



THE UNITED REPUBLIC OF TANZANIA

**THE MERCHANT SHIPPING (VERIFIED
GROSS MASS OF A CONTAINER CARRYING
CARGO) REGULATIONS, 2016**

[GOVERNMENT NOTICE NO. 197 published on 17/06/2016]

**THE SURFACE AND MARINE TRANSPORT
REGULATORY AUTHORITY (DRY PORT)
REGULATIONS, 2016**

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**THE MERCHANT SHIPPING ACT
(NO. 21 OF 2003)**

**THE MERCHANT SHIPPING (VERIFIED GROSS MASS OF A
CONTAINER CARRYING CARGO) REGULATIONS, 2016**

(Made under Section 222)

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THE MERCHANT SHIPPING ACT

(NO. 21 OF 2003)

REGULATIONS

(Made under Section 222)

**THE MERCHANT SHIPPING (VERIFIED GROSS
MASS OF A CONTAINER CARRYING CARGO)
REGULATIONS, 2016**

**PART I
PRELIMINARY PROVISIONS**

- Citation 1. These Regulations shall be cited as Merchant Shipping (Verified Gross Mass of a Container Carrying Cargo) Regulations, 2016.
- Application 2. –(1) These regulations shall apply to:
- (a) containers to which the CSC applies and which are to be stowed on board ship determined under section 220 of the Act;
 - (b) containerized exports through Tanzania ports; and
 - (c) the gross mass of inbound containers that will have either being verified in the country of loading or through agreement between shipper and carrier.
- (2) Notwithstanding sub-regulation (1), the requirements of verifying the gross mass of a packed container in accordance with these Regulations shall not apply to a container –
- (a) on a chassis or trailer to be driven on a ro-ro ship unless the ship has been determined by the Authority to be included;
 - (b) if a ship carrying the container is engaged on short international voyages;

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- (c) if carried cargo items have been tendered by a shipper to the ship master for packing into a container which is already on board the ship;
- (d) if a ship carrying a container is engaged in cabbotage business; and
- (e) if a container already on board a ship is stuffed with cargoes without being landed.

Interpretation

3. -(1) In these Regulations, unless the context requires otherwise:

Act No. 21 of 2003

“Act” means the Merchant Shipping Act;

“Authority” means the Surface and Marine Transport Regulatory Authority or SUMATRA in its acronyms;

“Cabbotage” means transport of goods or passengers between two places in the United Republic of Tanzania by a transport operator from another country applied to shipping along costal routes or port to port;

“CSC” means IMO’s international Convention for Safe Containers, 1972;

“calibrated and certified equipment” means a scale, weigh bridge, lifting equipment or any other device capable of determining the actual gross mass of a packed container or of packages and cargo items, pallets, dunnage and other packing and securing material, that meets the accuracy standards and requirements of the United Republic of Tanzania;

“cargo items” means any goods, wares, merchandize, liquids, gases, solids and articles of every kind whatsoever carried in containers pursuant to a contract of carriage excluding ship’s equipment, ship’s supplies, ship’s spare parts and stores carried in containers;

Cap. 340

“competent authority” means an Authority legally responsible or vested with the mandate, capacity or power to calibrate weighing and measurement equipment in accordance with the required standards provided under the Weights and Measures Act or any person designated for that purpose;

“container” means an article of transport equipment:

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- (a) of a permanent character and accordingly strong enough to suitable for repeated use;
- (b) specially designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
- (c) designed to be secured and/or readily handled, having corner fittings for these purposes; and
- (d) of a size such that the area enclosed by the four outer bottom corners is either:
 - (i) at least 14m² (150 sq. ft.); or
 - (ii) at least 7m² (75 sq. ft.) if it is fitted with top corner fittings;

“container delivery procedures” means obligatory steps and actions requisite of parties involved in delivery, handling and or loading export containers on board a ship;

