

**THE TANZANIA SHIPPING AGENCIES (CARGO
CONSOLIDATORS AND DE-CONSOLIDATORS)
REGULATIONS G.N. NO. 337 OF 2018**

Tanzania Shipping Agencies (Cargo Consolidators and De-Consolidators)

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THE TANZANIA SHIPPING AGENCIES ACT, 2017
(NO. 14 OF 2017)

REGULATIONS

(Made under section 61(2)(g)(ii))

THE TANZANIA SHIPPING AGENCIES (CARGO CONSOLIDATORS AND
DE-CONSOLIDATORS) REGULATIONS, 2018

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THE TANZANIA SHIPPING AGENCIES ACT, 2017

(NO. 14 OF 2017)

REGULATIONS

(Made under section 61(2)(g)(ii))

THE TANZANIA SHIPPING AGENCIES (CARGO CONSOLIDATORS AND DE-CONSOLIDATORS) REGULATIONS, 2018

PART I

PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Tanzania Shipping Agencies (Cargo Consolidators and De-consolidators) Regulations, 2018.
- Application 2. These Regulations shall apply to cargo consolidators and de-consolidators in Mainland Tanzania.
- Interpretation
No. 14 of 2017 3. In these Regulations unless otherwise requires-
"Act" means the Tanzania Shipping Agencies Corporation Act;
"annual inspection" means inspection which shall be conducted once a year by the Corporation on cargo consolidators and de-consolidators;
"cargo consolidation" means aggregation of two or more consignments from one or more cargo owners into one consignment for carriage on board a ship, or into a full container load and may include arrangement of activities of cargo receipt, storage, sorting, packing, packaging, wrapping, labeling and marking as may be necessary in aggregating the consignments;

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- "cargo de-consolidation" means disaggregation of a consignment under a master bill of lading into two or more consignments in accordance with house bills of lading for delivery to individual cargo owners and may include arrangement of activities of cargo storage, unpacking and sorting as may be necessary in disaggregation and handing over individual consignments to cargo owners;
- Cap. 212 "certificate of incorporation" means certificate of a company registration issued under the Companies Act;
- "container" means a transportable unit permitting intermodal transportation of unitised merchandise;
- "Corporation" means the Tanzania Shipping Agencies Corporation established under section 4 of the Act;
- Act No. 1 of 2004 "EACCM Act" means the East African Community Customs Management Act;
- "fire safety certificate" means a certificate issued under the Fire and Rescue Act;
- "foreign counterpart" means a person or company representing a licensee in a foreign country;
- "house bill of lading" means a document of shipment of specified consignment issued by a cargo consolidator to actual shipper reflecting a master bill of lading in relation to individual consignment of groupage or consolidated cargo with details of cargo weight, measurement, description of cargo and quantity, name of consignor and consignee, name of the ship, port of loading and discharge and bill of lading members;
- "house cargo manifest" means a summary of house bills of lading prepared by and under the control of one cargo consolidator and de-consolidator for cargo carried on board a specific ship voyage;
- "inland container depot" means a common user facility under customs control, licensed under the Dry Port Regulations and is equipped with appropriate infrastructure, equipment and storage facilities for cargo handling and temporary storage of import and

export cargo which is in loose form or in containers;

"licence" means a cargo consolidators and de-consolidator licence issued under the Act;

"licensee" means a company licensed by the Corporation to provide cargo consolidation and de-consolidation services;

"Minister" means Minister responsible for maritime transport;

Cap. 427

"master bill of lading" means a receipt of goods shipped on board a ship signed by ship master or his agent who contracts to carry the goods and stating the terms and conditions which the goods are carried;

"Port" means sea ports and inland waterways ports in Mainland Tanzania;

"shipping document" means a transportation receipts or contracts to enable shipments to be received or forwarded;

"transit rates" means rates or charges applicable to goods transiting to neighboring countries; and

"year" means a calendar year.

