port

- (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 a 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.

[s. 173]

176. Discharge of seamen on change of ownership of ship at a foreign port

- (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.

[s. 174]

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

- (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 endorsement 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.
- (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.

[s. 175]

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

- (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 177 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.
- (2) If a master fails without reasonable cause to deliver the account, he commits an offence under this Act.

[s. 176]

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

- (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.
- (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.

[s. 177]

180. Application of payments on account of wages of seamen left behind

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 accept them upon condition that he deal with them in the following manner—

- (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.

[s. 178]

181. Relief of distressed seamen

- (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 that seaman to a proper return port.

[s. 179]

182. Repayment of expenses of relief and repatriation

- (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 181 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 or 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—
 - (a) 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

- (b) where the ship has been lost, from the person who was the owner of the ship at the time of the loss; or
 - (c) where the ship has been transferred to some person, not being a 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
 - (d) if the ship is a foreign ship, from the person whether principal or agent who engaged 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 proceedings 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 incurred or repaid under this Act by or on behalf of the Government.

[s. 180]

183. Forcing ashore

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

[s. 181]

184. Proper return port

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.

[s. 182]

185. Provision for return of seamen

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

[s. 183]

186. Decision of question as to return of seamen

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.

[s. 184]

187. Assistance to distressed seamen

- (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.

[s. 185]

Part IV – Passenger ships (ss. 188-190)**188. Regulations by Minister as to passenger ships**

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; or
- (d) prescribing the terms and conditions upon which ships may carry passengers between ports in the United Republic.

[s. 186]

189. Offences in connection with passenger ships

- (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 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 either to pay his fare or exhibit the 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,

commits an offence under this Act.

[s. 187]

190. Tickets to be issued for passages

- (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.
- (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 the 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 if it were not for that clause, condition or stipulation or reference; and if any clause, condition or stipulation or reference 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 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.

[s. 188]

Part V – Safety (ss. 191-240)

Surveyors (ss. 191-193)

191. Appointment of surveyors

- (1) The Minister may, 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 storage and manner of loading of ship's cargoes and the storage 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.

[s. 189]

192. Surveyor's rights of inspection

- (1) A surveyor in the exercise of his duties may go on board any ship at all reasonable times and inspect the ship or any of the machinery or equipment thereof or any certificate of a master, mate or engineer, and if he considers the 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 the detention is warranted in the circumstances.
- (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 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.

[s. 190]

193. Record of inspections and certificates

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 direct, and shall furnish copies thereof and any other information pertaining to the duties of his office which the Minister may require.

[s. 191]

Application of safety and load line conventions (ss. 194-196)

194. Definitions

In this Part—

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

"**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;

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

"**Safety Convention**" means the International Convention for the Safety of Life at Sea, 1960, together with the revisions or substitutions as the Minister may, by order in the *Gazette*, declare to be in effect; "Safety Convention passenger steamship" shall be construed accordingly;

"**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 and any such certificate that is limited, modified or restricted by an exemption certificate;

"**short international voyage**" means an international voyage—

- (a) in the course of which a ship is not more than two hundred nautical miles from a port or place in which the passengers and crew could be placed in safety; and
- (b) does not exceed six hundred 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.

[s. 192]

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

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 Conventions.

[s. 193]

196. Countries to which Safety or Load Line Conventions apply

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.

[s. 194]

Inspection for safety (ss. 197-198)

197. Initial and subsequent surveys of ships

- (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 twelve 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 195 and 199 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 195 and 199 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 195 and 199 shall be subject to survey before the ship is put into service and thereafter at intervals of not more than twelve months.
- (6) Pleasure yachts shall be exempt from the inspections required by this section.

[s. 195]

198. Surveyor's report to Minister

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.

[s. 196]

Safety regulations (s. 199)

199. Safety Regulations by Minister

The Minister may make regulations respecting—

- (a) the construction of hulls including their subdivision into watertight 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, connections, 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 subdivision 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 subdivision 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 the radio operators.

[s. 197]

Issue of certificates (ss. 200-204)

200. Issue of certificates to passenger and cargo ships

- (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 198, 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.
- (2) Where a Tanzanian steamship, being a cargo ship of five hundred 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.

[s. 198]

201. Local safety certificates

The Minister may make regulations prescribing safety requirements and providing for the issue of local safety certificates in respect of—

- (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.

[s. 199]

202. Posting of certificates

- (1) On receipt of an inspection certificate or a local safety certificate or a Safety Convention 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 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.

[s. 200]

203. Issue of certificates by other governments

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.

[s. 201]

204. Issue of certificates to ships that are not Tanzanian ships

- (1) The Minister, at the request of the Government of a country to which the Safety Convention applies, may cause any certificate 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 and shall be accepted as having the same force as corresponding certificates issued by the Minister under this Act.

[s. 202]

Proceeding to sea (ss. 205-206)

205. Production of certificate

- (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 disqualified 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.

[s. 203]

206. International voyages from the United Republic by ships to which Safety Convention does not apply

No passenger ship that is registered in a country to which the Safety Convention does not apply, and no cargo ship of five hundred 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 authorise 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.

[s. 204]

General safety precautions and responsibilities (ss. 207-210)

207. Crew to be sufficient and efficient

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 the voyage be kept so manned.

[s. 205]

208. Obligation to notify of hazards to navigation

- (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.
- (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 purpose 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.

[s. 206]

209. Signals of distress

- (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.
- (2) The regulations made under subsection (1) 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 regulations; or
 - (b) any private signal whether registered or not that is liable to be mistaken for any signal so prescribed by regulations,

commits an offence under 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.

[s. 207]

210. Obligation to assist vessels in distress

- (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.

[s. 208]

Prevention of collisions (ss. 211-215)**211. Method of giving helm orders**

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.

[s. 209]

212. Observance of collision regulations

- (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 commits an offence under 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 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.

[s. 210]

213. Duty of vessel to assist the other in case of collision

- (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 any 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
 - (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 commits an offence under this Act.

[s. 211]

214. Collisions to be entered in official log-book

In every case of collisions the master of every ship shall, immediately after the occurrence, cause a statement thereof and of the circumstances under which the collision 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.

[s. 212]

215. Report to Minister of accidents to Tanzanian ships

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.

[s. 213]

Load lines and loading (ss. 216-226)

216. Application

- (1) The following ships shall be exempt from the provisions of this Part of this Act relating to load lines and loading, namely—
 - (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 hereinafter 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) ships of one hundred and fifty tons gross tonnage or upwards which carry cargo or passengers on international voyages; and
 - (b) 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 hereinafter in this Act referred to as "Load Line convention ships".

[s. 214]

217. Load Line Rules

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 the 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.

[s. 215]

218. Marking of deck line and load lines

- (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 (hereinafter 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 (hereinafter 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 the contravention, of the ship commits an offence under this Act.

[s. 216]

219. Submersion of load lines

- (1) A Tanzanian load line ship shall not be so loaded as to submerge in sea water when the ship has no 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.
- (2) Where any ship is loaded in contravention of this section, the owner or master or charterer, or agent if he be privy to the contravention, of the ship commits an offence under 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.

[s. 217]

220. Alteration or defacement of marks

If—

- (a) the owner or master of a Tanzanian load line ship which has been marked in accordance with the provisions of sections [216](#), [217](#), [218](#) and [219](#) 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 provisions of sections [216](#), [217](#), [218](#) and [219](#) of this Part, except with the authority of a person entitled under the Load Line Rules to authorise the alteration of the mark,

commits an offence under this Act.

[s. 218]

221. Issue of load line certificates and effect

- (1) Where a Tanzanian load line ship has been surveyed and marked in accordance with the provisions of sections [216](#), [217](#), [218](#), [219](#) and [220](#) 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—
 - (a) in the case of an international load line ship, a load line certificate hereinafter 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, hereinafter 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 authorised 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 provisions of sections 216, 217, 218, 219 and 220 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.

[s. 219]

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

The Minister may authorise, 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 221.

[s. 220]

223. Duration, renewal and cancellation of certificates

- (1) Every Load Line certificate unless it is renewed in accordance with the provisions of subsection (2) shall expire at the end of that 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 superstructure of the ship which affect the position of the load lines;
 - (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 that 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 the requirement has been complied with; and if the owner or master fails without reasonable cause to comply with that requirement he commits an offence under 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.

[s. 221]

224. Ships not to proceed to sea without certificates

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

[s. 222]

225. Publication of load line certificate

- (1) When a load line certificate has been issued pursuant this Act in respect of a Tanzanian load line ship—
 - (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 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.

[s. 223]

226. Insertion of particulars as to load line in agreement with crew

- (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 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.

[s. 224]

Special provisions as to Load Line Convention ships not registered in the United Republic (ss. 227-229)

227. Load line certificates of Convention ships not registered in the United Republic

- (1) The Minister may, at the request of the government of a country to which the Load Line Convention applies, cause to be issued to that country, if he is satisfied in like manner as in the case of a Tanzania 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 hereinafter 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.

[s. 225]

228. Inspection and control of Convention ships not registered in the United Republic

- (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
 - (d) that the fittings and appliances for the protection of openings, the guard rails, the freeing ports and the means of access to the crew's quarters have been maintained on the ship in as effective a condition as they were when the certificate was issued.
- (3) Where it is found on any inspection that the ship is loaded beyond the limits allowed by the certificate, the ship may be detained, and the provisions of section 219 shall apply to that ship.
- (4) Where it is found on any such inspection that the load lines on the ship are not in the position specified in the certificate, the ship may be detained until the matter has been rectified to the satisfaction of the surveyor.
- (5) Where a valid Load Line certificate is not produced to the surveyor on such demand as aforesaid, the surveyor shall have the same power of inspecting the ship for the purpose of seeing that the provisions of this Part have been complied with as if the ship were a Tanzanian ship.
- (6) For the purpose of this section a ship shall be deemed to be loaded beyond the limits allowed by the certificate if she is so loaded as to submerge in salt water when the ship has no list appropriate load line on each side of the ship that is to say, the load line appearing on each side of the ship by the certificate to indicate the maximum depth to which the ship is for the time being entitled under the Load Line Convention to be loaded.

[s. 226]

229. Certificates of Convention ships to be produced to customs

The master of every Load Line Convention ship not registered in the United Republic shall produce a valid load line certificate to the customs officer from whom a clearance for the ship from any port in the United Republic is demanded; and a clearance shall not be granted and the ship may be detained until the certificate required by this section is so produced.

[s. 227]

Loading of timber (s. 230)**230. Carriage of timber deck cargo**

- (1) The Minister may make regulations (hereinafter in this section referred to as the "timber cargo regulations") as to the conditions on which timber may be carried as cargo out of the United Republic in any uncovered space on the deck of any load line ship.
- (2) The timber cargo regulations shall not conflict with the requirements of the Load Line Convention and may prescribe generally the conditions on which timber may be carried as aforesaid in any load line ship either on all voyages or on any particular class of voyages, and either at all seasons or at any particular season; and in particular may prescribe the manner and position in which timber is to be stored and the provision which is to be made on the ship for the safety of the crew.

