

GOVERNMENT NOTICE No. 371 published on 17/5/2024

THE MERCHANT SHIPPING ACT,
(CAP. 165)

REGULATIONS

(Made under section 376(2) (e) and 427)

THE MERCHANT SHIPPING (PREVENTION OF POLLUTION BY SEWAGE FROM SHIPS)
REGULATIONS, 2024

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THE MERCHANT SHIPPING ACT,
(CAP. 165)

REGULATIONS

(Made under section 376(2) (e) and 427)

THE MERCHANT SHIPPING (PREVENTION OF POLLUTION BY
SEWAGE FROM SHIPS) REGULATIONS, 2024

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Merchant Shipping (Prevention of Pollution by Sewage from Ships) Regulations, 2024.
- Application 2.-(1) These Regulations shall apply in implementation of Annex IV of the International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978.
(2) Without prejudice to subregulation (1), and subject to subregulations (3), these Regulations shall apply to-
- (a) the Tanzanian ship of 400 GT, wherever it may be, engaged in an international voyage;
 - (b) the Tanzanian ship operating in polar waters;
 - (c) non-Tanzanian ship of 400 GT while it is within the United Republic waters or controlled waters and engaged in an international voyage; and
 - (d) a ship of less than 400 GT which is certified to carry more than 15 persons;
- (3) These Regulations shall not apply to-
- (a) warship;
 - (b) naval auxiliary ship;
 - (c) other ship owned or operated by the Government and used, for the time being, for non-commercial services of the Government; or
 - (d) ship of less than 400 GT carries less than 15 persons.
- Interpretation 3. In these Regulations, unless the context otherwise requires- "passenger" means any person carried on a ship except-
- (a) a person employed or engaged in any capacity on the business of the ship;
 - (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that neither the master nor the owner nor the charterer, if any, could have prevented or forestalled; and
 - (c) a child under one year of age;

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- “sea” includes any estuary or arm of the sea;
- “Sewage Certificate” means an International Sewage Pollution Prevention Certificate;
- “special area” means a sea area where for recognised technical reasons in relation to its oceanographical and ecological condition and to the particular character of its traffic, the adoption of special mandatory methods for the prevention of sea pollution by sewage is required;
- “IMO” means the International Maritime Organisation;
- “GT” means a Gross Tonnage of a ship determined in accordance with the Merchant Shipping (Tonnage) Regulations;
- “Polar Code” means the International Code for Ships Operating in Polar Waters, as defined under regulation XIV/1.1 of SOLAS;
- “Annex IV” means Annex IV to the International Convention for the Prevention of Pollution from Ships, 1973 as modified;
- “offshore terminal” means an installation situated away from the shore, where bulk, fluid or gas cargo are transferred between ships by-
- (a) loading onto a ship after having been transported from the shoreline; or
 - (b) unloading from a ship for transporting to the shoreline;
- “from the nearest land” means the baseline from which the territorial sea of the territory in question is established in accordance with international law, except that, for the purpose of the Convention "from the nearest land" off the north-eastern coast of Australia shall mean from a line drawn from a point on the coast of Australia in latitude 11°00' S, longitude 142°08' E to a point in latitude 10°35' S, longitude 141°55' E, thence to a point latitude 10°00' S, longitude 142°00' E, thence to a point latitude 9°10' S, longitude 143°52' E, thence to a point latitude 9°00' S, longitude 144°30' E, thence to a point latitude 10°41' S, longitude 145°00' E, thence to a point latitude 13°00' S, longitude 145°00' E, thence to a point latitude 15°00' S, longitude 146°00' E, thence to a point latitude 17°30' S, longitude 147°00' E, thence to a point latitude 21°00' S, longitude 152°55' E, thence to a point latitude 24°30' S, longitude 154°00' E, thence to a point on the coast of Australia in latitude 24°42' S, longitude 153°15' E.
- “nautical mile” means an international nautical mile of 1,852 metres;
- “controlled waters” means the areas of sea of waters within which the jurisdiction and rights of the United Republic are exercisable in accordance with Part XII of UNCLOS;
- “polar waters” means Arctic waters or the Antarctic area, as defined in paragraphs 2 to 4 of regulation 1 of Chapter XIV (XIV/1.2 to XIV/1.4) of SOLAS;
- “sewage” means-
- (a) drainage and other wastes from any form of toilets and urinals;
 - (b) drainage from medical premises including dispensary and sick bay, a wash basin, wash tubs and scuppers located in such premises;
 - (c) drainage from spaces containing living animals; or
 - (d) other waste waters when mixed with the drainages referred in paragraph (a) (b) and (c);
- “Tanzanian waters” shall have the meaning ascribed to it under the Act;
- “MARPOL” means the International Convention for the Prevention of Pollution from Ships, 1973 as modified;
- “ship” shall have the meaning ascribed to it under the Act;
- “passenger ship” shall have the meaning ascribed to it under the Act;