PART II

DUTIES AND FUNCTIONS OF A LICENSEE

Duties and
functions of
licensee

4.-(1) A licensee shall perform the following functions-

- (a) consolidation and de-consolidation of cargo;
- (b) electronic submission of house cargo manifest for Custom's clearance;
- (c) handover of shipping documents to cargo receivers;
- (d) pay all shipping line charges, including freight, where applicable, and port charges;
- (e) hand over master bill of lading to the shipping line to enable contractual delivery of cargo from

Act No.1 of
2004

- shipping line to cargo consolidator and de-consolidator;
 - (f) update clients on movement of cargo up to the stripping place, either in port or inland container depot;
 - (g) issue delivery order to consignees;
 - (h) direct the client or his agent to the place where cargo is stripped;
 - (i) apply tariff approved by the Corporation;
 - (j) handle cargo claims lodged by clients jointly with shipping agent where necessary;
 - (k) issuance of a house bill of lading which shall be deemed to be a contract between the client and the cargo consolidator and de-consolidator;
 - (l) keep intact marks and numbers on cargo packages; and
 - (m) carry out his duties in accordance with the EACCM Act in relation to importation and exportation of goods.
- (2) A licensee shall be responsible to the condition of cargo until it is delivered to the client.
- (3) the licensee shall, in the performance of his functions, have the duty to communicate the following information to his client-
- (a) document for cargo consolidation or de-consolidation;
 - (b) expected date of cargo arrival or departure;
 - (c) status and progress of movement of cargo to the related documents;
 - (d) place for cargo storage;
 - (e) information on any reported damage or short landing, misplacement or loss of consolidated cargo;
 - (f) requisite terms, conditions, prices and pricing system in cargo consolidation and de-consolidation; and
 - (g) corresponding counterpart in other countries.

(4) Without prejudice to sub regulation (3), a licensee shall, while performing his functions in relation to bulk petroleum products, have the duty to comply with legislation and procedures set out by proper authority regulating petroleum products.

Responsibility of licensee and cargo owner on contents of package

5. A licensee or as the case may be, a cargo owner shall be responsible for the contents of the sealed container.

Observance of standard operating procedures

6.-(1) A licensee shall observe standard operating procedures in the execution of his duties and functions set up by the Corporation in accordance with these Regulations.

(2) The Corporation shall, in consultation with the Commissioner for Customs and other relevant stakeholders, set up standard operating procedures for cargo consolidators and de-consolidator in sub-regulation (1).

PART III APPLICATION FOR A LICENCE

Prohibition of unlicensed cargo consolidation

7. A person shall not operate cargo consolidation and de-consolidation services without a valid licence issued by the Corporation.

Application for licence

8.-(1) Any company that intends to operate cargo consolidation and de-consolidation business shall apply for a licence to the Corporation.

(2) Where the Corporation refuses to grant licence, the Corporation shall notify the applicant and assign reasons for such refusal, within fourteen days from the date of such refusal.

Requirements for application of licence
Cap.212

9.-(1) An applicant for licence shall fulfill the licensing requirements if:

(a) is incorporated under the Companies Act;

- (b) has a minimum share capital of twenty five percent held by a Tanzania citizen;
- (c) neither any of the shareholders nor directors has been convicted of:
 - (i) offence against national security;
 - (ii) offence against national economy;
 - (iii) offence involving non-payment or evasion of any tax or levy payable under any written law;
 - (iv) offence against corruption; and
 - (v) offence against decency or morality;
- (d) has no record of violating local or international maritime security regulations;
- (e) has proven professional qualifications in accordance with these Regulations;
- (f) has not been declared bankrupt in the last two years.

(2) Where the Corporation has reasonable grounds to doubt any aspect of qualifications for licence, it shall be the duty of the applicant to prove his qualification to the satisfaction of the Corporation.

Procedure of
application for
licence

10. An applicant for a licence shall submit an application to the Corporation in the Form No. 1 prescribed in the First Schedule to these Regulations together with certified copies of the following documents:

- (a) a Certificate of Incorporation;
- (b) a valid insurance cover for third party liability;
- (c) fire safety certificate;
- (d) proof or availability of business premises, including customs bonded area or warehouse;
- (e) proposed rates and charges including transit rates which conforms to approved tariff;
- (f) list of names and addresses of local and foreign counterparts;
- (g) list and proof of available cargo handling equipment owned or available on outsourcing arrangements;

- (h) list of owned information and communication technology facilities;
- (i) proof of existence of cargo trucking system;
- (j) any other document which the Corporation may require.