[s. 228]

Carriage of bulk commodities (s. 231)**231. Carriage of bulk commodities**

- (1) In this section—

"bulk commodities" includes agricultural or mineral products handled in bulk which by their nature are liable to shift whilst in transit unless precautions are taken;

"ship carrying a bulk commodity" means a ship carrying bulk commodities exceeding one third of the ship's registered tonnage.
- (2) Where bulk commodities are loaded on board any Tanzanian ship or on board any ship at a port in the United Republic so that the ship constitutes a ship carrying a bulk commodity, all necessary and reasonable precautions shall be taken to prevent the bulk commodity from shifting, and if the precautions are not taken the owner or master of the ship commits an offence under this Act and the ship may be detained until the unsafe condition is rectified to the satisfaction of a surveyor.
- (3) Where a ship carrying a bulk commodity arrives at a port in the United Republic and reasonable precautions to prevent the bulk commodity from shifting have not been taken, the ship may be detained until the unsafe condition is rectified to the satisfaction of a surveyor.
- (4) Without prejudice to the generality of the foregoing provisions of this section, the Minister may make such regulations as he deems necessary to provide for the safe carriage and stowage of bulk commodities.

[s. 229]

Dangerous goods (s. 232)

232. Regulations as to dangerous goods

- (1) The Minister may by regulation provide that any goods, articles or materials to be carried in a ship shall be dangerous goods, and may prescribe—
 - (a) the method of packing and stowing such goods;
 - (b) the quantity of such goods which may be carried in any ship;
 - (c) the place or places within a ship in which they may be carried;
 - (d) the marking that is to be placed on any package or container in which goods may be placed for shipment; and
 - (e) the precautions that shall be taken with respect to the carriage of such goods and the powers of inspection to determine compliance with the provisions of such regulations.
- (2) No person shall send or attempt to send by or carry or attempt to carry in any Tanzanian ship, except in accordance with any regulations made pursuant to subsection (1), any dangerous goods, but the provisions of this subsection shall not apply to ships' distress signals or to the carriage of military stores for the public service under conditions authorised by the Minister.
- (3) No person shall send or attempt to send by or, if he is not the master or owner of the ship, carry or attempt to carry in any Tanzanian ship any dangerous goods without first distinctly marking their nature on the outside of the outermost package containing the dangerous goods in accordance with such regulations as the Minister may make, and without first giving written evidence of the nature of the goods and of the name and address of the sender thereof to the master or owner of the ship at or before the time of sending the same to be taken on board the ship.
- (4) The provisions of this section and any regulations made thereunder shall apply to all ships not registered in the United Republic while loading at any place in the United Republic as they apply to Tanzanian ships.
- (5) Any person who contravenes the provisions of this section or of any regulations made thereunder commits an offence under this Act.

[s. 230]

Ships alleged to be unseaworthy (ss. 233-238)

233. Obligation to secure seaworthiness of ship

- (1) In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship that the owner of the ship and the master and every agent charged with the loading of the ship, or the preparing of the ship for sea, or the sending of the ship to sea, shall use all reasonable means to ensure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the voyage.
- (2) Nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in any unseaworthy state where, owing to special circumstances, the sending of the ship to sea in such a state was reasonable and justifiable.

[s. 231]

234. Unseaworthy ships to be detained

- (1) Where on complaint or representation made to him, or without any complaint, a detaining officer has reason to believe that any ship at a port or place in the United Republic, is by reason of the defective condition of her hull, equipment or machinery or by reason of undermining, overloading or improper loading unfit to proceed to sea or to make any voyage or trip without serious danger to life, he shall detain such ship until he is satisfied that she is a safe ship.
- (2) Where any ship is detained under subsection (1), a detaining officer may, before releasing her, demand that the owner or master have her inspected by a surveyor to investigate any defects believed to exist.
- (3) The owner or master may require that a person whom he may choose shall accompany the surveyor making inspection under this section.
- (4) Any surveyor who makes an inspection under this section shall report fully to the detaining officer who has detained the ship under this section and the detaining officer shall report fully to the Minister, setting out all the particulars in regard to the detention, and his report shall be accompanied by a copy of the report of the surveyor who has made the inspection.

[s. 232]

235. Complaint to be in writing

Any complaint in respect of the seaworthiness of a ship shall be in writing, stating the name and address of the complainant, and a copy of the complaint including the name and address of the complainant shall be given to the owner or master of the ship at the time of detention, if the ship be detained.

[s. 233]

236. If complaint of a trivial nature

Before a ship is detained under section 234, a detaining officer shall assure himself by all means at his disposal that the complaint is not of a trivial or vexatious nature; and where on inspection it is determined that any ship detained under section 234 was not an unseaworthy ship, the expenses in connection with inspection shall be paid to the Government by the person making the complaint.

[s. 233]

237. Regulations for protection of workers against accidents while loading or unloading ships

The Minister may make regulations for the protection against accidents of workers employed in loading or unloading ships, having regard in particular to the following—

- (a) the strength of machinery, tackle and gear and their fitness for the purpose for which they are intended;
- (b) the provision of proper safe gangways, stagings and matters of a like character;
- (c) protection in the way of rails or other sufficient protection at openings through decks and around wharves and docks;
- (d) illumination of holds and decks of ships and docks or wharves at which ships may be loading or unloading;
- (e) provision of means for attending to persons injured.

[s. 235]

238. Marking of heavy packages or objects

No person shall in the United Republic consign to be loaded on any ship, and no master, owner or agent of any ship shall, in the United Republic, cause or permit to be loaded on any ship, any package or object of a gross weight of 2.240 lb or over without causing its approximate weight to be plainly and durably marked on the outside of such package or object.

[s. 236]

Special applications and exemptions (ss. 239-240)**239. Special application of this Part**

The Minister may direct that this Part or any of the provisions thereof shall apply to any foreign vessel or class of vessel whilst within the territorial waters of the United Republic.

[s. 237]

240. Minister may relieve ships from compliance with this Part

- (1) Notwithstanding anything in this Part, the Minister may relieve any Tanzanian ship or the owner of any such ship from compliance with any of the provisions of this Part or regulations made thereunder relating to inspection, in any specific case of emergency where the Minister may deem it necessary or advisable in the public interest, to such extent and in such manner and upon such terms as he may consider proper in the circumstances; but the Minister shall not relieve any ship or owner from compliance with any such provision to such extent or in such manner as would permit any ship to proceed to sea or to make any voyage or trip in an unseaworthy condition.
- (2) This section shall not apply to Safety Convention ships or international load line ships.

[s. 238]

Part VI – Wrecks, salvage, and investigation into shipping casualties (ss. 241-274)**Receivers of wreck (ss. 241-247)****241. General superintendence of Commissioner for Customs**

- (1) The Commissioner for Customs shall have the general superintendence of all matters relating to wreck and, by notice in the *Gazette*, may appoint any person to be a receiver of wreck in any district and to perform the duties of a receiver under this Part.
- (2) In this Part "Commissioner for Customs" means the Commissioner of Customs appointed for the United Republic.

[s. 239]

242. Fees and expenses of receiver

- (1) There shall be paid to every receiver the expenses properly incurred by the receiver in the performance of his duties and also such fees as the Commissioner of Customs may, by regulation, establish.
- (2) The receiver shall, in addition to all other rights and remedies for the recovery of the expenses and fees, have the same rights and remedies in respect thereof that a salvor has in respect of salvage due to him and may, if the property in respect of which any such expenses and fees are due is not

under arrest in any court, seize or detain such property until such expenses and fees are paid, or until security is given for the same to his satisfaction.

[s. 240]

243. Duties of receiver

- (1) When any vessel is wrecked, stranded or in distress at any place on or near the coasts of the United Republic, the receiver shall upon being made acquainted with such stranding or distress forthwith proceed to such place, and upon his arrival there he shall take the command of all persons present and assign such duties and give such direction to each person as he thinks fit for the preservation of the vessel and of the lives of the persons belonging to the vessel, hereinafter referred to as shipwrecked persons, and of the cargo and apparel of the vessel.
- (2) If any person wilfully disobeys the directions of the receiver, he commits an offence, and shall on conviction be liable to a fine not exceeding one thousand shillings, but the receiver shall not interfere between the master and crew of the vessel in reference to the management thereof, unless he is requested to do so by the master.

[s. 241]

244. Powers of receiver

- (1) The receiver may, with a view to the preservation of the shipwrecked persons or of the vessel, cargo or wreck—
 - (a) require such persons as he think necessary to assist him;
 - (b) require the master or other person having the charge of any vessel near at hand to give such aid with his men or vessel as may be in his power; and
 - (c) demand the use of any machinery or vehicles or equipment that may be obtainable.
- (2) The receiver may cause to be apprehended and kept in custody, until he can be conveniently taken before a magistrate to be dealt with in accordance with law, any person who plunders, creates disorder or obstructs the preservation of a vessel wrecked, stranded or in distress on or near the coasts of the United Republic and may use reasonable force for the suppression of such plundering, disorder or obstruction and may command all persons in the vicinity to assist him.

[s. 242]

245. Passage over adjoining lands

- (1) Whenever a vessel is stranded, wrecked or in distress all persons may, for the purpose of rendering assistance to the vessel or of saving the lives of the shipwrecked persons or of saving the cargo or apparel of the vessel, unless there is no public road equally convenient, pass and repass, with or without vehicles and equipment, over any adjoining lands without being subject to interruption by the owner or occupier, so however that they do no more damage than is reasonably necessary, and may on the like condition, deposit on those lands any cargo or other article recovered from the vessel.
- (2) Any damage sustained by an owner or occupier in consequence of the exercise of the rights conferred by this section shall be a charge on the vessel, cargo or articles in respect of or by which the damage is occasioned, and the amount payable in respect of the damage shall, in case of dispute, be determined and shall in default of payment be recoverable in the same manner as the amount of salvage is under this Part determined or recoverable.
- (3) Any owner or occupier of any property who hinders or obstructs any person exercising the rights conferred by subsection (1) commits an offence under this Act.

[s. 243]

246. Immunity of receiver against certain suits

Where, when a receiver or any person acting under his orders is engaged in the execution of the duties committed to the receiver by this Part and some other person resists the receiver or other person and is killed, maimed or hurt by reason of such resistance, no action, suit or prosecution against the receiver or other person shall be maintainable by or on behalf of the person so killed, maimed or hurt, unless the receiver or other person has used more force than was, in the circumstances, reasonably necessary.

[s. 244]

247. Offences

Every person who wilfully impedes or obstructs a receiver or any person acting under his orders in the execution of his duty commits an offence under this Act and shall on conviction be liable to a term of imprisonment not exceeding twelve months.