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- “existing ship” means a ship which is not a new ship;
- “new ship” means a ship-
- (a) the keel of which was laid; or
 - (b) that has been substantially-
 - (i) altered; or
 - (ii) reconstructed;
- “Tanzanian ship” means a ship registered or licensed under the provisions of the Act at a port in the United Republic;
- “MEPC” means the Marine Environment Protection Committee of IMO;
- Cap.165 “surveyor” means a person appointed as surveyor under section 382(1) of the Act;
- “Convention” means the International Convention for the Prevention of Pollution from Ships, 1973 as modified;
- Cap.166 “Harbour Master” means Harbour Master appointed under section 36 of the Tanzania Ports Act;
- “owner” or a “ship owner” means, in respect of a registered ship, the registered owner and includes a demise charterer and a managing owner or a managing agent;
- Cap. 415 “Registrar” means the Registrar appointed under section 31 of the Tanzania Shipping Agencies Act;
- “flag state” in relation to a ship, means the State whose flag a ship is entitled to fly;
- “International voyage” means a voyage from a port or place in the United Republic to a port or place outside the territorial limits of the United Republic, or conversely;
- Cap. 165 “Act” means the Merchant Shipping Act;
- Cap. 415 “Corporation” means the Tanzania Shipping Agencies Corporation established under section 4 the Tanzania Shipping Agencies Act;
- “recognised organisation” means an Organisation that has been assessed by the Corporation and found to comply with the RO Code;
- “holding tank” means a tank used for collection and storage of sewage;
- “date of expiry”, in relation to a Sewage Certificate of a ship, means the last day of the period specified in that Sewage Certificate as the period for which that Certificate is valid;
- “direct replacement” means the direct replacement of equipment and fittings with the equipment and fittings that conform with the relevant requirements which apply to that ship;
- “discharge” in relation to sewage, means any release howsoever caused from a ship, and includes any escape, disposal, spilling, leakage, pumping, emitting or emptying;
- “UNCLOS” means the United Nations Convention on the Law of the Sea, 1982; and
- “Minister” means the Minister responsible for maritime transport.
- Ambulatory reference 4.-(1) Any reference in these Regulations, to the Convention, an Annex to the Convention or to the Polar Code is to be construed as-
- (a) a reference to the Convention, an Annex to the Convention or the Polar Code as modified from time to time; and
 - (b) a reference to the replacement where the Convention, an Annex to the Convention or the Polar Code are replaced.
- (2) For the purpose of subregulation (1), the Convention, an Annex to the Convention or the Polar Code are modified or replaced where a modification or replacement takes effect in accordance with Article 16 of the Convention.

(3) A modification or amendment of the Convention, an Annex to the Convention or the Polar Code has effect at the time such modification or replacement comes into force in accordance with Article 16 of the Convention.

PART II
DISCHARGE OF SEWAGE

Prohibition of
discharge of
sewage

5.-(1) The shipowner or master shall not discharge sewage from a ship other than a passenger ship in any area, except when-

- (a) the ship is discharging-
 - (i) comminuted and disinfected sewage using a system approved by the Corporation in accordance with regulation 6, at a distance of more than 3 nautical miles from the nearest land;
 - (ii) sewage which is not comminuted or disinfected at a distance of more than 12 nautical miles from the nearest land;
 - (iii) sewage that has been stored in a holding tank, or sewage originating from spaces containing living animals, at a moderate rate when the ship is en route and proceeding at not less than 4 knots:

Provided that, the rate of discharge referred to under paragraph (a)(ii) and (iii) shall be approved by the Corporation based on the standards provided under the First Schedule; or

- (b) the discharge referred to in paragraph (a) is implemented by a ship which has in operation an approved sewage treatment plant certified by the Corporation meeting the operational requirements referred to in regulation 6(1)(a), and the effluent shall not produce visible floating solids nor cause discolouration of the surrounding water.

(2) The provisions of subregulation (1), shall not apply to a ship operating in Tanzanian waters and visiting ships from other states while they are in these waters and are discharging sewage in accordance with such less stringent requirements as may be imposed by the United Republic.

(3) Subject to the provisions of subregulation (4), the discharge of sewage from a passenger ship within a special area is prohibited, except when-

- (a) the ship has in operation an approved sewage treatment plant which has been certified by the Administration to meet the operational requirements referred to in regulation 6(1)(a); and
- (b) the effluent shall not produce visible floating solids nor cause discolouration of the surrounding water.

(4) Where sewage referred to under this regulation mixed with waste or waste water with different discharge requirements under any other regulation, the strict conditions shall apply.

(5) The provisions of this regulation shall not apply in the case of-

- (a) a discharge of sewage which is necessary for the purpose of-
 - (i) securing the safety of a ship and those on board the ship; or
 - (ii) saving life at sea;
- (b) discharge of sewage-
 - (i) which results from damage to a ship or its equipment; and
 - (ii) where all reasonable precautions have been taken

before and after the occurrence of the damage to prevent or minimise the discharge.

PART III
EQUIPMENT AND CONTROL OF DISCHARGE

Sewage
Systems

6.-(1) A ship which, in accordance with regulation 2(2), is required to comply with the provisions of these Regulations shall be equipped with one of the following sewage systems:

- (a) a sewage treatment plant of a type approved by the Corporation, taking into account the standards and test methods developed by IMO on the recommendation of international effluent standards and guidelines for performance tests for sewage treatment plants in accordance with resolution MEPC.2(VI); or
- (b) a sewage comminuting and disinfecting system approved by the Corporation and fitted with facilities for the temporary storage of sewage when the ship is less than 3 nautical miles from the nearest land.

(2) Subject to subregulation (1), a passenger ship which is required to comply with the provisions of these Regulations, and for which regulation 5(3), applies while in a special area, shall be equipped with one of the following sewage systems:

- (a) a sewage treatment plant of a type approved by the Corporation, taking into account the standards and tests in accordance with resolution MEPC.2(VI); or
- (b) a holding tank of the capacity approved by the Corporation for the retention of all sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors.

(3) A holding tank of the capacity for the retention of sewage, having regard to the operation of the ship, the number of persons on board and other relevant factors referred to under subregulations (1) (b) and (2) (b) shall be constructed and have the means to indicate visually the amount of its contents;

Discharge
connections

7.-(1) The sewage discharge pipeline of a ship shall be fitted with a standard discharge connection to enable it to be connected to a reception facility pipe in accordance with the Standard Dimensions of flanges for discharge connections as prescribed under the Second Schedule.

(2) For a ship in dedicated trades such as passenger ferries, the ship's discharge pipeline may be fitted with a discharge connection which can be accepted by the Corporation to be a quick-connection coupling.