Determination
of application

11.-(1) An application for a licence shall be determined by the Corporation within thirty days from the date of receipt of such application.

(2) The Director General shall communicate the decision of the Corporation to the applicant by using the address indicated in the application form, within the period specified in sub-regulation (1).

(3) Where the Corporation-

(a) is satisfied that the provisions of regulations 9 and 10 have been complied with, the Corporation shall issue the applicant with the licence in the manner set out in Form No. 2 of the First Schedule;

(b) has refused an application, the Corporation shall issue the applicant with the notice in a manner prescribed in Form No. 3 of the First Schedule.

Licence fee
and other
charges

12.-(1) The licensee shall pay to the Corporation the fees and other charges in respect of the licence as prescribed in the Second Schedule to these Regulations.

(2) Fees and other charges payable under subregulation (1) shall be paid to Corporation's account and a receipt shall be issued.

Refusal to
issue licence

13. The Corporation may refuse to issue a license where the applicant fails to comply with the requirements of licence prescribed under the Act and these Regulations.

Particulars of
licence

14. The cargo consolidation and de-consolidation licence shall include the following particulars:

- (a) name and address of the licensee;

- (b) duration of the licence;
- (c) business premises; and
- (d) conditions of licence.

Validity of licence

15. A licence for cargo consolidation and deconsolidation shall be valid for one calendar year, beginning on the 1st day of January of each year.

Renewal of licence

16.-(1) An application for a renewal of licence shall be made thirty days before expiration of a previous licence.

(2) A cargo consolidator and de-consolidator that wishes to renew his licence shall fill in Form No. 1 prescribed in the First Schedule.

(3) The provisions of these Regulations relating to fees and documents to be attached shall apply to any application for renewal of a licence under this regulation.

Loss of licence

17. Where a licence issued under these Regulations is lost, mutilated or destroyed, the Corporation may, upon payment of a fee prescribed in the Second Schedule, issue a duplicate of the licence to the company which was issued with the original licence.

Annual levy

18. A licensee shall pay annual levy as prescribed in the Tanzania Shipping Agencies (Service Provider Levies and Fees) Rules, 2018.

Inspection

19.-(1) For the purpose of determining the compliance level with the licence conditions, the Corporation shall conduct annual inspection.

(2) The Corporation may, for the purpose of inspection, require a licensee to produce any book, record, statement or document relating to the business for inspection or obtaining copies or extracts therefrom.

(3) Notwithstanding sub-regulation (1), the Corporation may conduct an adhoc inspection where upon conducting an annual inspection, the Corporation identified an anomaly which requires subsequent inspection in order to ascertain compliance with instructions or directives given.

Change of
particulars

20. Where a licensee changes his particulars submitted to the Corporation under these Regulations, he shall, within seven days from the date of such change, notify the Corporation in a manner set out in Form No. 6 of the First Schedule.

PART III
SUSPENSION AND REVOCATION OF A LICENCE

Grounds for
cancellation or
suspension of
licence

21.-(1) A licence may be revoked or suspended by the Corporation on the ground that any of the conditions of licence has not been complied with or a licensee no longer possesses any of the qualifications for licence stipulated in these Regulations.

(2) In the event of revocation or suspension, the Corporation shall assign reasons for such revocation or suspension.

(3) Where a licence is revoked or suspended the licensee shall, within thirty days upon receipt of the notification for revocation, cease to operate and surrender the licence to the Corporation.

(4) Subject to sub-regulations (2) and (3), if the Corporation is of the opinion that any company to which a licence was issued is unfit to carry on the business of cargo consolidation and de-consolidation, the Corporation may, by notice in a manner prescribed in Form No. 5 of the First Schedule, suspend the licence for any period specified in the notice, or cancel the licence.

(5) A notice made under subregulation (4) shall be made against a licensee upon issuance of a prior notice in a manner prescribed in Form 4 of the First Schedule requiring him to show cause as to why the licence should not be suspended or revoked.

Suspension or
cancellation of
licence

22.-(1) Where a licensee fails to rectify any anomaly prescribed in the notice issued under regulation 21, the Corporation shall proceed to suspend or revoke the licence as the case may be.