“contract of carriage” means a contract in which a shipping company, against the payment of freight, undertaken to carry goods from one place to another which may take form of, or be evidenced by a document such as sea waybill, a bill of lading, or multi-modal transport document;

“freight forwarder” means a person or company working on behalf of a shipper to declare and clear documents and documentation requirements for a packaged container through Customs and other government authorities, ship’s and port operator’s formalities with a view to legitimizing loading onto a ship;

“GMV” means a gross mass verifier;

“gross mass” means the combined mass of a container’s tare mass and the masses of all packages and cargo items, including pallets, dunnage and other packing material and securing materials packed into the container;

“Gross Mass Certificate” or “GMC” means electronic or hard-paper certificate issued by a GMV to testify accurate gross mass of an export container not exceeding permitted maximum weight of ISO standard

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- freight container, issued in accordance with these Regulations;
- “Gross Mass Verifier” means a person or company which operates calibrated and certified equipment and is registered by the Authority in accordance with these Regulations;
- Act No. 1 of 2005
Cap. 413
- “Inland Container Depot” means container handling facility licensed by the Commissioner for Customs and Excise of the Tanzania Revenue Authority in accordance with the East African Community Customs Management Act and the Authority in accordance with the Surface and Marine Transport Regulatory Authority Act;
- “ISO” means an International Organization for Standardization;
- “method 1” means weighing and determining the gross mass of the whole packed container after packing and sealing the container;
- “method 2” means determining gross mass of a packed container by weighing all individual packages and cargo items, including the mass of pallets, dunnage and other packing and securing material to be packed in the container, and add the tare mass of the container to the sum of the single masses using a certified process;
- “non-complying container” means an export packed container delivered in port terminal for the purpose of loading onto a ship without valid GMC in accordance with these Regulations;
- “package” means one or more cargo items that are tied together, packed, wrapped, boxed or parcelled for transportation including, but they are not limited to, parcels, boxes, packets and cartons;
- “packed container” means a container, as previously defined, loaded, “stuffed” or “filled” with cargo items or packages along with any dunnage and other packing material and securing materials;
- “packing material” means any material used or for use with packages and cargo items to prevent damages, but not limited to, crates, packing blocks, drums, cases, boxes,

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barrels, and skids excluding any material within individual sealed packages to protect the cargo item(s) inside the package;

“roll-on/roll-off” or on its acronym “ro-ro” means a vessel designed to carry wheeled cargo such as automobiles, trucks, semi-trailer trucks, trailers and railroad cars that are driven on and off the ship on their own wheel or using the platform vehicle;

“securing material” means all dunnage, lashing and other equipment used to block, brace and secure packed cargo items in a container;

“ship” means any vessel to which SOLAS Chapter VI applies excluding roll-on/roll-off (ro-ro) ships engaged on short international voyages where the containers are carried on a chassis or trailer and are loaded and unloaded by being driven on and off such a ship;

“ship master” or “ship representative” means any person or company representing the principal who is a ship owner or shipping company as the case may be licensed to provide shipping services;

Act No. 13 of
2002

“shipping agent” means any person or company licensed by the Authority in accordance with the Shipping Agency Act, to provide shipping agency services representing the principal who is a ship owner or shipping company as the case may be;

“shipper” means a legal entity or person named on the bill of lading or sea waybill or equivalent multimodal transport document such as “through” bill of lading, as shipper and /or who (or in whose name or on whose behalf) a contract of carriage has been concluded with a shipping company;

“shipping document” means a document used by the shipper to communicate the verified gross mass of the packed container which is a part of the shipping instructions to the shipping company or a separate communication declaration including a weight certificate produced by a gross mass verifier;

“short international voyage” means an international voyage

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in the courses of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination;

“SOLAS” means an International Convention for the Safety of Life at Sea, 1974;

“standard gross mass violation” means gross mass of a container that exceeds maximum allowable gross mass of an ISO standard freight container;

Cap .413

“SUMATRA” means the Surface and Marine Transport Regulatory Authority as established by section 4 of the Surface and Marine Transport Regulatory Authority Act;