PART IV
SURVEY AND CERTIFICATION OF SHIPS

Surveys

8.-(1) A ship which is required to comply with the provisions of these Regulations shall be subject to the surveys specified below:

- (a) an initial survey before the ship is put in service or before the Certificate required under regulation 9, is issued for the first time, which shall include a complete survey of its structure,

equipment, systems, fittings, arrangements and material in so far as the ship is covered by these Regulations:

- (b) a renewal survey at intervals specified by the Corporation, but not exceeding five years, except where regulation 13 (2), (3), (4), (5), (6), (7) and (8) of these Regulations is applicable:

Provided that, the survey referred to under paragraph (a) and (b) shall be such as to ensure that the structure, equipment, systems, fittings, arrangements and materials fully comply with applicable requirements of these Regulations; and

- (c) an additional survey, either general or partial, according to the circumstances, shall be made after a repair resulting from investigations prescribed under subregulation (4), or whenever any important repairs or renewals are made:

Provided that, the survey referred to under paragraph (c) 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 requirements of these Regulations.

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(2) A ship which is not subject to the provisions of subregulation (1), shall comply with provisions of Merchant Shipping (Small Ships, Local Cargo Ship Safety, Small Ship Safety, Surveys and Inspections for Vessels Engaged on Local and Coastal Voyages, Inland Waters) Regulations.

(3) The surveyor may-

- (a) require repairs to a ship; and
- (b) carry out surveys if requested by the appropriate authorities of a Port State.

(4) Where a surveyor determines that-

- (a) the condition of the ship or its equipment does not correspond substantially with the particulars of the Sewage Certificate; or
- (b) the ship is not fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

such surveyor shall immediately ensure that corrective action is taken and in due course notify the Corporation.

(5) Where corrective action referred to under subregulation (5) is not taken, the Sewage Certificate shall be suspended by the Corporation and if the ship is in a port of another Party to the Convention, by the appropriate authorities of the port state.

(6) Where the Corporation or recognised organisation or Certifying Authority suspends the validity of a Sewage Certificate issued in respect of a ship, it shall immediately give notice in writing of such suspension-

- (a) to the owner of the ship; and
- (b) where the ship is in a port outside the United Republic, to the appropriate maritime authorities of the State in which the port is situated.

(7) Where an officer or surveyor of another Party to the Convention, has notified the Corporation in accordance with subregulation (6), the Corporation shall give such officer or surveyor any necessary assistance to carry out their obligations under this regulation.

(8) Subject to the provisions of subregulation (7) the Corporation shall when applicable, take such steps to ensure that the ship shall not sail until it can proceed to sea or leave the port for the purpose of proceeding to the nearest appropriate repair yard available without presenting an unreasonable threat of harm to the marine environment.

(9) The Corporation shall ensure that-

- (a) the condition of the ship and its equipment is maintained to

- conform with the provisions of these Regulations; and
- (b) the ship in all respects remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(10) After the completion of any survey under subregulation (1), no change shall be made in the structure, equipment, systems, fittings, arrangements or materials covered by the survey, without the sanction of the Corporation, except the direct replacement of such equipment and fittings.

(11) Where an accident occurs to a ship or a defect is discovered that substantially affects the integrity of the ship or the efficiency or completeness of its equipment covered by these Regulations, the master or owner of the ship shall report at the earliest opportunity to the Corporation or the recognised organisation responsible for issuing the relevant Certificate, who shall cause investigations to be initiated to determine whether a survey as required by subregulation (1) of this regulation is necessary.

(12) Where the ship referred to under subregulation (11), is in a port of another Party to the Convention, the master or owner shall report immediately to the appropriate authorities of the Port State and the Corporation or recognised organisation shall ascertain that such report has been made.

(13) In the case of a dispute as to whether a repair or renewal effected or intended to be effected in respect of a ship is an important repair or renewal for the purposes of this regulation, the owner or master of a ship may serve a written request to the Corporation seeking advice.

(14) A repair or renewal is not to be regarded as being an important repair or renewal for the purposes of this regulation unless the Corporation advises to the contrary within 21 days of receipt of a request under subregulation (13).

Issue or endorsement of Certificate

9.-(1) A Sewage Certificate shall be issued, after an initial or renewal survey in accordance with the provisions of regulation 8, to any ship which is engaged in voyages to ports or offshore terminals under the jurisdiction of other Parties to the Convention.

(2) A Certificate referred to under subregulation (1), shall be issued either by the Corporation or recognised organisation duly authorised by it and the Corporation or recognised organisation shall assume full responsibility for the Certificate.

(3) Subject to subregulation (2), a Certificate issued by a recognised organisation shall contain a statement to the effect that it has been issued at the request of the Government of the United Republic and it shall have the same force and receive the same recognition as the Certificate issued by the Corporation.

(4) A Sewage Certificate shall not be issued to a ship entitled to fly the flag of a State that is not a Party to the Convention.

Issue or endorsement of Certificate by another Party

10.-(1) The Corporation may request a Party to the Convention to survey a Tanzanian ship and, if the Party to the Convention is satisfied that the ship complies with the requirements of Annex IV to the Convention, issue, or authorise the issue of, a Sewage Certificate in respect of that ship and where appropriate, endorse or authorise the endorsement of that Certificate on the ship in accordance with that Annex.

(2) Where a Sewage Certificate is issued pursuant to subregulation

(1)-

- (a) the Corporation shall be treated as the Certifying Authority in relation to it; and

- (b) any reference in these Regulations to the Certifying Authority who issued the Certificate is to be treated as a reference to the Corporation.

Issue or endorsement of a Certificate of another Government

11.-(1) The Corporation may, at the request of an Administration of another Party to the Convention, cause a ship to be surveyed and, if satisfied that the provisions of these Regulations and Annex IV of the Convention are complied with, shall issue or authorise the issue of a Sewage Certificate to the ship.