[s. 245]

Dealing with wreck (ss. 248-252)**248. Duty of persons finding wreck in the United Republic**

- (1) Whenever any person takes possession of wreck within the limits of the United Republic, he shall as soon as possible deliver the same to the receiver; but the Commissioner for Customs may dispense with any such delivery in the case of any wreck upon such conditions as he thinks fit.
- (2) This section shall apply to any wreck found derelict at sea outside the territorial limits of the United Republic and brought within the territorial limits of the United Republic.
- (3) If any person who has taken possession of wreck fails without reasonable cause to comply with this section he commits an offence under this Act and shall on conviction be liable to a fine of double the value of the wreck and to forfeit any claim or right to salvage with relation to the wreck.

[s. 246]

249. Procedure in case of concealment of wreck

- (1) Where a receiver suspects or receives information that any wreck is secreted or in the possession of some person who is not the owner thereof or that any wreck is otherwise improperly dealt with, he may apply to a magistrate for a search warrant and that magistrate shall have power to grant the warrant and the receiver, by virtue thereof, may enter any house or other place wherever situated and also any vessel and search for, seize and detain any wreck there found.
- (2) If any such seizure of wreck is made in consequence of information given by any person to the receiver, the informer shall be entitled by way of salvage to such sum as the receiver may allow under instructions from the Commissioner of Customs.

[s. 247]

250. Notice of wreck

Where a receiver takes possession of any wreck he shall within forty-eight hours, if the owner of the wreck is not known to him, cause to be posted in the customs house nearest to the place where the wreck was found or was seized by or delivered to him a description of the wreck and of any marks by which it is distinguished, and shall also transmit a similar description to the Commissioner of Customs, who may give such publicity to that description as he thinks fit.

[s. 248]

251. Owner may claim wreck within six months

- (1) The owner of any wreck in the possession of the receiver, upon establishing his claim to the wreck to the satisfaction of the receiver within six months from the time at which such wreck came into the possession of the receiver, shall, upon paying the Customs duty, if any, salvage, fees and expenses due, be entitled to have such wreck or the proceeds thereof delivered up to him or his agent.
- (2) Where any wreck is proved to the satisfaction of the Commissioner of Customs to belong to a foreign owner, any consular officer in the United Republic of the country to which the owner of wreck belongs shall, in the absence of the owner or his agent, be deemed to be the agent of the owner so far as relates to the custody and disposal of the wreck.

[s. 249]

252. Sale where for general advantage or owing to nature of goods

Where in his opinion it is for the advantage of all parties to sell wreck in his custody, or where that wreck consists of goods of a dangerous or perishable nature, the receiver may immediately sell the wreck, and the proceeds of that sale, after levying Customs duty if any, and defraying the expenses of the sale, shall be held by the receiver for the same purposes and subject to the same claims, rights and liabilities as if the wreck had remained unsold.

[s. 250]

Unclaimed wreck (ss. 253-254)**253. Sale of unclaimed wreck**

Where no owner establishes a claim to any wreck in the possession of the receiver within six months after it came into his possession, the receiver may sell the wreck and shall pay the proceeds of the wreck to the Government after—

- (a) deducting therefrom the expenses of the sale, any Customs duty payable and any other expenses incurred by him; and
- (b) paying thereof to the salvors such amount of salvage as the Commissioner of Customs may, in each case, determine.

[s. 251]

254. Discharge of receiver

- (1) Upon delivery of wreck or payment of the proceeds of sale of wreck by a receiver, in pursuance of this Part, the receiver shall be discharged from all liability in respect thereof, but that delivery shall not prejudice or affect any question which may be raised by third parties concerning that wreck.

[s. 252]

Removal of wrecks (ss. 255-256)**255. Removal of wreck by harbour authority**

- (1) Where any vessel is sunk, stranded or abandoned in any port under the control of a harbour authority or in or near any approach thereto, in such manner as in the opinion of the harbour

authority is, or is likely to become, an obstruction or danger to navigation, the harbour authority may—

- (a) take possession of and raise, remove or destroy the whole or any part of the vessel;
 - (b) light or buoy any such vessel or part until the raising, removal or destruction thereof;
 - (c) sell in such manner as he thinks fit any vessel or part so raised or removed and also any other property recovered in the exercise of his powers under this section, and out of the proceeds of the sale reimburse himself for the expenses incurred by him in relation thereto under this section; and the harbour authority shall hold the surplus, if any, of the said proceeds in deposit for payment to the person establishing his right thereto, provided that the deposit will forfeit to the harbour authority unless that person makes his claim within one year of the sale; or
 - (d) if the expenses connected with the removal or destruction of any vessel which is sunk stranded or abandoned, exceed the value of any property recovered, the excess shall be a debt due to the harbour authority recoverable by ordinary process of law from the person who was the owner of the vessel at the time when the vessel was sunk, stranded or abandoned.
- (2) Where any vessel is run aground or stranded in any port under the control of a harbour near the approaches thereto and it appears expedient to the harbour authority to take charge of the operation of refloating the vessel, he may appoint an officer to direct that operation, and that officer shall be authorised to do all things which in his opinion are necessary to refloat the vessel and the master and all persons present belonging to the ship shall obey the directions of such officer so appointed and render him such assistance as he may require.

[s. 253]

256. Removal of wreck by Minister

Where any vessel is sunk, stranded or abandoned on the coast or on or near any rock, shoal or bank in the United Republic or any adjacent seas, the Minister shall, if in his opinion the vessel is or is likely to become an obstruction or danger to navigation, have the same powers in relation thereto as are by this Part conferred upon a harbour authority.

[s. 254]

Salvage (s. 257)

257. Reasonable salvage payable

- (1) Where—
- (a) services are rendered wholly or in part within waters of the United Republic in saving life from any aircraft or vessel;
 - (b) within the territorial waters of the United Republic any aircraft or vessel is wrecked, abandoned, stranded or in distress and services are rendered by any person in assisting that vessel or saving wreck,

there shall be payable to the salvor by the owner of that aircraft, vessel, or wreck a reasonable amount of salvage, including expenses properly incurred, to be determined in case of dispute, in a manner hereinafter mentioned.

- (2) Salvage in respect of the preservation of life shall be payable in priority to all other claims for salvage.

[s. 255]

Procedure in salvage (ss. 258-265)

258. Disputes as to salvage

Disputes as to salvage whether of life or property shall be heard and determined by and before the receiver or the court as provided for respectively by this Part and not otherwise.

[s. 256]

259. Cases where receiver determines amount of salvage

The receiver shall determine the amount of salvage in the following cases—

- (a) in any case where the parties to the dispute consent;
- (b) in any case where the value of the property salvaged does not exceed twenty thousand shillings;
- (c) in any case where the amount claimed does not exceed six thousand shillings.

[s. 257]

260. Costs

Where in any suit or proceedings for salvage in the court the claimant recovers an amount less than the maximum amount that might be claimed before the receiver, then unless the court certifies that the suit or proceeding was unfit to be determined by the receiver the claimant shall have no costs, charges or expenses incurred by him in the prosecution of his claim; and shall pay to the other parties such costs, charges and expenses, if any, as the court directs.

[s. 258]

261. Valuation of property

When a dispute as to salvage arises, the receiver or the court shall on the application of either party appoint a valuer to value that property and shall give copies of the valuation to both parties.

[s. 259]

262. Seizure and detention of property liable for salvage

- (1) A receiver may seize any property found within his district and alleged to be liable for salvage and detain such property until either the salvage, fees and costs due thereon are ascertained and paid, or process is issued for the arrest or detention thereof by the court, or security is given to his satisfaction for such salvage, fees and costs.
- (2) A receiver may release any detained property if security is given to his satisfaction or, if the claim for salvage exceeds four thousand shillings and question is raised as to sufficiency of the security, to the satisfaction of the court.
- (3) Any security given for salvage in pursuance of this section may be enforced by the court in the same manner as if bail had been given in that court.

[s. 260]

263. Sale of detained property by receiver

- (1) The receiver may sell any detained property, if the persons liable to pay the salvage in respect of which the property is detained are aware of the detention, in the following cases—
 - (a) where the amount is not disputed and payment of the amount due is not made within twenty days after the amount is due;
 - (b) where the amount is disputed but no appeal lies from the court and payment is not made within twenty days after the decision of the court; or
 - (c) where the amount is disputed and an appeal lies from the decision of the court to some other court, and within two months of the decision of the court of first instance, neither payment of the sum due is made nor proceedings are commenced for the purpose of appeal.
- (2) The proceeds of sale of detained property shall, after payment of the expenses of the sale be applied by the receiver in payment of expenses, fees and salvage, and so far as not required for that purpose, shall be paid to the owners of the property or any other persons entitled to receive the same.

[s. 261]

264. Voluntary agreement to pay salvage

- (1) Where services are rendered for which salvage is claimed and the salvor voluntarily agrees to abandon his lien upon the vessel and the cargo and property alleged to be salvaged then, upon the master or owner whether principal or agent entering into a written agreement attested by two witnesses to abide by the decision of the court or of any other court of competent jurisdiction whether within or without the United Republic, and on giving security in that behalf to an amount agreed upon by the parties to the agreement, that agreement shall bind the vessel, the cargo and freight and the respective owners of the vessel, the cargo and freight and the respective heirs, executors, administrators, successors and assigns for the salvage which may be adjudged to be payable to the extent of the security given.
- (2) Where security has been given for the performance of any agreement made under this section, the person with whom the security is lodged shall deal with the security as the court adjudicating upon the agreement directs.
- (3) Where any agreement which corresponds to any agreement made under this section is made under the corresponding provisions of the law in force in another country and that agreement provides that the parties thereto will abide by the decision of a court of competent jurisdiction in the United Republic, the court in the United Republic shall have power to adjudicate upon and enforce that agreement.
- (4) The court shall have power to enforce and shall assist any court of competent jurisdiction in any other country in enforcing any agreement made under this section or under the corresponding provisions of the law in any other country.

[s. 262]

265. Limitation of time for salvage proceedings

No action shall be maintainable in respect of any salvage services unless proceedings therein are commenced within one year from the date when the salvage services were rendered:

Provided that the court may extend that period to such extent and on such conditions as it thinks fit.

[s. 263]

Shipping casualties and accidents on ships (ss. 266-267)

266. Shipping casualties

A shipping casualty shall be deemed to occur—

- (a) when on or near the coasts of the United Republic any ship is stranded, lost, abandoned or damaged or where any loss of life occurs by reason of any casualty happening to or on board any ship;
- (b) when in any place the casualty occurs to a Tanzanian ship and any witness is found in the United Republic;
- (c) when any Tanzanian ship is lost or supposed to have been lost any evidence is obtainable in the United Republic as to the circumstances under which she proceeded to sea or was last heard of.

