

GOVERNMENT NOTICE No. 144 published on 22/4/2011

THE MERCHANT SHIPPING ACT

(CAP 165)

REGULATIONS

Made under section 430

THE MERCHANT SHIPPING (SAFETY AND EMERGENCY INFORMATION FOR PASSENGERS)
REGULATIONS, 2011

ARRANGEMENT OF REGULATIONS

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- Citation and commencement 1. These Regulations may be cited as the Merchant Shipping (Safety and Emergency Information for Passengers) Regulations, 2011.
- Application 2.-(1) These Regulations shall apply to any –
(a) Tanzanian passenger ship wherever it may be; and
(b) Other passenger ship while within Tanzanian waters.

(2) These Regulations shall not apply to any-
(a) ship of war;
(b) troop ship; or
(c) pleasure vessel unless certificated to carry more than twelve passengers for commercial purposes.
- Interpretation 3.-(1) In these Regulations unless the context otherwise requires-
Cap 165 “Act” means the Merchant Shipping Act;
“Authority” means the Surface and Marine Transport Regulatory Authority established under Section 4 of the Surface and Marine Transport Regulatory Authority Act;
Cap.413 “owner” means in respect of a registered ship, the registered ship, the registered owner and includes a demise charterer and a managing owner or managing agent;
“passenger” means any person carried on a ship except –
(a) a person employed or engaged in any capacity in 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 if any circumstance that neither the master nor the owner nor the charterer, if any, could have prevented or forestalled;
(c) A child under one year of age.

Merchant Shipping (Safety And Emergency Information For Passengers)

G.N. No. 144 (contd.)

	<p>“passenger ship” means a ship which is constructed for, or which is habitually or on any particular occasion used for</p> <p>(2) In carrying more than twelve passengers and includes a ship necessary for the purpose of passengers, transport or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment open or partially decked shall have:</p> <p>6.-(1) Any ship which is open or partially decked shall have:</p> <p>Registrar of Ships” means a person appointed as Registrar of Ships pursuant to section 7 of the Act;</p> <p>(a) doors provided for passenger use, and leading from passenger compartments to open decks clearly indicated with one or more signs marked “EXIT” and “FLOOR” for passengers or cargo;</p> <p>(b) doors, windows, side scuttles and other openings provided for emergency escape purposes, clearly indicated with or place of arrival and marked “EMERGENCY ESCAPE DOOR” and “MLANGO WA DHARURA” or “EMERGENCY ESCAPE WINDOW” and “DIRISHA LA DHARURA” as appropriate.</p>
Marking of Exits	
Requirement for Public address systems	<p>4.-(1) Any ship which is certified to carry more than twenty passengers shall be provided with a public address system.</p> <p>(2) The markings of exists shall be capable of being read, notwithstanding the requirements of sub-regulation (1), in every ship which is certified to carry not more than fifty passengers and in which the passengers have access to only one passenger compartment or space, a portable loud hailer may be carried in lieu of providing a public address system.</p>
Power to detain a ship	<p>7. Where a ship does not comply with the requirements of these Regulations, such ship shall be liable to be detained in accordance with the provisions of section 409 of the Merchant Shipping Act.</p>
Cap.165	
Offences and Penalties	<p>(3) Broadcasts made on the public address system shall be capable of being heard in all public spaces, including open decks, to which passengers have access.</p> <p>8.-(1) Any master and owner of ship to which these Regulations apply who allows his ship to proceed on any voyage or excursion without complying with the requirements of regulations 4, 5 and 6, commits an offence and, upon conviction if be liable to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars two thousand or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.</p> <p>(a) passengers are informed by means of an announcement at the commencement of each voyage</p> <p>(b) notices providing emergency instructions for passengers are displayed in each passenger compartment.</p> <p>(2) Any master and owner of a ship who does not comply with the provisions of these Regulations commit an offence and shall upon conviction be liable to a fine of not less than the equivalent in Tanzanian shillings of the United States Dollars two thousand or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.</p>
Emergency Instructions for Passengers	

Merchant Shipping (Safety And Emergency Information For Passengers)

G.N. No. 144 (contd.)

Power to
compound
offence

9.-(1) Notwithstanding the provisions of these Regulations relating to penalty, where any person commits an 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 thereto, compound such offence and order such person to pay such sum of money, not exceeding one half of the amount of the fine to which such person would otherwise have been liable if he had been convicted of such offence:

Provided that the Registrar of Ships shall not exercise his powers under this regulation unless the person concerned admits in writing that he has committed such offence and requests that it be compounded.

(2) Where the Authority compounds an offence under this regulation, the order referred to in sub-regulation (1) –

- (a) shall be reduced into writing and there shall be attached to it the written admission and the request referred to in sub-regulation (1) and a copy of such order shall be given if so requested to the person who committed the offence;
- (b) shall specify the offence committed, the sum of money ordered to be paid and the date or dates on which payment is to be settled;
- (c) shall be final and shall not be subject to any appeal to any court;
- (d) May be enforced in the same manner as a decree of a court for the payment of the amount stated in the order.

(3) On the payment of any sum of money under subsection (1) -

- (a) the person who committed the offence in respect of which the payment has been made shall, if in custody, be discharged;
- (b) any ship detained in respect of such offence shall be released; and
- (c) no further proceedings shall be taken against such person or ship in respect of such offence.

Dar es Salaam
11th April, 2011

OMARI R. NUNDU,
Minister for Transport