(2) A copy of the Certificate and a copy of the survey report shall be transmitted as soon as possible to the Administration requesting the survey.

(3) The Certificate referred to under subregulation (1) shall contain a statement to the effect that it has been issued at the request of that Administration and it shall have the same force and receive the same recognition as the Certificate issued under regulation 9.

Form of Certificate

12.-(1) A Sewage Certificate shall be in the manner prescribed in the Third Schedule.

(2) A Sewage Pollution Prevention Exemption Certificate for Unmanned Non-Self-Propelled Barges shall be in the manner prescribed in the Fourth Schedule.

Duration and validity of Certificate

13.-(1) The Sewage Certificate shall be issued for a period of five years from the date of issue.

(2) Notwithstanding the requirements of subregulation (1), when the renewal survey is completed-

- (a) within three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate;
- (b) after the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of expiry of the existing Certificate;
- (c) more than three months before the expiry date of the existing Certificate, the new Certificate shall be valid from the date of completion of the renewal survey to a date not exceeding five years from the date of completion of the renewal survey.

(3) Where a Certificate is issued for a period of less than five years, the Corporation may extend the validity of the Certificate beyond the expiry date to the maximum period specified under subregulation (1).

(4) Where a renewal survey has been completed and a new Certificate cannot be issued or placed on board before the expiry date of the existing Certificate, the Corporation may endorse the existing Certificate and such a Certificate shall be accepted as valid for a further period which shall not exceed five months from the expiry date.

(5) Where a ship at the time when the Certificate expires is not in a port or offshore terminal in which it is to be surveyed, the Corporation may, where it appears proper and reasonable, extend the period of validity of the Certificate but this extension shall be granted only for the purpose of allowing the ship to complete its voyage to the port in which it is to be surveyed.

(6) A Certificate shall not be extended for a period longer than three months, and a ship to which such extension is granted shall not, on its

arrival in the port in which it is to be surveyed, be entitled by virtue of such extension to leave that port without having a new Certificate and when the renewal survey is completed, the new Certificate shall be valid to a date not exceeding five years from the date of expiring of the existing Certificate before the extension was granted.

(7) A Certificate issued to a ship engaged on short voyages which has not been extended under the provisions of subregulations (5) and (6) may be extended by the Corporation for a period of grace of up to one month from the date of expiry stated on it and when the renewal survey is completed, the Certificate shall be valid to a date not exceeding five years from the date of expiry of the existing Certificate before the extension was granted.

(8) In special circumstances and as may be determined by the Corporation, a new Certificate may not be dated from the date of expiry of the existing Certificate as required under subregulation (2)(b), (5) or (7) and such new Certificate shall be valid to a date not exceeding five years from the date of completion of the renewal survey.

(9) A Certificate issued under these Regulations, shall cease to be valid in the following cases:

- (a) where significant alterations have taken place in the equipment, fittings, arrangement or material of the ship required without the approval of the Corporation, except the direct replacement of such equipment or fittings.
- (b) where the relevant surveys are not completed within the periods specified under regulation 8(1) of these Regulations; or
- (c) Upon transfer of the ship to a flag of another State.

(10) The Corporation shall issue a new Certificate to a transferred ship only when fully satisfied that the ship is in compliance with the requirements of regulations 8(9) and (10).

(11) In the case of a transfer of a Tanzanian ship to a Party to the Convention, if requested within 3 months after the survey has taken place, the Corporation shall within a month, transmit to the other Administration copies of the Certificate carried by the ship being transferred and if available, copies of the relevant survey reports.

(12) Upon transfer of a ship to the Tanzanian flag, the Certificate of the transferred ship shall remain in force for a period not exceeding five months, provided that it would not have expired before the end of that period, or until the Corporation issues a replacement Certificate, whichever is earlier.

(13) Subject to subregulation (9)(c) the Corporation shall request a copy of the Certificate carried by the ship immediately before the transfer has taken place from the government of the party whose flag the ship was formerly entitled to fly and if available a copy of the relevant survey report.

Prohibition on
a Tanzanian
ship proceeding
to sea without a
Sewage
Certificate

14.-(1) Subject to regulation 21(2), a Tanzanian ship to which these Regulations applies shall not-

- (a) proceed to sea; or
 - (b) if it is already at sea, remain at sea,
- (2) unless-

- (a) an initial survey or a renewal survey has been carried out in respect of the ship; and
- (b) a Sewage Certificate has been issued in respect of that ship and is still valid.

*Merchant Shipping (Prevention of Pollution By Sewage From Ships) Regulations,
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- Prohibition on a non-Tanzanian ship proceeding to sea
- 15.-(1) A ship of a state party to the convention shall not proceed to sea from a port in the United Republic unless-
- (a) a Sewage Certificate has been issued pursuant to Annex IV in respect of that ship and is still valid;
 - (b) a surveyor is satisfied that the ship can proceed to sea without presenting an unreasonable threat of harm to the marine environment; or
 - (c) a person having powers to detain the ship has permitted the ship to proceed to sea for the purposes of proceeding to the nearest appropriate repair yard available.
- Responsibilities of owner and master of a Tanzanian ship
16. An owner and a master of a Tanzanian ship shall ensure that-
- (a) the condition of the ship and its equipment is maintained and, in all respects, remains fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment;
 - (b) after any survey of the ship required by this Part has been completed, no change, except by way of direct replacement, is made to the structure, equipment, systems, fittings, arrangements or material of that ship, without the approval of the Corporation; and
 - (c) where an accident occurs or a defect is discovered in a Tanzanian ship, which substantially affects the integrity of the ship, the efficiency or completeness of the equipment of the ship required under Part III:
 - (i) the accident or defect is reported at the earliest opportunity to the Corporation or recognised organisation that issued the Sewage Certificate in respect of the ship; and
 - (ii) in the case of a ship in a port outside of the United Republic, the accident or the defect, as is immediately reported to the appropriate maritime authorities in the State in which the port is situated.
- Miscellaneous provisions relating to Sewage Certificate
- 17.-(1) The Corporation may cancel a Sewage Certificate issued in respect of a Tanzanian ship where there is reason to believe that-
- (a) the Sewage Certificate was issued on false or erroneous information; or
 - (b) since the completion of any survey required by these Regulations, the structure, equipment, systems, fittings, arrangements and material of the ship has sustained damage or is otherwise deficient.
- (2) The Corporation may require the surrender of a Sewage Certificate issued to a Tanzanian ship where that Certificate has expired, suspended or cancelled.
- (3) A direction given by the Corporation under subregulation (2) may specify that a Sewage Certificate shall be surrendered within such time and in such manner as the Corporation may direct.
- (4) In relation to a Tanzanian ship, no person shall-
- (a) intentionally alter a Sewage Certificate, unless permitted to do so under these Regulations;
 - (b) intentionally make a false Sewage Certificate;
 - (c) knowingly or recklessly provide false information in connection with a survey required under these Regulations;
 - (d) with intent to deceive, use or lend a Sewage Certificate or permit a Sewage Certificate to be used by another person; or