(2) Notwithstanding regulation 21, the Corporation may suspend or revoke a licence issued under these Regulations if it is of the opinion that the licensee no longer satisfies the requirements or has lost qualifications with regard to which a licence was issued.

(3) Where the Corporation suspends or cancels a licence, the licensee shall, within fourteen days appoint an alternative licensee to accomplish shipments and deliveries of cargo to documented cargo owners as per terms and conditions of each shipment in progress and shall notify the Corporation of such arrangement.

(4) Where a licensee fails to appoint an alternative licensee as provided in sub-regulation (3), the Corporation shall have powers to appoint another licensee of its choice to accomplish pending shipments under the control of the suspended licensee and the suspended licensee shall remain responsible for all consequences of such an appointment as if he made the appointment himself.

(5) In the event of revocation or suspension, the Corporation shall assign reasons for such revocation or suspension.

(6) Where a licence is revoked or suspended the licensee shall, within thirty days after notification served to him, surrender the licence to the Corporation and cease to operate.

Expiry of
Suspension
period

23.-(1) The Corporation shall lift the suspension upon expiry of the suspension period or fulfillment of the requirements as may be stipulated in the suspension notice.

(2) Subject to sub-regulation (1) the Corporation shall return the licence to the licensee where the suspension has expired.

PART IV
CONDITIONS, DIRECTIVES AND PROFESSIONAL CONDUCT

Conditions of
licence

24. A licensee shall comply with the following conditions:
- (a) maintain a level of solvency of not less than the amount which the Corporation shall set from time to time;
 - (b) apply rates or charges approved by the Corporation;
 - (c) employ personnel with at least diploma in transport, logistics, port or shipping management;
 - (d) maintain record of cargo handled;
 - (e) establish a system of dealing with complaints of cargo owners or their agent;
 - (f) furnish the Corporation with documents and periodical performance reports, details or contents of which may be specified by the Corporation;
 - (g) comply with port safety and security regulations;
 - (h) maintain books of accounts;
 - (i) display at conspicuous place, applicable tariff and terms for all items charged at the main office entrance;
 - (j) ensure staff wear neat, clean uniform and identity card;
 - (k) maintain a system of cargo tracking;
 - (l) maintain performance efficiency level that conforms to performance indicators and benchmarks as set out by the Corporation from time to time;
 - (m) maintain a register of damaged and lost cargo;
 - (n) establish and maintain fire safety system;

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- Act No. 1 of 2004
- (o) adopt electronic systems which are compatible with other systems including those applied by the Corporation, Customs Department, Tanzania Ports Authority, dry ports, shipping lines or agents, for easy sharing of information;
 - (p) comply with the EACCM Act requirements in relation to importation and exportation of goods; and
 - (q) comply with all other provisions of these Regulations.
- Compliance audit
- 25.-(1) The Corporation may conduct a compliance audit on a licensee to verify compliance of license conditions, and other requirements of these Regulations.
- (2) Where the Corporation has decided to conduct compliance audit of a licensee in accordance with sub-regulation (1), the Corporation may use expert services of auditor registered in Tanzania.
- Corporation may issue directives
26. The Corporation may direct a licensee to take or abstain from taking specific measure with a view to remedying contravention of licensing conditions, standards of performance or procedures to be observed.
- Professional qualifications
27. A person shall be professionally qualified if—
- (a) he has obtained necessary experience in the maritime industry by working in a responsible capacity with cargo consolidation or de-consolidation, shipping agency or clearing and forwarding firm for three years or more;
 - (b) he demonstrates good reputation, competency and efficiency in carrying out the business;
 - (c) he has at least a certificate in transport and logistics, clearing and forwarding, port and shipping management or its equivalent from an accredited institution;
 - (d) in the case of a company, it employs persons having the qualifications provided under this regulation.

Professional
conduct

28. A licensee shall, in the performance of his functions adhere to professional conduct as follows-

- (a) discharge his duties to clients and foreign counterparts with honesty, integrity and impartiality;
- (b) apply a standard of competency in order to perform all services undertaken by him in a conscientious, diligent and efficient manner;
- (c) exercise due diligence to guard against fraudulent practices;
- (d) exercise due care in handling cargo on behalf of cargo owners or their agents; and
- (e) observe any other professional conduct as may be directed by the Corporation.