“Standard Operating Procedures” means established specific procedure or set of procedures prepared by the Tanzania Ports Authority in collaboration with relevant sector stakeholders to be applied by shipping agents or shippers in carrying out verification of a gross mass of a container before loading on board ship or in any given situation according to these Regulations;

“Tanzania port” means a port, place, whether proclaimed a harbour or not, and whether natural or artificial, to which ships may resort for shelter or to ship or unship goods or passengers;

Cap. 166

“Tanzania Ports Authority” means the port authority established as such under the Ports Act;

“tare mass” means the mass of an empty container that does not contain any packages, cargo items, pallets, dunnage, or any other packing material or securing material;

“terminal representative” means a person acting on behalf of a legal entity or person engaged in the business of providing wharfage, dock, stevedoring, stowage, warehouse, or other cargo handling services in direct connection with a ship;

“verified gross mass” means the total of a packed container

as obtained by either method 1 or method 2 or both methods in accordance with these Regulations; and
Cap. 340 “Weight and Measures Agency” or “WMA” means an Agency mandated by the Weights and Measures Act to provide protection to consumers including legal control of measuring instruments, metrological supervision and metrological expertise in trade.

PART II
OBLIGATIONS OF PARTIES ON VERIFICATION OF
GROSS MASS OF A CONTAINER

Obligations of a
shipper

4. - It is the duty of the shipper to verify the gross mass of a container prior to its loading on board ship in accordance with these Regulations.

5. -(1) A shipper shall:

- (a) obtain a signed Gross Mass Certificate for a packed container from a gross mass verifier using Method 1 or Method 2 of verification or both Method 1 and Method 2; and
- (b) communicate and submit the verification certificate to shipping agent and port terminal operator in accordance with the Standard Operating Procedures in advance of loading to enable its usage in stowage plan of a ship.

(2) Where the shipper delivers a container into a port terminal without fulfilling the obligations:

- (a) the port terminal operator shall assume the responsibility of a gross mass verifier; and
- (b) the shipper shall be liable to pay:
 - (i) costs associated with the verification process; and
 - (ii) penalties associated with delivering unverified gross mass of the container to the port terminal facility.

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Submission of electronic gross mass certificate

6. -(1) The gross mass certificate may be submitted electronically or in a hard copy and shall be signed by the gross mass verifier electronically or replacing in capital letters the name of the person authorized to sign it.

(2) The gross mass certificate of a packed container issued by a gross mass verifier shall be as set out in First Schedule to these Regulations.

Empty containers

7. -(1) A shipper of an empty container shall ensure that –

(a) no item is placed into a container that has been declared to be empty; and

(b) the standard tare weight on the empty container is marked in accordance with ISO standard.

(2) Notwithstanding sub-regulation (1) where an empty container is not marked in accordance with ISO standard, the shipper shall carry out gross mass verification in accordance with these Regulations.

Port Operator as the Gross Mass Verifier

8. Where the verification of the gross mass of a container is carried out by a port operator on behalf of a shipper in accordance with these Regulations, a port operator shall decide a convenient method of verification for performing the weighing of a container.

Obligations of a port terminal operator and shipping agent or ship master

9. -(1) A port terminal operator and shipping agent or ship master shall ensure an export container packed with cargo is not loaded onto a ship unless the port terminal operator and shipping agent have obtained a valid gross mass certificate from the shipper in advance of vessel loading.

(2) Where there is reasonable ground to suspect accuracy of verified gross mass information or gross mass certificate submitted by a shipper, a port terminal operator or shipping agent, as the case may be, may order re-verification of gross mass.

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(3) Where a variation in gross mass is established by a shipping agent or port terminal operator through re-verification of gross mass, loading of container may be allowed at the discretion of a shipmaster provided that the total gross mass is within ISO allowable weight.

(4) Nothing in these Regulations shall limit the shipmaster's discretion to accept or reject a packed container for loading onto his ship with a view to ensuring ship's safety.