(e) refuse to surrender a Sewage Certificate when required to do so under subregulation (2).

(5) The owner and master of a ship, in respect of which a Sewage Certificate has been issued, shall ensure that such Certificate is readily available on board the ship for examination at all times, except where it has been surrendered pursuant to subregulation (2).

(6) A person who contravene the subregulation (4) and (5), commits an offence and, on conviction shall be liable to a fine of not less than the equivalent in Tanzania Shillings of United States Dollar one thousand or to imprisonment for a term not exceeding six months or to both.

PART V
ENFORCEMENT

Inspection of
ships

18.- (1) The power to inspect a ship and its equipment, any part of the ship, any articles on board and any document carried in the ship, is limited to-

- (a) verifying whether sewage has been discharged from the ship in violation of these Regulations;
- (b) investigating any operation regulated by these Regulations, if there is clear ground for believing that the master or the crew are not familiar with essential shipboard procedures for preventing pollution by sewage;
- (c) verifying whether a Sewage Certificate has been issued in respect of the ship and is still valid; or
- (d) verifying whether appropriate documentation has been issued in respect of the ship and is still valid;

(2) The power to go on board a ship to carry out inspections may only be exercised if the ship is-

- (a) in a port in the United Republic;
- (b) at an offshore terminal in Tanzanian waters or controlled waters;
- (c) a fixed platform in Tanzanian waters or controlled waters; or
- (d) a floating platform in Tanzanian waters or controlled waters, other than a floating platform which is in transit.

(3) Where the ship is inspected for purposes of subregulation (1)(a) and is not a Tanzanian ship, the person exercising the powers of inspection shall ensure that the report of the inspection is sent to:

- (a) a diplomatic representative of the ship's flag state or the appropriate maritime authorities of that State; and
- (b) any other party to the Convention who requested the inspection.

Provisions on
detention

19.- (1) Where a surveyor of ships has clear grounds for believing that-

- (a) a Sewage Certificate is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;
- (b) appropriate documentation is required to have been issued in respect of a ship but has not been issued, or has been issued but is not valid;
- (c) the condition of a ship or its equipment does not correspond substantially with the particulars of that Certificate or other

- appropriate documentation;
- (d) the master or crew of a ship is not familiar with essential shipboard procedures relating to the prevention of pollution by sewage; or
- (e) an offence under regulation 22(2)(d) is being committed in respect of a ship,

the ship is liable to be detained until a surveyor of ships is satisfied that it can proceed to sea without presenting an unreasonable threat of harm to the marine environment.

(2) Notwithstanding subregulation (1), a person having powers to detain a ship may permit a ship which is liable to be detained under subregulation (1), to proceed to sea for the purpose of proceeding to the nearest appropriate repair yard available.

(3) The power under this regulation to detain a ship may only be exercised if the ship is:

- (a) in a port in the United Republic;
- (b) at an offshore terminal in Tanzanian waters or controlled waters;
- (c) a fixed platform in Tanzanian waters or controlled waters; or
- (d) a floating platform in Tanzanian waters or controlled waters, other than a floating platform which is in transit.

(4) The provisions of section 409 of the Act, except for subsection (7), shall apply where a ship is liable to be detained under the preceding provisions of this regulation as if references to detention of a ship under the Act were references to detention of the ship in question under the preceding provisions of this regulation.

(5) Where a ship is liable to be detained under this regulation, the person detaining the ship shall serve on the master of the ship a detention notice which shall-

- (a) states the grounds for the detention; and
- (b) requires the terms of the notice to be complied with until the ship is released by any person mentioned in section 383(1) of the Act.

(6) Where a ship other than a Tanzanian ship is detained, the Corporation shall immediately inform a diplomatic representative of the ship's flag State or the appropriate maritime authorities of that State.

(7) Where a ship is detained under subregulation (3), a person having power to detain the ship shall, at the request of the owner, manager, demise charterer or master, immediately release the ship:

- (a) if no proceeding for an offence under regulation 22(2)(d) is instituted within the period of seven days beginning with the day on which the ship is detained;
- (b) if proceeding for an offence under regulation 24(2)(d) having been instituted within that period, is concluded without the owner, manager, demise charterer or master being convicted;
- (c) if either-
 - (i) the sum of the equivalent in Tanzanian shillings of the United States dollars one hundred and fifty thousand is paid to the Minister by way of security; or
 - (ii) security which, in the opinion of the Minister, is satisfactory and is for an amount not less than the equivalent in Tanzanian shillings of the United States dollars fifty thousand is given to the Minister by or on behalf of the master or owner;
- (d) upon conviction the owner, manager, demise charterer or