[s. 264]

267. Appointment of officer to hold preliminary inquiry

- (1) Where a shipping casualty has occurred, a preliminary inquiry may be held respecting the casualty by a receiver, a surveyor or any other person appointed for the purpose by the Minister.
- (2) For the purpose of that inquiry, the person holding the inquiry shall have the powers of a surveyor under this Act, and in addition may require the attendance of all such persons as he thinks fit to call before him and require answers or returns to any inquiries he thinks fit to make and may administer oaths.
- (3) Upon the conclusion of any such inquiry, the person who made it shall send to the Minister a report containing a full statement of the case and of his opinion thereon accompanied by that report or or extracts from the evidence and such observations as he thinks fit.

[s. 265]

Formal investigations into casualties (ss. 268-272)

268. Commissioner for formal investigations

- (1) The Minister may appoint any judge, magistrate or senior public officer to be a Commissioner to hold formal investigations.
- (2) It shall not be necessary to hold a preliminary inquiry before a formal investigation is held under this section.
- (3) A formal investigation shall be held upon being ordered by the Minister in the following cases—
 - (a) a shipping casualty;
 - (b) where a master, mate, pilot or engineer is charged with incompetence, misconduct or default while serving—
 - (i) on board a Tanzanian ship;
 - (ii) on board any other ship on or near the coast of the United Republic or in the course of a voyage to a port in the United Republic.
- (4) The Commissioner so appointed shall hold formal investigation with the assistance of one or more assessors of nautical, engineering or other special skills or knowledge appointed by the Minister from a list approved by him for the purpose.

[s. 266]

269. Powers of Commissioner

- (1) A Commissioner referred to in section 268 shall have the power of summoning before him any person and of requiring him to give evidence on oath either orally or in writing and to produce such documents and things as the Commissioner deems requisite to the full investigation of the matters into which he has been appointed to examine; and he shall also have the same power to enforce the attendance of witnesses and to compel them to give evidence as is vested in the court in civil cases.
- (2) The proceedings of a formal investigation shall be simulated as far as possible to those of the High Court.

[s. 267]

270. Powers of Commissioner of investigation as to certificates

- (1) The certificate or licence of a master, mate, or engineer granted under this Act may be cancelled or suspended by a Commissioner holding a formal investigation into a shipping casualty under this Part, if the Commissioner finds that the loss or abandonment or serious damage to any ship or loss of life has been caused by—
 - (a) his wrongful act or default;
 - (b) his incompetence or any gross act of misconduct;
 - (c) in a case of collision, his failure to render such assistance or give such information as is required under Part V.
- (2) Any cancellation or suspension under this section shall be concurred in by the majority of the assessors assisting at the formal investigation.
- (3) The Commissioner shall in all cases send a full report on the case with the evidence to the Minister, and shall also, if he decides to cancel or suspend any certificate or licence, send the certificate or licence cancelled or suspended to the Minister with his report; and a copy of the report shall also be furnished to the master, mate or engineer whose certificate or licence has been cancelled.
- (4) Each assessor who does not concur in and sign the finding of the Commissioner shall state in writing his dissent therefrom and the reasons for that dissent.

[s. 268]

271. Delivery up and disposition of certificates

- (1) The Commissioner may at any time during or after a formal investigation call upon any master, mate or engineer to deliver his certificate or licence to the Commissioner and the Commissioner shall in such cases send the certificate or licence to the Minister.
- (2) On the receipt of a certificate, the Minister shall, if that certificate or licence—
 - (a) has been granted in the United Republic, retain the certificate or licence; or
 - (b) has been granted elsewhere than in the United Republic, send the certificate or licence together with the full report upon the case and a copy of the evidence to the government of the country concerned.

[s. 269]

272. Re-hearing of investigation

- (1) In any case where a formal investigation has been held, the Minister may order the investigation to be reheard either generally or as to any part thereof; and shall so order—
 - (a) if new and important evidence that could not be produced at the investigation has been discovered; or
 - (b) if for any other reason there has been in his opinion ground for suspecting that a miscarriage of justice has occurred.
- (2) The Minister may order the case to be reheard by the commissioner by whom the case was heard in the first instance, or may appoint another commissioner and select the same or other assessors to hear the case.
- (3) Where on any such investigation a decision has been given with respect to the cancelling or suspension of the certificate or licence of a master, mate or engineer and an application for a rehearing under this section has not been made or has been refused, an appeal shall lie from the decision to the court.
- (4) Any rehearing or appeal under this section shall be subject to be conducted in accordance with such conditions and regulations as may be prescribed by Rules made by the Minister in relation thereto.
- (5) No proceeding or judgement of a court in or upon any formal investigation shall be quashed or set aside for any want of form, nor shall any such proceeding or judgment be removed by *certiorari* or otherwise into any court; and no writ of prohibition shall issue to any Commissioner constituted under this Act in respect of any proceeding or judgement in or upon any formal investigation.

[s. 270]

Inquiries as to the competency and conduct of officers (s. 273)**273. Inquiry into conduct of certificated officer**

- (1) Where the Minister has reason to believe that any master, mate or engineer is from incompetence or misconduct unfit to discharge his duties, or that in a case of collision he has failed to render such assistance or give such information as is required by this Act, the Minister may cause an inquiry to be held.
- (2) The Minister may either himself appoint a person to hold the inquiry or may direct the inquiry to be held before a Judge.
- (3) Where the inquiry is held by a person appointed by the Minister, that person—
 - (a) shall hold the inquiry with the assistance of a competent legal assistant appointed by the Attorney-General;
 - (b) shall have all the powers of a surveyor under this Act;
 - (c) shall give any master, mate or engineer against whom a charge is made an opportunity of making his defence, either in person or otherwise, and may summon him to appear;
 - (d) may make such order with regard to the costs of the inquiry as he thinks fit; and
 - (e) shall send a report upon the case to the Minister.
- (4) Where the inquiry is held by a Judge, the inquiry shall be conducted and the result reported in the same manner, and the court shall have the like power, as in the case of a formal investigation into a shipping casualty under this Part.

- (5) Where upon any such inquiry the Minister is satisfied—
- (a) that any master, mate or engineer has been shown to be incompetent or has been guilty of any act of misconduct, drunkenness or tyranny;
 - (b) that the loss or abandonment of or serious damage to any ship or any loss of life was caused by the wrongful act or default of any master, mate or engineer;
 - (c) that any master, mate or engineer has been guilty of a criminal offence or has been blamed by any coroner's inquest in respect to the death of any person; or
 - (d) that the master or mate, in a case of collision between his vessel and another vessel, has failed without reasonable cause to comply with the requirements of this Act with regard to rendering assistance or to giving information,

he may, with respect to either a certificate or licence granted under this Act, suspend or cancel the certificate of competency or licence of the master or mate or the certificate or licence of the engineer, as the case may be.

[s. 271]

Removal of master by court (s. 274)

274. Removal of master by court

- (1) In the United Republic, the High Court, and elsewhere any court having admiralty jurisdiction, may remove the master of any Tanzanian ship whilst within the jurisdiction of that court, if that removal is shown to the satisfaction of the court by evidence on oath to be necessary.
- (2) The removal may be made upon the application of any owner of the ship or his agent or of the consignee of the ship or of any certificated officer or of one-third or more of the crew of the ship.
- (3) The court may appoint a new master instead of the one removed, but where the owner, agent or consignee of the ship is within the jurisdiction of the court such an appointment shall not be made without the consent of that owner, agent or consignee.
- (4) The court may also make such order and require such security in respect of the costs of the matter as the court thinks fit.

[s. 272]

Part VII – Limitation and division of liability (ss. 275-286)

Limitation of liability (ss. 275-282)

275. Limitation of liability of ship owners

- (1) For the purpose of sections 275 to 282—

"ship" includes any structure launched and intended for use in navigation as a ship or as a part of a ship; and

"gold franc" means a unit consisting of 65½ milligrams of gold of millesimal fineness 900.
- (2) Where any of the following events occur without the actual fault or privity of the owner of a ship, whether registered in the United Republic or not, namely—
 - (a) where any loss of life or personal injury is caused to any person on board that ship;

- (b) where any damage or loss is caused to any goods, merchandise or other things on board that ship;
- (c) where any loss of life or personal injury is caused to any person not on board that ship through—
 - (i) the act or omission of any person, whether on board the ship or not, in the navigation or management of the ship, in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers, or
 - (ii) any other act or omission of any person on board that ship; or
- (d) where any loss or damage is caused to any property other than property described in paragraph (b) or any rights are infringed through—
 - (i) the act or omission of any person whether on board that ship or not in the navigation or management of the ship, in the loading, carriage or discharge of its cargo or in the embarkation, carriage or disembarkation of its passengers; or
 - (ii) any other act or omission of any person on board that ship,

such owner shall not be liable for damages beyond the following amounts, namely—

- (aa) in respect of any loss of life or personal injury, either alone or together with any loss or damage to property, or any infringement of any rights mentioned in paragraph (d), an aggregate amount equivalent to three thousand and one hundred gold francs for each ton of that ship's tonnage; and
 - (bb) in respect of any loss or damage to property or any infringement of any rights mentioned in paragraph (d) an aggregate amount equivalent to one thousand gold francs for each ton of that ship's tonnage.
- (3) The limits on the liability of an owner of a ship set by this section shall apply in respect of each distinct occasion on which any of the events mentioned in paragraphs (a) to (d) of subsection (2) occur without that owner's actual fault or privity, and without regard to any liability incurred by that owner in respect of that ship on any other occasion.
- (4) This section shall not apply to limit the liability of an owner of a ship in respect of any loss of life or personal injury caused to, or any loss of or damage to property or any infringement of any right of, a person who is employed on board or in connection with a ship under a contract of service, if that contract is governed by the law of any country other than the United Republic, and that law does not set any limit to that liability, or sets a limit exceeding that set by this section.

[s. 273]

276. Power of court to consolidate claims

Where any liability is alleged to have been incurred by the owner of a ship in respect of any loss of life or personal injury, or any loss of or damage to property, or any infringement of any right in respect of which his liability is limited by section 275, and several claims are made or apprehended in respect of that liability, the court may on the application of that owner determine the amount of his liability and distribute that amount rateably among the several claimants; and that court may stay any proceedings pending in any other court in relation to the same matter, and the court may proceed in such manner and subject to such rules of court as to making persons interested parties to the proceedings, and as to the exclusion of any claimants who do not apply to be joined in the proceedings within a certain time, and as to requiring security from the owner, and as to the payment of any costs, as the court thinks just.

[s. 274]

277. Extension of limitation of liability

The provisions of sections [275](#) and [276](#) shall extend and apply to—

- (a) the charterer of a ship;
- (b) any person having an interest in or possession of a ship from and including the launching thereof; and
- (c) the manager or operator of a ship, where any of the events mentioned in paragraphs (a) to (d) of subsection (2) of section [275](#) occur without their actual or privity,

and to any person acting in the capacity of master or member of the crew of a ship and to any servant of the owner or any person described in paragraphs (a) to (c) where any of the events mentioned in paragraphs (a) to (d) of subsection (2) of section [275](#) occur, whether with or without his actual fault or privity.