(5) A port terminal operator or shipping agent shall not load a packed container on board a ship which exceeds maximum gross mass indicated on the valid Safety Approval Plate under the CSC.

(6) Where a shipping agent or port terminal operator is aware of non-compliance with gross mass verification of a container at a time which will allow a shipper to comply, the shipping agent or port terminal operator shall communicate the non-compliance to the shipper requiring the shipper to comply.

Submission of
verified gross
mass
information by
shipping Agent

10.-(1) Where a shipping agent receives verified gross mass information from the shipper, the shipping Agent shall submit such information to the Port Terminal Operator.

(2) The shipping Company shall provide information regarding the verified gross mass of a packed container to a port representative in advance of the ship loading.

Transmission
of Information
to parties

11.-(1) A shipping agent shall provide in the shipping document correct and accurate information of verified gross mass of a container accepted on board ship and transmit such information to all parties including transshipment port for smooth shipment of a container.

(2) The shipping agent of a discharging ship shall provide to the port terminal operator evidence of verified gross mass of a container landed in Tanzania port.

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Verification
obtained from a
transshipment

12. -(1) Gross mass verification obtained from a transshipment vessel to which these Regulations apply, shall be relied upon by shipping agent of loading vessel and the port terminal operator.

(2) Where transshipment container is discharged without evidence of gross mass verification, a port terminal operator shall not load such a container on board the loading ship unless gross mass verification information is obtained from-

- (a) the shipping agent; or
- (b) the port terminal operator's verification of the gross mass of such a container.

Record keeping

13. -(1) A port terminal operator shall, for a period of not less than two years, maintain record of compliance with gross mass verification of all containers loaded and discharged.

(2) Subject to sub-regulation (1), the Authority may direct the port terminal operator to submit summary report as the Authority deems necessary and in a format determined by the Authority.

Obligation of a
gross mass
verifier

14. A gross mass verifier, shall:

- (a) cause equipment used in gross mass verification to be calibrated by the competent authority responsible for calibration prior to putting such equipment into use;
- (b) display in a conspicuous place a valid calibration certificate for each equipment used in gross mass verification prior to putting such equipment into use;
- (c) calibrate each equipment used in verifying gross mass within Tanzanian territory in accordance with the Weight and Measures Agency Act; and

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(d) be registered with the Authority in accordance with guidelines set out in the Second Schedule to these Regulations.

Verification while on road vehicle

15.-(1) Where the verified gross mass of a packed container is obtained by weighing the container while on a road vehicle, the tare mass of the road vehicle, fuel in the tank, vehicle crew and any other material not part of contents of the container shall be subtracted to obtain accurate verified gross mass of a packed container.

(2) Subject to sub-regulation (1), the subtraction of tare mass of the road vehicle, fuel in the tank, vehicle crew and any other material not part of contents shall reflect the tare mass of the road vehicle as indicated in their registration documents issued by an authority responsible for issuance of vehicle registration cards.

(3) Where two packed containers on a road vehicle are to be weighed, their accurate gross mass should be determined by weighing each container separately and without making any estimations.

Obligations of the Tanzania Ports Authority

16. The Tanzania Ports Authority shall establish standard operating procedures for delivery of a container at a port terminal facility and for loading on board ship of a verified gross mass of a container.

Intercepted containers

17. Where a packed container for export having a gross mass certificate is intercepted for any reason causing unpacking of the container, the shipper shall re-verify the gross mass and obtain a new gross mass certificate.

PART III
METHODS OF GROSS MASS VERIFICATION

Choice of Verification Method

18. - (1) When conducting verification of gross mass of a container, a shipper, at his discretion, may use either

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Method 1 or Method 2, subject to other provisions under these Regulations.

(2) Method 1 of gross mass verification involves weighing and determining the gross mass of the whole packed container after packing and sealing the container.