- master has paid fine, costs or expenses ordered to be paid by that person; or
- (e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982 in its acronym UNCLOS, and any bond or other financial security ordered by such court or tribunal is posted.
- (8) The Minister shall repay any sum paid in pursuance of subregulation (7)(c) or release any security so given, where-
- (a) no proceeding for an offence under regulation 22(2)(d) is instituted within the period of seven days beginning with the day on which the sum is paid; or
 - (b) the proceeding for that offence, having been instituted within that period, is concluded without the owner, manager, demise charterer or master being convicted.
- (9) Where a sum has been paid, or security has been given, by any person in pursuance of subregulation 7(c) and the owner, manager, demise charterer or master is convicted of an offence under regulation 22(2)(d), the sum so paid or the amount made available under the security shall be applied as follows:
- (a) first in payment of any costs or expenses ordered by the court to be paid by the owner, manager, demise charterer or master; and
 - (b) next in payment of any fine imposed by the court,
- and the balance shall be repaid to the person paying the sum, or giving the security.

Power of
Harbour Master
to detain ship

Cap. 166

- 20.-(1) Where the Harbour Master of a port in the United Republic has clear grounds for believing that an offence has been committed under regulation 22(2)(d) by the discharge from a ship of sewage into the waters of the port, the harbour master may detain the ship.
- (2) The provisions of section 55(4) of the Ports Act shall apply to detention under subregulation (1) as they apply to a refusal to grant port clearance.
- (3) Where a ship is liable to be detained under this regulation, the Harbour Master detaining the ship shall serve on the master of the ship a detention notice which-
- (a) states the grounds for the detention; and
 - (b) requires the terms of the notice to be complied with until the ship is released by the harbour authority.
- (4) Where a ship is detained under this regulation, the harbour master shall immediately release the ship where
- (a) no proceeding for an offence under regulation 22(2)(d) is instituted within the period of seven days beginning with the day on which the ship is detained;
 - (b) proceeding for an offence under regulation 22(2)(d), having been instituted within that period, is concluded without the owner, manager, demise charterer or master being convicted;
 - (c) if either-
 - (i) the sum of the equivalent in Tanzanian shillings of the United States dollars one hundred and fifty thousand is paid to the Minister by way of security; or
 - (ii) security which, in the opinion of the Minister, is satisfactory and is for an amount not less than the equivalent in Tanzanian shillings of the United States dollars fifty thousand is given to the Minister by or on

- behalf of the master or owner;
- (d) upon conviction the owner, manager, demise charterer or master has paid fine, costs or expenses ordered to be paid by that person; or
 - (e) the release is ordered by a court or tribunal referred to in Article 292 of the United Nations Convention on the Law of the Sea 1982 in its acronym UNCLOS, and any bond or other financial security ordered by such court or tribunal is posted.
- (5) The Minister shall repay any sum paid in pursuance of subregulation 4(c) or release any security so given:
- (a) if no proceeding for an offence under regulation 22(2)(d), is instituted within the period of seven days beginning with the day on which the sum is paid; or
 - (b) if a proceeding for an offence under regulation 22(2)(d), having been instituted within that period, is concluded without the owner, manager, demise charterer or master being convicted.
- (6) Where a sum has been paid, or security has been given, by any person in pursuance of subregulation (4)(c), and the owner, manager, demise charterer or master is convicted of an offence under regulation 22(2)(d), the sum paid for the amount made available under the security shall be applied as follows:
- (a) first in payment of any costs or expenses ordered by the court to be paid by the owner, manager, demise charterer or master; and
 - (b) next in payment of any fine imposed by the court, and any balance shall be repaid to the first-mentioned person.

Duty of Harbour Master to report deficient ship 21. The Harbour Master of a port in the United Republic shall immediately notify the Corporation if the harbour master has reason to believe that a ship is about to enter or leave the port and does not comply with the requirements of these Regulations.

PART VI OFFENCES AND PENALTIES

Offences and penalties 22.-(1) A ship owner and a master who-

- (a) discharges sewage from a ship other than passenger ship in any area or discharges sewage from a passenger ship outside a special area contrary to regulation 5;
- (b) causes a ship to proceed to sea without-
 - (i) having a new Sewage Certificate contrary to regulation 13(6);
 - (ii) carrying out an initial survey or a renewal survey in respect of the ship or having a valid Sewage Certificate contrary to regulation 14;
 - (iii) permission of a surveyor or a person having powers to detain the ship and documentation contrary to regulation 15;
 - (iv) ensuring that the condition of the ship and its equipment is maintained to conform with the provisions of Part III of these Regulations and fit to proceed to sea without presenting an unreasonable threat of harm to the marine environment contrary to regulation 16;

- (v) reporting an accident or defect at the earliest opportunity to-
 - (aa) the Corporation or recognised organisation that issued the Sewage Certificate in respect of a Tanzanian ship; or
 - (bb) the appropriate maritime authority in the case of the ship being in a port outside the United Republic, contrary to regulation;
- (vi) having a survey report expressing the satisfaction required under these Regulations;

commits an offence and on conviction shall be liable, to a fine of not less than the equivalent in Tanzania Shillings of United States Dollar one thousand or to imprisonment for a term not exceeding six months or to both.

(2) A ship owner who fails to comply with the requirements of having-

- (a) a sewage treatment plant approved by the Corporation contrary to regulation 6(1)(a) and (2)(a);
- (b) a sewage comminuting and disinfecting system and fitted with facilities approved by the Corporation contrary to regulation 6(1)(b) and 2(b);
- (c) a holding tank of the capacity for the retention of all sewage indicating visually the amount of its contents contrary to regulation 6(3);
- (d) the sewage discharge pipeline of a ship fitted with a standard discharge connection contrary to regulation 7;

commits an offence and is be liable, upon conviction, to a fine of not less than the equivalent in Tanzania Shillings of United States Dollars one thousand or to imprisonment for a term not exceeding six months or to both.