[s. 275]

278. Limitation of liability of dock, canal and harbour owners

- (1) Where without the actual fault or privity of the owners of any dock or canal or any harbour or port authority any loss or damage is caused to any vessel or vessels or to any goods, merchandise or other things on board any vessel or vessels, those owners shall not be liable to damages beyond an aggregate amount equivalent to one thousand gold francs for each ton of the tonnage of the largest registered Tanzanian ship that at the time of the loss or damage occurring is, or within a period of five years previous thereto has been, within the area over which the dock or canal owner or port or harbour authority performs any duty or exercises any power.
- (2) For the purpose of this section a ship shall not be deemed to have been within such area, or that it has taken shelter within or passed through such area on a voyage between two places both situated outside that area or that it has loaded or unloaded mails or passengers within that area.
- (3) For the purposes of this section the term "owner of a dock or canal" includes any person or authority having the control and management of any dock or canal, and any ship using the same as the case may be.
- (4) Nothing in this section shall impose any liability in respect of any loss or damage on any such owners or authority in any case where no such liability would have existed if this Act had not been passed.

[s. 276]

279. Tonnage of small vessel

For the purposes of sections [275](#) and [278](#) the tonnage of any ship that is less than three hundred tons shall be deemed to be three hundred tons.

[s. 277]

280. Calculation of tonnage

- (1) For the purposes of sections [275](#) to [278](#) inclusive, the tonnage of a steamship shall be her registered tonnage with the addition of any engine room space deducted for the purpose of ascertaining that tonnage and the tonnage of a sailing ship shall be her registered tonnage.
- (2) There shall not be included in the tonnage any space occupied by seamen or apprentices and appropriated to their use.
- (3) The measurement of the tonnage in the case of a foreign ship shall be according to the provisions of this Act if it is capable of being so measured.

- (4) In the case of any ship which is incapable of being measured under the provisions of this Act, the Minister shall, on receiving from or by direction of the court hearing the case the evidence concerning the dimensions of the ship as it is found practicable to furnish, give a certificate under his hand stating what would in his opinion have been the tonnage of that ship, if she had been duly measured according to the provisions of this Act, and the tonnage so stated in the certificate shall for the purposes of sections 275 and 278 be deemed to be the tonnage of the ship.

[s. 278]

281. Where several claims arise on one occasion

The limitation of liability under sections 275 and 278 shall relate to the whole of any losses and damages that may arise upon any one distinct occasion, although the losses and damages may be sustained by more than one person, and shall apply whether the liability arises at common law or under any statute, and notwithstanding anything contained in that statute.

[s. 279]

282. Release of ship on giving of security

- (1) Where a ship or other property is arrested in connection with a claim which appears to the court to be founded on a liability to which a limit is set by sections 275 and 278 of this Act, or security is given to prevent or obtain release from the arrest, the court may, and in the circumstances mentioned in subsection (3) shall, order the release of the ship, property or security if the conditions specified in subsection (2) are satisfied, so however, that where the release is ordered, the person on whose application it is ordered shall be deemed to have submitted to the jurisdiction of the court to adjudicate on the claim.
- (2) The conditions referred to in subsection (1) are—
- (a) that security which in the opinion of the court is satisfactory, in this section referred to as the guarantee, has previously been given whether in the United Republic or elsewhere in respect of the liability of any other liability incurred on the same occasion, and the court is satisfied that if the claim is established the amount for which the guarantee was given, or such part thereof as corresponds to the claim, would be actually available to the claimant; and
 - (b) that either the guarantee is for an amount not less than the said limit, or further security is given which together with the guarantee is for an amount not less than that limit.
- (3) The circumstances mentioned in subsection (1) shall be that the guarantee was given in a port which in relation to the claim is the relevant port, or as the case may be a relevant port, and that that port is in a Convention country.
- (4) For the purposes of this section—
- (a) a guarantee given by the giving of security in more than one country shall be deemed to have been given in the country in which security was last given;
 - (b) any question whether the amount of any security is either by itself or together with any other amount not less than any limit set under the provisions of this Part shall be decided as at the time when the security is given;
 - (c) where part only of the amount for which a guarantee was given will be available to a claimant, that part shall not be taken to correspond to his claim if any other part may be available to a claimant in respect of a liability to which no limit is set as mentioned in subsection (1).
- (5) In this section—

"Convention country" means any country in respect of which the International Convention relating to the Limitation of the Liability of Owners of Sea Going Ships signed in Brussels on the 10th day of October, 1957 is in force, including any country to which the said Convention extends by virtue of Article 14 thereof;

"relevant port"—

- (a) in relation to any claim, means the port where the event giving rise to the claim occurred; or if that event did not occur in a port the first port of call after the event occurred; and
- (b) in relation to a claim for loss of life or personal injury or damage to cargo, includes the port of disembarkation or discharge.

[s. 280]

Division of liability (ss. 283-286)

283. Rules as to division of liability

- (1) Where by the fault of two or more vessels damage or loss is caused to one or more of those vessels, to their cargoes or freight, or to any property on board, the liability to make good the damage or loss shall be in proportion to the degree in which each vessel was in fault.
- (2) Where having regard to all the circumstances of the case it is not possible to establish different degrees of fault, the liability shall be apportioned equally.
- (3) Nothing in this section shall operate so as to render any vessel liable for any loss or damage to which her fault has not contributed.
- (4) Nothing in this section shall affect the liability of any person under a contract of carriage or any contract, or shall be construed as imposing any liability upon any person from which he is exempted by any contract or by any provision of law or as affecting the right of any person to limit his liability in the manner provided by law.
- (5) For the purpose of this section the expression "freight" includes passage money and hire, reference to damage or loss caused by the fault of a vessel shall be construed as including references to any salvage or other expenses consequent upon that fault recoverable at law by way of damages.

[s. 281]

284. Joint and several liability

- (1) Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and of any other vessel or vessels, the liability of the owners of the vessels shall be joint and several.
- (2) Nothing in this section shall be construed as depriving any person of any right of defence on which independently of this section he might have relied in any action brought against him by the person injured or any person or persons entitled to sue in respect of such loss of life, or shall affect the right of any person to limit his liability in cases to which this action relates in the manner provided by law.

[s. 282]

285. Right of contribution

- (1) Where loss of life or personal injuries are suffered by any person on board a vessel owing to the fault of that vessel and any other vessel or vessels, and a proportion of the damage is recovered against the owners of one of the vessels that exceeds the proportion in which she was in fault, they may recover by way of contribution the amount of the excess from the owners of the other vessel

or vessels to the extent to which these vessels were respectively in fault; but no amount shall be so recovered that could not by reason of any statutory or contractual limitation of or exemption from liability, or could not for any other reason, have been recovered in the first instance as damages by the person entitled to sue therefor.

- (2) In addition to any other remedy provided by law, the persons entitled to any such contribution shall have, for the purpose of recovering the same subject to the provisions of this Act, the same rights and powers as the persons entitled to sue for damages in the first instance.

[s. 283]

286. Extended meaning of "owners"

The provisions of sections 283 to 285 inclusive shall apply to any person other than the owners responsible for the fault of the vessel as though the expression "owners" included those persons and as though that expression included all persons responsible for the navigation and management of the vessel pursuant to a charter or demise.

[s. 284]

Part VIII – Legal proceedings (ss. 287-310)

Prosecution of offences (ss. 287-290)

287. Prosecution of offences

Proceedings in respect of an offence under this Act may be instituted in the name of the United Republic by the Merchant Shipping Superintendent or by any Registrar of shipping, shipping master or surveyor, or by any other person authorised by the Minister in that behalf.

[s. 285]

288. Offences and penalties

- (1) Any person who commits an offence under this Act, or does anything or omits to do anything in contravention of the provisions of this Act, for which no specific penalty is provided or in respect of which a specific penalty is provided in addition, is liable on conviction to a fine not exceeding two thousand shillings or to a term of imprisonment not exceeding six months or to both that fine and imprisonment.
- (2) Any person who does anything or omits to do anything in contravention of any rule or regulation made in pursuance of the provisions of this Act commits an offence under this Act.

[s. 286]

289. Limitation of time

Subject to any special provisions of this Act, including the provisions of section 310 neither a conviction for an offence nor an order for payment of money shall be made under this Act in any proceedings instituted in the United Republic, unless that proceeding is commenced within one year after the commission of the offence or after the cause of complaint arises as the case may be.

[s. 287]

290. Liability of agents

Where the owner or charterer of any foreign ship appoints or nominates any person resident in the United Republic to act as his agent or otherwise on his behalf in respect of the management for the time being

of such ship, and that person acting on behalf of that owner or charterer does anything or omits to do anything in contravention of this Act or in contravention of any rule or a regulation made in pursuance of this Act in respect of that ship, is liable to the same extent as the owner or charterer would have been liable in respect of the contravention had he done or omitted to do that thing and was within the jurisdiction of the court.

[s. 288]

Jurisdiction (ss. 291-294)

291. Jurisdiction in case of offences

- (1) For the purpose of giving jurisdiction under this Act, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the offence or complaint actually was committed or arose, or in any place in which the offender or person complained against may be.
- (2) Where in any proceeding under this Act a question arises whether any ship or person is or is not governed by the provisions of this Act or of some Part of this Act, that ship or person shall be deemed to be within those provisions unless the contrary is proved.

[s. 289]

292. Jurisdiction over ships lying off the coasts

- (1) A court which has jurisdiction in any part of the coast of the United Republic shall have jurisdiction over any vessel being on or lying or passing off that coast, and on all persons on board that vessel or for the time being belonging thereto, in the same manner as if the vessel or persons were within the limits of the original jurisdiction of that magistrate.
- (2) The jurisdiction conferred by this section shall be in addition to and not in derogation of any jurisdiction or power afforded by any other law.

[s. 290]

293. Jurisdiction in case of offences on board ship

Notwithstanding anything contained in any other law in force in the United Republic, but subject to the provisions of section 170, where any person being a citizen of the United Republic is charged with having committed any offence on board any Tanzanian ship on the high seas or in any port or harbour, or not being a citizen of the United Republic is charged with having committed any offence on board any Tanzanian ship on the high seas, and that person is found within the United Republic, any court that would have heard the offence if it had been committed within the limits of its ordinary jurisdiction shall have jurisdiction to try the offence as if it had been so committed.

[s. 291]

294. Offences by seamen in foreign ports

All offences against property or person committed on any Tanzanian ship at any place out of the United Republic by any master, seaman or apprentice, who at the time when the offence is committed is employed in any Tanzanian ship, shall be deemed to be offences of the same nature respectively and be liable to the same punishments respectively, and be inquired of, heard, tried, determined and adjudged in the same manner and by the same courts and in the same places as if those offences had been committed within the country of port of registry of their ship.