PART VI
OFFENCES AND PENALTIES

Offences and
penalties

29.-(1) Any person who-

- (a) carries on the business of cargo consolidation and deconsolidation without a valid licence;
- (b) in relation to an application for a licence makes any statement which is false in any material particular;
- (c) furnishes to the Corporation a record, statement, declaration, written information or explanation of any particulars which to his knowledge is false or incorrect;
- (d) fails to comply with performance benchmarks set by the Corporation;
- (e) contravenes standard operating procedures prescribed under these Regulations;
- (f) fails to produce a licence upon being required to do so under the Act;
- (g) hinders or obstructs an officer of the Corporation or any other authorised officer in the performance of his duties under the Act and these Regulations; or

(h) fails to surrender the licence granted to him when required to do so; or

(i) fails to comply with any conditions of a licence; commits an offence and on conviction, shall be liable to a fine of not less than twenty million shillings but not exceeding forty million shillings or to imprisonment for a term of not less than two years but not exceeding five years or to both.

Power to
compound
offences

30.-(1) The Corporation may, at any time prior to the commencement of the hearing by any court of any charge, compound any offence and order the person to pay sum of money, not exceeding half of the amount of the fine to which the person would otherwise have been liable if he had been convicted of such an offence.

(2) Without prejudice to subregulation (1), the Corporation shall not exercise its powers under subregulation (1) unless the person concerned admits in writing to have committed such an offence.

(3) Where the Corporation compounds an offence, the order-

- (a) shall be reduced into writing and there shall be attached to it the written admission and request referred to in sub-regulation (1) and a copy of such order shall be given, if he so requests, to the person who committed the offence;
- (b) shall specify the offence committed, the sum of money ordered to be paid and the date on which payment is to be settled;
- (c) shall be final; and
- (d) may be enforced in the same manner as a decree of a court for the payment of the amount stated in the order.

Complaints
handling

31. A person who is aggrieved with the decision of the Corporation under these Regulations may seek redress in accordance with the Tanzania Shipping Agencies (Complaints Handling) Regulations, 2018.



THE UNITED REPUBLIC OF TANZANIA
 MINISTRY OF WORKS, TRANSPORT
 AND COMMUNICATION
**TANZANIA SHIPPING AGENCIES
 CORPORATION**

Form No. 1



FIRST SCHEDULE

(Made under regulations 10 and 16(2))

**APPLICATION FOR LICENCE AS A CARGO CONSOLIDATOR AND DE-
 CONSOLIDATOR**

1. Name of Applicant.....
2. Postal Address.....
 Tel. No.....
 Fax. No.....
 Email Address.....
3. Number of Certificate of Incorporation..... Date of issue.....
4. Physical address of place business:
5. Street..... Plot
 No.....
6. House/Building No..... District..... Region.....
7. Type of Registration New Renewal
8. Previous Registration No..... Year.....
9. Particulars of current Shareholders

Name	Nationality	Address	Percentage

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G.N. No. 337 (contd.)

13. Particulars of Current Management and other Staff.

S/N	FULL NAME	DESIGNATION POSITION	CITIZENSHIP	AGE	QUALIFICATION		YEAR OF EXPERIENCE	DATE OF APPOINTMENT TO PRESENT POSITION
					ACADEMIC	PROFESSIONAL		
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								
11.								
12.								

I/ We declare to the best of my/our knowledge and belief that all the statements contained in this application are true and correct. We undertake to notify any changes in the shareholding and location of business premises.

Name in full.....

Position/Designation.....

Signature.....

Date.....

This application must be accompanied by copies of documents listed below:

- Company Certificate of Incorporation
- Company Memorandum and Articles of Association
- CVs of Management Staff
- Proof of ownership of Office and Yard premises
- Charges/Fees Tariff
- Bank Account Statement

FOR OFFICIAL USE ONLY

APPROVAL	
Comments	
.....	
.....	
Start Date	Expiry Date.....
Registration Cert. No.....	
Name.....	Designation.....
Signature.....	Date.....