General penalty

23. Where a person commits an offence for which no specific penalty is provided, on conviction shall under these Regulations, be liable to a fine of not less than the equivalent in Tanzania Shillings of United States Dollars one thousand or to imprisonment for a term not exceeding six months or to both.

PART VII GENERAL PROVISIONS

Complaints
handling
GN. No.
338 of 2018

24. A person who is aggrieved by the decision made under these Regulations may lodge complaint to the Corporation, in accordance with the Tanzania Shipping Agencies (Complaints Handling) Regulations.

Evaluation and
reporting

25.-(1) The Registrar shall

- (a) carry out an evaluation of the regulatory provision contained in these Regulations;
- (b) prepare a report of the evaluation process setting out the conclusions of the review; and
- (c) submit the report to the Minister.

(2) The first report shall be submitted to the Minister within five years from the date of publication of these Regulations.

(3) Subsequent reports shall be submitted at intervals not exceeding five years.

- (4) The report under this regulation shall, in particular:
- (a) set out the objectives intended to be achieved by the regulatory provision referred to in subregulation (1)(a);
 - (b) assess the extent to which those objectives are achieved; and
 - (c) assess whether those objectives remain appropriate, and if so, assess the extent to which they could be achieved with a system that imposes less regulation.

THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION
TASAC



FIRST SCHEDULE

(Made under regulation 5(1)(iii))



STANDARDS FOR THE RATE OF DISCHARGE OF UNTREATED SEWAGE FROM SHIPS

The recommended Standards are made in accordance with IMO resolution MEPC.157(55) adopted on 13th October, 2006 as hereunder:

1. INTRODUCTION

1. Regulation 5(1)(ii) and (iii) of these Regulations requires that untreated sewage, which may be discharged at more than 12 nautical miles from the nearest land, should not be discharged instantaneously but at a moderate rate of discharge when the ship is *en route* and proceeding at a speed not less than 4 knots.
1. Such a rate shall be approved by the Corporation and the standard shall provide guidance for the approval and calculation of the moderate rate of discharge which applies to the discharge of untreated sewage that has been stored in holding tanks.
1. These Standards do not incorporate the dilution of sewage with water or greywater into calculations of the discharge rate. In this respect, the rate is a conservative estimate and it is recognised that discharges of sewage in accordance with these Standards will present a higher level of protection to the marine environment due to mixing prior to the actual discharge in addition to the mixing action of the ship's wake.

2. DEFINITIONS

2. "Swept volume" means ship breadth x draft x distance travelled.
"Untreated sewage" means sewage that has not been:
 - (a) treated by a type approved sewage treatment plant; or
 - (b) comminuted and disinfected.

3. DISCHARGE RATE

3. The maximum permissible discharge rate is 1/200,000 (or one 200,000th part) of swept volume as follows:

$$DR_{max} = 0.00926 V D B$$

Where:

DR_{max} is maximum permissible discharge rate (m³ /h)

V is ship's average speed (knots) over the period

D is Draft (m)

B is Breadth (m)

3. The maximum permissible discharge rate specified in 3.1 refers to the average rate as calculated over any 24-hour period, or the period of discharge if that is less, and may be exceeded by no more than 20% when measured on an hourly basis.

4. APPROVAL OF RATE BY THE CORPORATION

4. The Corporation shall approve the rate of discharge specified in 3.1 based upon the ship's maximum summer draft and maximum service speed. The attention of ship operators and personnel is drawn to the reduction in permissible rate of discharge at reduced draft and/or speed.

4. Where sewage is to be discharged at a different combination of draft and speed one or more secondary discharge rates may also be approved. Presentation may be tabular, refer to table below.

DISCHARGE RATE (m ³ /h)					
SPEED (kt)	4	6	8	10	12
DRAFT (m)					
5	4.63	6.94	9.26	11.57	13.89
6	5.56	8.33	11.11	13.89	16.67
7	6.48	9.72	12.96	16.20	19.45
8	7.41	11.11	14.96	18.52	22.22
9	8.33	12.50	16.67	20.83	25.00

4. For ships other than those having a high requirement for untreated sewage discharge, such as passenger ships and livestock carriers, the discharge rate criterion will generally not be exceeded at ship speed of 4 knots.

5. METHOD OF CALCULATION

5. The calculated swept volume of the ship is to be determined for drafts up to and including the summer draft assigned in accordance with the Merchant Shipping (Load Line) Regulations, GN. No. 63 of 2019.

5. Where a ship is to discharge sewage from a holding tank using a pump calibrated at a fixed rate, the pump can either be calibrated:
 - (a) at the rate permitted at 4 knots; or
 - (b) for a specific minimum ship's speed in excess of 4 knots.

5. Where the intended actual discharge rate exceeds that permissible at 4 knots, the actual discharge rate may need to be reduced or the speed increased. The rate and speed is to be detailed in the approval issued by the Corporation.

6. COMPLIANCE WITH THE RATE

6. Before undertaking a sewage discharge in accordance with this Standard, the crew member responsible for sewage operations shall ensure that the ship is *en route*, is more than 12 nautical miles from the nearest land and the navigation speed is consistent with the discharge rate that has been approved by the Corporation. Ships with high discharge requirements are encouraged to keep notes of calculations of the actual discharges to demonstrate compliance with the approved rate.



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TASAC



SECOND SCHEDULE

(Made under regulation 7(1))

STANDARD DIMENSIONS OF FLANGES FOR DISCHARGE CONNECTIONS

Description	Dimension
Outside diameter	210 millimetres
Inner diameter	According to pipe outside diameter
Bolt circle diameter	170 millimetres
Slots in flange	4 holes, 18 millimetres in diameter, equidistantly placed on a bolt circle of the above diameter, slotted to the flange periphery. The slot width to be 18 millimetres
Flange thickness	16 millimetres
Bolts and nuts: quantity and diameter	4 pieces, each of 16 millimetres in diameter and of suitable length
The flange is designed to accept pipes up to a maximum internal diameter of 100 millimetres and shall be of steel or other equivalent material having a flat face. This flange, together with a suitable gasket, shall be suitable for a service pressure of 600 kilopascal.	