[s. 292]

Jurisdiction where unsatisfied mortgage (s. 295)

295. Provisions as to mortgages of ships sold to foreigners

Where the registration of a ship is considered to be closed under section 22 on account of a transfer to persons not qualified to be owners of a Tanzanian ship, any unsatisfied mortgage may, if ship comes within the jurisdiction of the court, be enforced by the court notwithstanding the transfer, but without prejudice, in cases where the ship has been sold under the judgment of a court, to the effect of that judgment.

[s. 293]

Damage occasioned by foreign ships (ss. 296-297)

296. Power to detain foreign ship that has occasioned damage

- (1) Where any injury has in any part of the world has been caused to any property belonging to a citizen of the United Republic or to a person not being a body corporate or a body corporate resident in the United Republic or to Authority by any ship not registered in the United Republic, or where a claim is made for damages by or on behalf of any citizen of the United Republic or a resident person in respect of personal injuries including fatal injuries against the owners of any such ship, and where at any time thereafter that ship is found in any port or place in the United Republic or within the territorial limits thereof, the court may, upon it being shown by any person applying that this damage or injury was probably caused by the misconduct or want of skill of the master or mariners of the ship, issue an order directed to any detaining officer, or to any other officer named by the court, requiring him to detain the ship until such time as the owner, master or agent thereof, has made satisfaction in respect of the damage or injury or has given security, to be approved by the court, to abide the event of any action, suit or legal proceedings that may be instituted in respect of the damage or injury or has given security, to be approved by the court, to abide the event of any action, suit or legal proceeding that may be instituted in respect of the damage or injury, and to pay all costs and damages that may be awarded thereon.
- (2) Any detaining officer or other officer to whom the order is directed shall detain the ship accordingly.
- (3) Where it appears that before an application can be made under this section the ship in respect of which the application is to be made will have departed from the limits of the United Republic, the ship may be detained for such times as will allow the application to be made, and the result thereof to be communicated to the officer detaining the ship; and that officer shall not be liable for any costs or damages in respect of the detention unless the said detention is proved to have been made without reasonable grounds.
- (4) In any legal proceedings in relation to any such damage or personal injury, the person giving security shall be made defendant and shall be stated to be the owner of the ship that has occasioned the damage or injury, and the production of the order of the court made in relation to the security shall be conclusive evidence of the liability of the defendant to the proceeding.

[s. 294]

297. Conveyance of offenders and witnesses to United Republic

- (1) Whenever any complaint is made to any consular officer—
 - (a) that any offence against property or person has been committed at any place out of the United Republic by any master, seaman or apprentice who at the time when the offence was committed was employed in any Tanzanian ship; or

- (b) that any offence on the high seas has been committed by any master, seaman or apprentice belonging to any Tanzanian ship;

that consular officer may inquire into the complaint upon oath, and may if the case so requires take any steps in his power for the purpose of placing the offender under the necessary restraint and of sending him as soon as practicable in safe custody to a port in the United Republic.

- (2) The consular officer may order the master of any Tanzanian ship bound for a port in the United Republic to receive and afford a passage and subsistence during the voyage to any such offender and to any witnesses, but so that the master shall not be required to receive more than one offender for every one hundred tons of his ship's register tonnage or more than one witness for every fifty tons of that tonnage; and consular officer shall endorse upon the agreement of the ship such particulars with respect to any offenders or witnesses sent in her as the Minister may require.
- (3) Any master of a ship to whose charge an offender has been so committed shall, on his ship's arrival in the United Republic, give the offender into the custody of some police officer and that officer shall take the offender before a court.
- (4) The expenses of imprisoning any offender and of conveying him and the witnesses to a port in the United Republic in any manner other than in the ship to which they respectively belong shall, where not paid as part of the costs of the prosecution, be paid out of moneys provided by the Government for that purpose.

[s. 295]

Reciprocal jurisdiction and jurisdiction over foreign ships (ss 298-299)

298. Reciprocal services relating to foreign ships

- (1) Where the law of a foreign country provides in terms that extend to ships registered in that country, while they are in the United Republic or before or after they have been in the United Republic or whilst they are at sea, with relation to any matter touching or concerning such ships, their owners, masters or crews thereof, that any court, registrar of ships, customs officer, shipping master, surveyor or other officer or functionary in or of the United Republic may or shall execute any request, exercise any right or authority or perform any duty or act in relation to such ships, their owners, masters, or crews thereof, the court, registrar of ships, customs officer, shipping master, surveyor or other officer or functionary in or of the United Republic may or shall, as the case may be, so execute, have such right or authority and perform such duty as if the power to so act were conferred by this Act.
- (2) Where the law of a foreign country provides terms extending to Tanzania ships while such ships are, or before or after they have been, in that part or while they are at sea, that any court, registrar of ships, customs officer, shipping master, surveyor, or other officer or functionary in or of that part may or shall, as the case may be, in relation to Tanzania ships their owners, masters and crews thereof, execute any request, exercise any right or authority or perform any duty or act which this Act makes or purports to make, confer, impose or direct to be done of, upon or by such court, customs officer, registrar of ships, shipping master, surveyor or functionary, then all things done by them or him, in form pursuant to any provisions of this Act, that can be related to the law of that foreign country, shall be deemed to have been done by force of such a law; so however that while any provision of this Act which permits, authorises, requires, or directs any such court, customs officer, registrar of ships, shipping master, surveyor or functionary, is permissive merely, and all things done by them or by any of them pursuant to any provisions of this Act shall be deemed to have been validly done for all the purposes of this Act.

[s. 296]

299. Application by order of provisions of Act to foreign ships

Where a foreign country is desirous that any of the provisions of this Act, that do not apply to the ships of that country should so apply and there are no special provisions in this Act for that application, the Minister may order that such of those provisions as are by order in the *Gazette* specified shall, subject to the limitations, if any, contained therein, apply to the ships of that country and to the owners, masters, seamen and apprentices of those ships when not locally within the jurisdiction of the government of that country, in the same manner in all respects as if those ships were Tanzanian ships.

[s. 297]

Inquiry into causes of death (s. 300)**300. Inquiry into cause of death on board ship**

- (1) Where a death occurs on board any foreign going Tanzanian ship, the shipping master at the port where the crew of the ship is discharged or any person appointed by the Minister for that purpose shall, on the arrival of the ship at that port, inquire into the cause of the death and shall make in the official log-book an endorsement either to the effect that the statement of the cause of the death in the official-book is in his opinion true, or to the contrary effect according to the results of the inquiry.
- (2) A shipping master or such person shall, for the purpose of an inquiry under this section, have the powers of an officer or person appointed to make a preliminary inquiry under section 267, and if in the course of any such inquiry it appears to that shipping master or person that the death has been caused on board the ship by violence or other improper means, he shall report the matter to the Minister and, if the urgency of the situation so requires, shall take immediate steps for bringing the offender or offenders to justice.

[s. 298]

Depositions in legal proceedings (s. 301)**301. Depositions received when witness cannot be produced**

- (1) Where in the course of any legal proceedings instituted in the United Republic before any court, or before any person authorised by the law or by consent of the parties to receive evidence, the testimony of any witness is required in relation to the subject matter of that proceedings, then upon due proof that the witness cannot be found in the United Republic, any deposition that the witness may have previously made on oath in relation to the same subject matter before any justice or magistrate or consular officer elsewhere shall be admissible in evidence, but if the deposition was made in the United Republic it shall not be admissible in any proceeding instituted in the United Republic, and if the proceeding is criminal it shall not be admissible unless it was made in the presence of the person accused or his counsel.
- (2) A deposition so made shall be authenticated by the seal of the court or the signature of the judge, magistrate or consular officer before whom it is made, and the judge, magistrate or consular officer shall certify, if the fact is so, that the accused or his counsel was present at the taking thereof.
- (3) It shall not be necessary in any case to prove the seal or the signature or official character of the person appearing to have signed any such deposition; and in any criminal proceedings a certificate under this section shall, unless the contrary is proved, be sufficient evidence of the accused or his counsel having been present in manner thereby certified.

[s. 299]

Detention of ship and distress on ship (ss. 302-304)

302. Enforcing detention of ship

- (1) The Minister may at such places as is deemed advisable appoint fit and proper persons to be officers (in this Act referred to as detaining officers) for the better execution of those sections of this Act which provide that ships may be detained under this Act.
- (2) Where under this Act a ship is to be or may be detained, any detaining officer may detain the ship, and if the ship, after detention or after service on the master of any notice of or order for detention, proceeds to sea before it is released by a competent authority, the master of the ship and also the owner and any person who sends the ship to sea, if that owner or person is party or privy to the offence, commits an offence under this Act.
- (3) Where any ship so proceeding to sea takes to sea any officer authorised to detain the ship when he is on board the ship in the course of his duty, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer being so taken to sea.
- (4) Where under this Act a ship is to be detained, a customs officer shall, refuse to clear that ship outwards.

[s. 300]

303. Ship may be seized and sold if penalty not paid

- (1) Where the owner of a ship has been convicted of an offence under this Act, and a fine has been imposed, if the fine is not paid forthwith, the ship shall be liable to be seized and, after such reasonable notice as the Minister may in each case decide, may be sold by any customs officer or any person authorised for the purpose in writing by the Minister, and that customs officer or person may, by bill of sale, give to the purchaser a valid title to the interest of the owner in the ship.
- (2) Any surplus remaining from the proceeds of sale after paying the amount of the fine and the cost of conviction, together with costs of seizure and sale, shall be paid to the person who was owner of the ship before the sale or to the mortgagee, as the case may be.

[s. 301]

304. Distress on ship for sums ordered to be paid

Where any court or magistrate has power to make an order directing payment to be made of any seaman's wages, fines or other sums of money, then if the party so directed to pay the same is the master or owner of the ship, and the same is not paid at the time and in the manner prescribed in the order, the court or magistrate who made the order may, in addition to any other powers they may have for the purpose of compelling payment, direct the amount remaining unpaid to be levied in distress and sale of the ship, her tackle, furniture and apparel.

[s. 302]

Evidence, service of documents and declarations (ss. 305-307)

305. Proof of attestation

Where any document is required by this Act to be executed in the presence of or to be attested by any witness or witnesses, that document may be proved by the evidence of any person who is able to bear

witness to the requisite facts without calling the attesting witness or the attesting witnesses or any of them.