Form No. 2



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS, TRANSPORT AND
COMMUNICATION
TANZANIA SHIPPING AGENCIES
CORPORATION
(TASAC)



—————
(Made under Regulation 11(3))
—————

Licence No:

LICENCE TO CARRY ON THE BUSINESS AS CARGO
CONSOLIDATOR AND DE-CONSOLIDATOR

M/S: of P.O Box
Plot No. Street: District:
..... Region: is hereby licenced to carry on the
Business of Cargo Consolidator and De-Consolidator to Mainland Tanzania.

This Licence shall be valid for a period of one year from..... to
..... subject to stipulated conditions overleaf

.....
Director General
(Rubber stamp or seal)

Date of issue:
Important: This licence is not transferrable



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS, TRANSPORT AND
COMMUNICATION
TANZANIA SHIPPING AGENCIES
CORPORATION
(TASAC)

Form No. 3



(Made under Regulation 11(3))

NOTICE OF REFUSAL OF APPLICATION FOR LICENCE

To:.....

You are hereby notified that your application for licence as a cargo consolidator and de-consolidator under the Tanzania Shipping Agencies Act No. 14 of 2017 has been REFUSED.

Grounds for the refusal are as follows:

.....
.....
.....
.....
.....

However, your application may be reconsidered under the following conditions -

.....
.....
.....

Dated at this..... day of 20.....

Director General
TANZANIA SHIPPING AGENCIES CORPORATION



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS, TRANSPORT AND
COMMUNICATION
TANZANIA SHIPPING AGENCIES
CORPORATION
(TASAC)

Form No. 4



(Made under Regulation 21(5))

NOTICE OF INTENTION TO SUSPEND/CANCEL LICENCE

To:..... with Licence No.....

Pursuant to the provisions of the Tanzania Shipping Agencies Act No. 14 of 2017, I hereby notify you that on expiry of days from the date hereof, I intend to suspend/cancel your licence unless, before the expiration of such period, cause is shown to my satisfaction why such registration should not be suspended/cancelled.

Grounds for suspension/ cancellation of your certificate of registration are:

.....
.....
.....
.....

Dated at this..... day of 20.....

Director General
TANZANIA SHIPPING AGENCIES CORPORATION



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS, TRANSPORT AND
COMMUNICATION
TANZANIA SHIPPING AGENCIES
CORPORATION
(TASAC)

Form No. 5



(Made under Regulation 21(4))

SUSPENSION/ CANCELLATION OF LICENCE

To:

You are hereby informed that your certificate of registration as a cargo consolidator and de-consolidator under the Tanzania Shipping Agencies Act No. 14 of 2017, is hereby SUSPENDED/CANCELLED.

Grounds for suspension/cancellation are:

.....
.....
.....
.....

Dated at this..... day of 20.....

Director General
TANZANIA SHIPPING AGENCIES CORPORATION



THE UNITED REPUBLIC OF TANZANIA
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COMMUNICATION
TANZANIA SHIPPING AGENCIES
CORPORATION
(TASAC)



(Made under Regulation 20)

NOTICE OF CHANGE OF PARTICULARS

To:

Whereas I, with Licence Number was registered pursuant to the provisions of the Tanzania Shipping Agencies Act No. 14 of 2017 on the day of 20..... under the number in the index of registration.

And whereas a change / changes has / have occurred / been made in respect of the particulars registered as hereinafter mentioned,

Now I, the undersigned hereby give you notice that on the date / dates hereunder specified, the following change or changes occurred / was / were made, in the particulars registered, that is to say-

.....
.....
.....
.....

Dated at this..... day of 20.....

Name : Title:

Signature:

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COMMUNICATION

TANZANIA SHIPPING AGENCIES
CORPORATION

(TASAC)



SECOND SCHEDULE

(Made under regulation 12)

APPLICATION AND LICENCING FEES

S/N	DESCRIPTION OF FEE	FEE AMOUNT IN USD
1.	Application fee	25
2.	Licence fee	350
3.	Duplicate licence fee	50

Dodoma,
18th July, 2018

ISACK A. KAMWELWE
Minister for Works, Transport and Communication