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THE MERCHANT SHIPPING ACT

THE MERCHANT SHIPPING (DISRTRESS SIGNALS AND
PREVENTION OF COLLISIONS) REGULATIONS, 2014

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY PROVISIONS

1. Citation.
2. Application.
3. Interpretation.

PART II

USE OF DISTRESS SIGNALS

4. Use of signals of distress.
5. Prevention of Collision.
6. Exemption.

PART III

GENERAL PROVISIONS

7. Power to detain vessel.
8. Offences and pensions.
9. Power to compound offence.

PART III

GENERAL PROVISIONS

10. Appeals.

Merchant Shipping (Distress Signals and Prevention of Collisions)

G.N. No. 407 (contd.)

THE MERCHANT SHIPPING ACT
(CAP. 165)

REGULATIONS

(Made under Section 193 and 206)

THE MERCHANT SHIPPING (DISTRESS SIGNALS AND PREVENTION OF
COLLISION) REGULATIONS, 2014

PART I

PRELIMINARY PROVISIONS

- | | |
|--|---------------------|
| 1. These Regulations may be cited as the Merchant Shipping (Distress Signals and Prevention of Collisions) Regulations, 2014. | Citation |
| 2. These Regulations shall apply to the following vessels—
(a) Tanzanian ships whether in Tanzania territorial waters or not;
(b) other ships within Tanzania territorial waters; and
(c) seaplanes registered in Tanzania. | Applica-
tion |
| 3. In these Regulations unless the context otherwise requires— | Interpreta-
tion |
| “Act” means the Merchant Shipping Act; | Cap. 165 |
| “Authority” means the Surface and Marine Transport Regulatory Authority established by the Surface and Marine Transport Regulatory Authority Act; | Cap. 413 |
| “collision Regulations” means the International Regulations for Preventing Collisions at Sea, 1972; | |
| “Minister” means the Minister for the time being responsible for shipping; | |
| “seaplane” means an air plane equipped with floats for landing on or taking off from a body of water registered in Tanzania whether on territorial waters of Tanzania or not; and | |

Merchant Shipping (Distress Signals and Prevention of Collisions)

G.N. No. 407 (contd.)

“vessel” includes any ship, boat, sailing vessel, or other vessel of any description used in navigation.

PART II

FUNCTIONS AND POWERS OF CHIEF INSPECTOR OF RAILWAY SAFETY

Use of signals of distress 4. –(1) Vessels to which these Regulations apply shall use distress signals set out in Annex IV to the Collision Regulations.

(2) A signal of distress shall not be used by any vessel unless by order of the master–

(3) A master shall not order any signal of distress to be used unless he is satisfied that–

(a) the vessel, seaplane or a person is in serious or imminent danger and cannot send that signal; and

(b) the vessel or that person, requires immediate assistance;

(4) The master of vessel which sends any signal of distress shall revoke that signal as soon as satisfied that the vessel or seaplane to which or the person to whom the signal relates is no longer in need of assistance.

(5) Any master who orders the use of a distress signal shall, where appropriate, record the incident and report to the Registrar of Ships within 24 hours.

Prevention of collision 5. The owner or master of ensure that the vessel complies with Rule 1 to 36 and Annexes I to III to the Collision Regulations.

Exemption 6. The Minister may, where he is satisfied that it is either impracticable or unreasonable to comply with these Regulations, exempt any vessel or class of vessels from–

(a) all or any of the provisions of these Regulations; or

(b) the Collision Regulations in accordance with Rule 38 of the Collision Regulations.

PART III

GENERAL PROVISIONS

Power to detain vessel Cap. 165 7. Where the owner or master of vessel does not comply with the distress signal and collision requirements under these Regulations, the ship shall be liable to be detained in accordance with Section 409 of the Act.

Merchant Shipping (Distress Signals and Prevention of Collisions)

G.N. No. 407 (contd.)

8. The owner or master who contravenes these Regulations commits an offence, and on conviction is liable to a fine not less than the equivalent in Tanzanian Shillings of the United States dollars five thousand or to imprisonment for a term of two years or both.

Offences
and
penalties

9. – (1) Notwithstanding the provisions of these Regulations relating to penalty, where a person has committed any offence under these Regulations the Registrar of ships may, at any time prior to the commencement of hearing by any court of any charge in relation to that offence, compound such offence and order such person to pay a sum of money, not exceeding the equivalent in Tanzanian shillings of the United States dollars two thousand five hundred.

Power to
com-
pound
offence

(2) The Registrar shall not exercise its powers under this regulation unless the person concerned admits in writing that he has committed such offence and requests that it be compounded.

(3) Where the Registrar compounds offence under this regulation the order referred to in sub-regulation (1) shall–

- (a) be reduced in writing and attached to it the written admission and request referred to in sub-regulation (1), and a copy of such other shall, on request, be given to the person who committed the offence requests;
- (b) specify the offence committed, the sum of money ordered to be paid and the date or dates on which payment has to be settled;
- (c) be final and not be subject to any appeal to any court;

(4) The order under sub-regulation (1) may be enforced in the same manner as a decree of a court for the payment of the amount stated in the order:

Provided that there shall be no compounding for any subsequent offence.

PART IV

APPEALS

10. Any person who is aggrieved by the decision of the Registrar of Ships made under these Regulations may appeal to the Fair Competition Tribunal.

Dar es Salaam,
29th August, 2014

HARRISON G. MWAKYEMBE,
Minister for Transport