[s. 303]

306. Admissibility of documents in evidence

- (1) Where a document is, by this Act, declared to be admissible in evidence, that document shall on its production from the proper custody be admissible in evidence in any court or before any person having by law or consent of parties authorised to receive evidence, and subject to all just exceptions shall be evidence of the matters stated therein in pursuance of this Act or by any officer in pursuance of his duties as such officer.
- (2) A copy of any such document or extract therefrom shall also be so admissible in evidence, if proved to be an examined copy or extract by the officer to whose custody the original document was entrusted and that officer shall furnish that certified copy or extract to any person applying for it at a reasonable time upon payment of a reasonable sum for the same.
- (3) If any such officer wilfully certifies any document as being a true copy or extract knowing the same not to be a true copy or extract, commits an offence under this Act.
- (4) If any person forges the seal, stamp or signature of any document to which this section applies or tenders in evidence any such document with a false or counterfeit seal, stamp or signature thereto, knowing the same to be false or counterfeit commits an offence, and if the document has been admitted in evidence, the court or the person who admitted the document may on request direct that the document shall be impounded and be kept in the custody of some officer of the court or other proper person for such period or subject to such conditions as the court or person thinks fit.

[s. 304]

307. Service of documents

- (1) Where for the purposes of this Act any document is to be served on any person, that document may be served—
 - (a) in any case by delivering it to him personally or by leaving the document at his last known place of abode;
 - (b) if the document is to be served on the master of a ship, where there is one, or on a person belonging to a ship, by leaving the document for him on board that ship with the person being or appearing to be in command or charge of the ship;
 - (c) if the document is to be served on the master of the ship is in the United Republic, or if there is no master on the managing owner of the ship, or if there is no managing owner or some agent of the owner residing in the United Republic, or where no such agent is known or can be found by affixing a copy thereof to the mast of the ship and to some other conspicuous place on board where it may be seen by persons entering the ship.
- (2) Any person who obstructs the service of a document which is to be served on the master of a ship under this Act commits an offence and is liable on conviction to a fine, and if the owner or master of a ship is party or privy to the obstruction, he commits an offence and is liable on conviction to the penalties prescribed by subsection (1) of section 288.

[s. 305]

Protection of officers (s. 308)

308. Protection of officers

Every officer appointed under this Act, and every person appointed or authorised under this Act for any purpose of this Act shall have immunity from suit for or in respect of anything done by him in good faith or admitted to be done in good faith in the exercise or performance or in the purported exercise or performance of any power, authority or duty conferred or imposed on him under this Act.

[s. 306]

Application of fines (s. 309)

309. Application of fines

Where any court imposes a fine under this Act for which no specific application is provided in this Act, the court may direct the whole or any part of the fine to be applied in compensating any person for any wrong or damage that he may have sustained by the offence in respect of which the fine is imposed, or to be applied in or towards payment of the expenses of the proceedings.

[s. 307]

Limitations of actions in civil proceedings (s. 310)

310. Limitation of time for civil proceedings

- (1) No action shall be maintained to enforce any claim or lien against a vessel or her owners in respect of any damage or loss to another vessel, her cargo or freight or any property on board or for damage for loss of life or personal injuries suffered by any person on board caused by the fault of the former vessel, whether that vessel is wholly or partly in fault, unless proceedings therein are commenced within two years from the date when the damage or loss or injury was caused, and an action shall not be maintainable to enforce any contribution in respect of an overpaid proportion of any damages, for loss of life or personal injuries unless proceedings therein are commenced within one year from the date of payment.
- (2) Any court having jurisdiction to deal with an action to which this section relates may, extend any such period to such extent and on such conditions as it thinks fit and shall, if satisfied that there has not during that period been any reasonable opportunity of arresting the defendant vessel within the jurisdiction of the court or within the territorial waters of the country to which the plaintiff's ship belongs or in which the plaintiff resides or has his principal place of business, extend any such period to any extent sufficient to give reasonable opportunity.

[s. 308]

Part IX – Pollution (ss. 311-312)

311. Pollution of the sea by oil

- (1) For the purpose of this section—

"discharge" in relation to oil or oily mixtures means any discharge, escape or leak howsoever caused;

"heavy diesel oil" means marine diesel oil, other than distillates of which more than 50 *per centum* by volume distils at a temperature not exceeding 340 degrees centigrade when tested by the American Society for Testing Materials Standard Method D. 158/53

"mile" means a nautical mile of 6,080 feet or 1,853 metres;

"oil" means crude oil, fuel oil, heavy diesel oil and lubricating oil and includes coal-tar and bitumen, and "oily" shall be construed accordingly;

"oil mixture" means a mixture containing not less than 100 parts of oil in 1,000,000 parts of the mixture.

- (2) If any oil or oily mixture is discharged from—
 - (a) any ship into a harbour or into the sea within 100 miles of any land, the owner or master of such ship commits an offence and on conviction is liable to a fine not exceeding ten thousand shillings;
 - (b) any Tanzanian ship into the sea within 100 miles of any land, the owner or master of that ship commits an offence and on conviction is liable to a fine not exceeding ten thousand shillings.
- (3) Any person laying information or giving evidence leading to the conviction of any master or owner of any ship for an offence against this section may, at the discretion of the court trying the case, be awarded a portion, not exceeding one-half, of the fine imposed.
- (4) Where a person has been convicted of an offence under this section and it appears to the court that any person has incurred or will incur any expenses in removing pollution, or making good any damage attributable to the offence, the court may order the person so convicted to defray the expense.

[s. 309]

312. Smoke

- (1) For the purpose of this section—

"dark smoke" means smoke which, if compared in the appropriate manner with a chart of the type known as the "Ringalmann Chart", would appear to be as dark as or darker than shade 2 on the chart.
- (2) In a prosecution for an offence under subsection (3), the court may be satisfied that smoke is or is not dark smoke as defined notwithstanding that there has been no actual comparison thereof with a chart of the said type, and without prejudice to provision of subsection (1) of this section, if the Minister by regulation prescribes any method of ascertaining whether smoke is dark smoke as so defined, prove in any such proceedings that the method was properly applied, and the smoke was thereby ascertained to be or not to be dark smoke shall be accepted as sufficient evidence of the fact.
- (3) If any vessel within limits of a port emits dark smoke or soot or ash or grit or gritty particles for a period in excess of five minutes in any one hour, the master or owner of such ship commits an offence.
- (4) The Minister may make regulations prescribing methods for ascertaining whether smoke is or is not dark smoke and may appoint inspectors to report whether the prohibition imposed by the creation of an offence by virtue of this section has been complied with.

[s. 310]

Part X – Supplemental and transitional provisions (ss. 313-321)

313. Exemption of Government service ships

This Part shall not, except as specifically provided, apply to Government service ships as defined in subsection (1) of section 2.

[s. 311]

314. General powers of Minister

For the better execution of certain provisions of this Act, the Minister may delegate his powers and duties, except the power to make rules and regulations and the powers conferred upon him by sections 268, 273 and 299 of this Act, to an officer (in this Act referred to as the Merchant Shipping Superintendent) and anything done by that officer in respect of this Act in consequence of such delegation shall be deemed to have been done by the Minister.

[s. 312]

315. Forms sanctioned by Minister

Subject to any special provisions of this Act, the Minister may cause to be prepared or may adopt and sanction forms or any document or paper required under this Act and may from time to time make such alterations in those forms as he thinks fit.

[s. 313]

316. Fees

- (1) Subject to any specific provisions of this Act respecting fees and their disposition, the Minister may impose fees in respect of services or functions performed under this Act as he may think fit and those fees shall be paid to the Government.
- (2) The scale of any fees imposed in pursuance of the provisions of this Act or of any regulations made thereunder shall be published in the *Gazette*.

[s. 314]

317. Exemption for limited period

Notwithstanding any other provisions of this Act the Minister may by notice in the *Gazette* for a limited period, where in his opinion special circumstances exist, exempt a particular vessel or class of vessels from the application of the whole or any part of this Act.

[s. 315]

318. Certificates and documents to be produced to customs

Where under any provision of this Act a certificate or document is required to be produced to a customs officer before clearance is granted by the customs officer, the production of a certificate granted under the hand of a shipping master to the effect that the said certificate or document has been produced to him shall be sufficient evidence that the provisions of this Act have been complied with and the customs officer may proceed to grant clearance.

[s. 316]

319. Transitional effect of certain rules and regulations

The rules, regulations and orders set out in the Second Schedule to this Act as amended and in force at the date when this Act comes into operation shall have effect pending the regulation of any matter under this Act as if they had been made under the provisions of this Act, so that in each case in which it is provided that the rules, regulations and orders shall apply to British ships registered in the United Kingdom and to other ships while they are in port in the United Kingdom the same shall be construed as applying, *mutatis mutandis*, to Tanzania ships and to other ships in port in the United Republic, and this declaration shall be deemed to include any certificate, form or code of instructions printed and officially published for use in compliance with the rules, regulations and orders.

[s. 317]

320. Regulations

The Minister may make regulations for—

- (a) prescribing the forms to be used under and for the purposes of this Act;
- (b) prescribing anything which under this Act may be prescribed;
- (c) amending any of the rules, regulations and orders referred to in section 319; and
- (d) generally for carrying out the purposes and provisions of this Act.

[s. 318]

321. Amendments

The laws set forth in the first and second columns of the Third Schedule to this Act are amended in the manner specified in the third column.

[s. 319]

First Schedule (Section 69)

Rules as to the measurement of tonnage

I

(1) **Measurement of ships to be registered and other ships of which the old is Clear-Lengths**

Measure the length of the ship in a straight line along the upper side of the tonnage deck from the inside of the inner plank (average thickness) at the side of the stern to the inside of the midship stern timber or plank there, as the case may be (average thickness), deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern timber in the thickness of the deck, and also what is due to the rake of the stern timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following Table, according to the class in such Table to which the ship belongs:

Class 1:	Ships of which the tonnage deck is according to the above measurement 50 ft. long or under, into four equal parts.
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Class 2:	Ships of which the tonnage deck is according to the above measurement over 50 ft. long and not exceeding 120, into six equal parts.
Class 3:	Ships of which the tonnage deck is according to the above measurement over 120 ft. long, and not exceeding 180, into eight equal parts.
Class 4:	Ships of which the tonnage deck is according to the above measurement over 180 ft. long, and not exceeding 225, into ten equal parts.
Class 5:	Ships of which the tonnage deck is according to the above measurement over 225 ft. long, into twelve equal parts.

In the case of a break or breaks in a double bottom for water ballast, the length of the vessel is to be taken in parts according to the number of breaks, and each part divided into a number of equal parts according to the class in the above table to which such length belongs; breaks of 30 ft. in length and under should, however, be divided into two equal parts.