For a ship having moulded depth of 5 metres and less, the inner diameter of the discharge connection may be 38 millimetres.



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION



TASAC

THIRD SCHEDULE

(Made under regulation 12(1))

SEWAGE POLLUTION PREVENTION CERTIFICATE

Issued under regulation 12 (1)

under the authority of the Government of:

.....
(full designation of the country)

by.....
(full designation of the competent person or organization
authorized under the provisions of the Convention)

Particulars of Ship:

New passenger ship

Existing passenger ship

Ship other than a passenger
ship

--	--	--

Name of Ship:
Distinctive Number or
Letters:
Port of Registry:
Gross Tonnage:
Number of Persons which
the Ship is Certified to
Carry:
Imo Number:

THIS IS TO CERTIFY THAT:

1. That the ship is equipped with a sewage treatment plant/comminuter/holding tank* and a discharge pipeline in compliance with these Regulations as follows:
 - 1.1. Description of the sewage treatment plant:
 - 1.2. Type of sewage treatment plant
 - 1.3. Name of manufacturer.....
 - 1.4. The sewage treatment plant is certified by the Corporation to meet the effluent standards as provided for in:
 - (a) resolution MEPC.2(VI) on Recommendation on International Effluent Standards and Guidelines for Performance Tests for Sewage Treatment Plants, 1976;
 - (b) resolution MEPC.159(55) on revised guidelines on implementation of effluent

Merchant Shipping (Prevention of Pollution By Sewage From Ships) Regulations,
GN. No. 371 (Contd)

Standards and Guidelines for Performance Tests for Sewage Treatment Plants, 2006; and

(c) resolution MEPC.227(64) on 2012 Guidelines on implementation of effluent standards and performance test for sewage treatment plants.

* *Delete as appropriate*

1.5. Description of comminuter:

Type of comminuter.....

Name of manufacturer

Standard of sewage after disinfection

1.6. Total capacity of the holding tank.....m³

Location.....

1.7. A pipeline for the discharge of sewage to a reception facility, fitted with a standard shore connection.

2. That the ship has been surveyed in accordance with regulation 9 of these Regulation.

3. That the survey shows that the structure, equipment, systems, fittings, arrangements and material of the ship and the condition thereof are in all respects satisfactory and that the ship complies with the applicable requirements of these Regulation.

This Certificate is valid until..... subject to surveys in accordance with regulation 9 of these Regulation.

Completion date of survey on which this Certificate is based:

.....

(dd/mm/yyyy issued)

at.....

(Place of issue of Certificate)

.....

(Date of issue)

.....

(Signature of authorized official issuing the Certificate)

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the Certificate if valid for less than 5 years

The ship complies with the relevant provisions of these Regulations, and this Certificate shall, be accepted as valid until:

.....

(dd/mm/yyyy)

.....

(Signature of authorized official)

Place:

.....

Date:.....

.....

(Seal or stamp of the authority, as appropriate)

Merchant Shipping (Prevention of Pollution By Sewage From Ships) Regulations,
GN. No. 371 (Contd)

Endorsement where the renewal survey has been completed and regulation 9 of these Regulation applies

The ship complies with the relevant provisions these Regulations and this Certificate shall, in accordance, be accepted as valid until:

.....

(dd/mm/yyyy)

.....

(Signature of authorized official)

.....

Place: Date:.....
.....

(Seal or stamp of the authority, as appropriate)

Endorsement to extend the validity of the Certificate until reaching the port of survey or for a period of grace

This Certificate shall be accepted as valid until:

.....

(dd/mm/yyyy)

.....

(Signature of authorized official)

** Delete as appropriate*

Place: Date:.....
.....

(Seal or stamp of the authority, as appropriate)



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION
TASAC



FOURTH SCHEDULE

(Made under regulation 12(2))

SEWAGE POLLUTION PREVENTION EXEMPTION CERTIFICATE FOR UNMANNED
NON-SELF-PROPELLED BARGES

Issued under regulation 12 (1)

under the authority of the Government of:

.....
...

(full designation of the country)

by

.....
...

(full designation of the competent person or organization authorized under the provisions of the Convention)

Particulars of Ship:

.....
...

Name of Ship:

.....
...

Distinctive Number or

Letters: ...

Port of Registry:

.....
...

Gross Tonnage:

.....
...

THIS IS TO CERTIFY THAT:

1. The Unmanned Non-Self-Propelled barge has been surveyed in accordance these Regulation;

Merchant Shipping (Prevention of Pollution By Sewage From Ships) Regulations,
GN. No. 371 (Contd)

2. That the survey shows that the Unmanned Non-Self-Propelled barge:
 - (a) is not propelled by mechanical means;
 - (b) has neither persons nor living animals on board;
 - (c) is not used for holding sewage during transport; and
 - (d) has no arrangements that could produce sewage as defined in these Regulation; and
3. That the Unmanned Non-Self-Propelled barge is exempted, under these Regulation, from the certification and related survey requirements of these Regulations.

This Certificate is valid until:

.....
(dd/mm/yyyy)

subject to the exemption conditions being maintained.

Completion date of the survey on which this Certificate is based

.....
(dd/mm/yyyy)

Issued at

(place of issue of Certificate)

.....
(date of issue) (dd/mm/yyyy)

.....
(signature of duly authorized
official issuing the Certificate)

(seal or stamp of the authority, as appropriate)

Dodoma
3rd May, 2024

MAKAME M MBARAWA
Minister for Transport