(2) **Transverse areas**

- (a) Find the transverse area of the ship at each point of division of the length or each point of division of the parts of the length as the case may require as follows— Measure the depth at each point of division, from a point at a distance of one-third of the round of the beam below the tonnage deck, or in case of a break, below a line stretched in continuation thereof, to the upper side of the floor timber at the inside of the limber strake, after deducting the average thickness of the ceiling which is between the bilge planks and limber strake or in the case of a ship constructed with a double bottom for water ballast to the upper side of the inner plating of the double bottom; then if the depth at the midship division of the length does not exceed 16 ft., divide each depth into four equal parts; then measure the inside horizontal breadth at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, (i.e., numbering the upper breadth one, and so on down to the lowest breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceeds 16 ft., divide each depth into six equal parts instead of four, and measure as before directed the horizontal breadths at the five points of division, and also at the upper and lower points of the depth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the seventh; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.
- (b) In cases where the vessel has a double bottom for water ballast and if the inner bottom rises transversely, find the transverse area of the ship at each point of division of the length as the case may be as follows: Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below the tonnage deck, or, in case of a break, below a line stretched in continuation thereof, to the upper side of the inner plating of the double bottom; then, if the depth at the midship division of the length does not exceed 16ft., divide each depth into five equal parts; then measure the inside horizontal breadth at each of the four points of division, and also at the upper point of the depth, extending each

measurement to the average thickness of that part of the ceiling which is between the points measurement; number these breadths from above (i.e. numbering the upper breadth one, and so on down to the fifth breadth); multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area of the upper part of the section; then find the area between the fifth and lower point of the depth by dividing the depth between such points into four equal parts and measure the horizontal breadth at the three points of division and also at the upper and lower points, and proceed as before, and the sum of two parts shall be deemed to be the transverse area; but if the midship depth exceeds 16ft., divide each depth into seven equal parts instead of five, and measure as before directed the horizontal breadths at the six points of division, and also at the upper point of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the seventh; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the products shall be deemed the transverse area of the upper part of the section; then find the lower part of the area as before directed, and add the two parts together, and the sum shall be deemed to be the transverse area.

(3) Computation from areas

Having thus ascertained the transverse area at each point of division of the length of the ship, or each point of division of the parts of length, as the case may require, as required by the above table, proceed to ascertain the register tonnage under the tonnage deck in the following manner: Number the area respectively 1, 2, 3, etc., No. 1 being at the extreme limit of the length at the bow, or of each part of the length, and the last number at the extreme limit of the length of the stern, or the extreme limit at the after end of each part of the length; then whether the length is divided according to the table into four or 12 parts, as in class 1 and 5, or any intermediate number, as in class 2, and 4, multiply the second and every even-numbered area by four, and the third and every odd-numbered area (except the first and last) by two add these products together, and to the sum add the first and last if they yield anything; multiply the quantity thus obtained by one-third of the common interval between the areas and the product will be the cubical contents of the space, or cubical contents of each part if the ship is measured in parts under the tonnage deck; divide this product, or if measured in parts the products of the several parts added together, by 100, and the quotient, being the tonnage under the tonnage deck, shall be deemed to be the register tonnage of the ship, subject to any additions and deductions under this Act.

(4) In case of decks above the tonnage deck

If the ship has a third deck, commonly called a spar deck, the tonnage of the space between it and the tonnage deck shall be ascertained as follows: Measure in feet the inside length of the space at the middle of its height from the plank at the side of the stem to the lining on the timbers at the stem, and divide the length into the same number of equal parts into which the length of the tonnage deck is divided as above directed; measure (also at the middle of its height) the inside breadth of the space at each of the points of division, also the breadth at the stem and the breadth at the stern; number them successively 1, 2, 3, etc., commencing at the stem; multiply the second and all the other even-numbered breadths by four, and the third and all the other odd-numbered breadths (except the first and the last) by two; to the sum of these products add the first and last breadths, and the result will give in superficial feet the mean horizontal area of the space; measure the mean height of the space, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by 100 and the quotient shall be deemed to be the tonnage of the space and shall be added to the tonnage of the ship ascertained as aforesaid. If the ship has more than three decks, the tonnage of each space between decks above the tonnage deck shall be severally ascertained in the manner above described, and shall be added to the tonnage of the ship ascertained as aforesaid.

(5) **Poop, deck-house, forecastle, and any other closed-in space**

If there be a break, a poop, or any other permanent closed-in space on the upper deck available for cargo or stores, or for the berthing or accommodation of passengers or crew, the tonnage of that space shall be ascertained as follows: Measure the internal mean length of the space in feet and divide it into two equal parts; measure at the middle of its height three inside breadths, namely, one at each end and the other at the middle of the length; then to the sum of the end breadths add four times the middle breadth, and multiply the whole sum by one-third of the common interval between the breadths, and the product will give the mean horizontal area of the space; then measure the mean height, and multiply by it the mean horizontal area; divide the product by 100, and the quotient shall be deemed to be the tonnage of the space, and shall be added to the tonnage under the tonnage deck ascertained as aforesaid:

Provided that no addition shall be made in respect of any building erected for the shelter of deck passengers and approved by the Ministry.

II

(1) **Measurement of ships not requiring registry with cargo on board and ships which cannot be measured under Rule I-length-breadth-girting of the ship**

Measure the length of the uppermost deck from the outside of the outer plank at the stem to the aft side of the stem-post, deducting therefrom the distance between the aft side of the stem-post and the rabbet of the stem-post at the point where the counter plank crosses it; measure also the greatest breadth of the ship to the outside of the outer planking or wales and then, having first marked on the outside of the ship on both sides thereof the height of the upper deck at the ship's sides, girt the ship at the greater breadth in a direction perpendicular to the keel from the height so marked on the outside of the ship on the one side to the height so marked on the other side by passing a chain under the keel: to half the girth thus taken add half the main breadth; square the sum; multiply the result by the length of ship taken as aforesaid then multiply this product by the factor 0.0017 (seventeen ten-thousandth) in the case of ships built of wood, and 0.0018 (eighteen ten-thousandth) in the case of ships built of iron and the product shall be deemed the register tonnage of the ship, subject to any additions and deductions under this Act.

(2) **Poop, deck-house, forecastle, and other closed-in spaces on upper deck**

If there be a break, a poop, or other closed-in space on the upper deck, the tonnage of that space shall be ascertained by multiplying together the mean length, breadth, and depth of the space, and dividing the product by 100, and the quotient so obtained shall be deemed to be the tonnage of the space, and shall be added to the tonnage of the ship ascertained as aforesaid.

III Measurement of allowance for engine room space in steamships

- (i) Measure the mean depth of the space from its crown to the ceiling at the limber strake; measure also three, or, if necessary, more than three breadths of the space at the middle of its depth, taking one of those measurements at each end, and another at the middle of the length; take the mean of those breadths; measure also the mean length of the space between the foremost and aftermost bulkheads or limits of its length, excluding such parts, if any, as are not actually occupied by or required for the proper working of the machinery; multiply together these three dimensions of length, breadth, and depth, divide the product by 100 and the result shall be deemed the tonnage of the space below the crown; then find the cubical contents of the space or spaces, if any, above the crown aforesaid, which are framed in for the machinery or for the admission of light and air, by multiplying together the length, depth, and breadth thereof; add such contents to the cubical contents of the space below the crown; divide the sum by 100; and the result shall (subject to the provisions hereinafter contained) be deemed to be the tonnage of the space.
- (ii) If in any ship in which the space for propelling power is to be measured the engines and boilers are fitted in separate compartments, the contents of each shall be measured severally in like manner

according to the above rules, and the sum of their several results shall be deemed to be the tonnage of the said space.

- (iii) In the case of screw steamers in which the space for propelling power is to be measured, the contents of the shaft trunk shall be ascertained by multiplying together the mean length, breadth, and depth of the trunk and dividing the product by 100.
- (iv) If in any ship in which the space aforesaid is to be measured any alteration be made in the length or capacity of the spaces, or if any cabins be fitted in the space, the ship shall be deemed to be a ship not registered until re-measurement.

IV Measurement of open ships

In ascertaining the tonnage of open ships the upper edge of the upper strake is to form the boundary line of measurement, and the depths shall be taken from an athwartship line, extended from upper edge to upper edge of the said strake at each division of the length.

Second Schedule (Section 319)

Carriage and Stowage of Cargo	
The Timber Cargo Regulations, 1958	UK/S.I. 1958 No. 621
The Petroleum (Liquid Methane) Order 1957	UK/S.I No. 859
Crew Accommodation	
The Merchant Shipping (Crew Accommodation) Regulations, 1953	UK/S.I 1953. No. 1036
Collision Regulations	
International Regulations for Preventing Collisions at Sea, 1960 1954	1961 No. 393
No. 1660	1965 No. 1047
Dangerous Goods	
The Merchant Shipping (Dangerous Goods) Rules, 1965	UK/S.I 1965 No. 1067
Distress Signals	
The Merchant Shipping (Signals of Distress) Rules, 1965	UK/S.I. 1965. No. 1550

Carriage and Stowage of Cargo	
Examinations and Certificates of Competency	
Regulations for the Examination of Masters and Mates (Exn. 1)	1962 U.K.M.O.T.
Regulations for Examination of Engineers (Exn. 1a)	1958 U.K.M.O.T.
Merchant Shipping (Certificates of Competency as A.B.) Regulations, 1959	K/S.I. 1959 No. 2148
Fire Precaution and Extinction	
Merchant Shipping (Fire Appliances) Rules, 1965	UK/S.I. 1965 No. 1106
Health	
Merchant Shipping (Anti-Scorbutics) Order in Council, 1927	UK/S.I. 1953 No. 998
Merchant Shipping (Medical Sale) Order 1953	1953 No. 1446
	1955 No. 1157
	1961 No. 1045
Life-Saving Appliances	
Merchant Shipping (Life-Saving Appliances) Rules, 1965	UK/S.I. 1965 No. 1105
Load Line	
The Load Line Rules, 1959	UK/S.I. 1959 No. 2238
Load Line Convention Certificate, Validity Regulations, 1932	U.K.S.R. & O. 1932 No. 921
Musters and Drills	
Merchant Shipping (Musters) Rules, 1965	UK/S.I. 1965 No. 1113

Carriage and Stowage of Cargo	
Navigational Warnings	
Merchant Shipping (Navigational Warnings) Rules, 1965	UK/S.I. 1965 No. 1051
Passenger Ships	
Merchant Shipping (Passenger Ship Construction) Rules, 1965	UK/S.I. 1965 No. 1103
Merchant Shipping (Closing of Openings in Hulls and Water-tight Bulkheads) Rules, 1965	UK/S.I. 1965 No. 1114
Pilot Ladders	
Merchant Shipping (Pilot Ladders) Rules, 1965	UK/S.I. 1965 No. 1046
Radio and Radio Aids to Navigation	
Merchant Shipping (Radio) Rules, 1965	UK/S.I. 1965 No. 1107
Merchant Shipping (Direction-Finders) Rules, 1965	UK/S.I. 1965 No. 1112
Cargo Ships	
Merchant Shipping (Cargo Ship Construction and Survey) Rules, 1965	UK/S.I. 1965 No. 1104