(3) Method 2 of gross mass verification involves determining gross mass of a packed container by weighing all individual packages and cargo items, including the mass of pallets, dunnage and other packing and securing material to be packed in the container, and add the tare mass of the container to the sum of the single masses using a certified process.

Competency on using method 2

19. -(1) A shipper shall not use method 2 of gross mass verification, unless the gross mass verifier performing the verification demonstrates required competence of using method 2 accurately and correctly in accordance with systems approved by the competent authority.

(2) Subject to the provisions of sub-regulation (1), a gross mass verifier shall be deemed to have demonstrated required competence to use method 2 where the gross mass verifier –

- (a) possesses correct types of calibrated equipment capable of giving accurate weight of pallets, wrappers, packing materials, and a packed container;
- (b) has accredited Quality Management System, such as ISO 9001 or ISO 28000, which include documented procedures to satisfy the weighing requirement; and
- (c) has submitted to the Authority a declaration of competence from the competent authority to use method 2 at the time of registration and obtained approval.

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Exception from using method 2

20. -Method 2 shall not be used to verify gross mass of a packed container for cargo items of scrap metal, rough stones, unbagged grain and other cargo in bulk.

Disapproval by the Authority of using method 2

21. - (1) The Authority may, upon realizing inconsistency with accurate weight of a packed container verified by a gross mass verifier using method 2, disapprove usage of method 2 by such a gross mass verifier.

(2) Where an approved gross mass verifier is subsequently disapproved by the Authority to use method 2 –

- (a) the gross mass verifier shall only use method 1;
- (b) terminal operators and shipping agents shall not recognize gross mass certificates issued by the gross mass verifier using method 2.

PART IV
OFFENCES AND PENALTIES

Offences and Penalties

22. -(1) A person who loads a packed container on board ship which exceeds maximum gross mass indicated on the Safety Approval Plate under the CSC commits an offence.

(2) Any person who contravenes the provisions of these Regulations commits an offence and is liable upon conviction to a fine of not less than the equivalent in Tanzanian Shillings of the United States Dollars two thousand five hundred or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

Power to Compound offences

23. (1) Notwithstanding the provisions of these Regulations relating to penalty, where a person commits an offence under these Regulations, the Authority may, at any time prior to the commencement of the hearing by any court of any charge, compound such offence and order the

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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 offence,

Provided that the Authority shall not exercise its powers under this Regulation unless the person concerned admits in writing to have committed such offence.

(2) Where the Authority compounds an offence, the order referred to in sub- Regulations (1)-

- (a) shall be reduced into writing and there shall be attached to it the written admission and request referred to in subregulation (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.

PART V
GENERAL PROVISIONS

Appeals
G.N. No. 15 of
2008

24. A person who is aggrieved by the decision of the Authority under these Regulations may appeal in accordance with the SUMATRA (Complaints and Review Procedure) Rules, 2008.

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FIRST SCHEDULE

(Made under regulation 6)

GROSS MASS CERTIFICATE

		Serial No:	
INSTRUCTIONS			
1.	The Merchant Shipping (Verified Gross Mass of a Container Carrying Cargo) Regulations, 2015 require a shipper to verify the gross mass of the packed container using Method 1 or Method 2 and to communicate the verified gross mass in a verified gross mass certificate.		
2.	The Shipper or Gross Mass Verifier shall use this document to declare the verified gross mass of the packed container for export. The information in this GMC may be incorporated in the shipping instructions or separately communicated to the shipping company and port Authority or terminal facility.		
3.	This document shall only be used to accurately declare the "verified gross mass" and not the estimated gross mass of the container.		
Name & Address of Shipper:		Carrier & Shipping Agent	
Container/ Seal No:		Truck Reg. No.:	
Container size:		Safety Approval PlateMaximum Gross Mass:	
Name of Gross Mass Verifier:		Verified gross mass(Kg/Tonnes):	
Registration No of the Gross Mass Verifier:		Date of verification:	
Country of Origin:		Country of Destination:	
No. of Calibration Certificate of equipment used:		Relevant special properties of the cargo (e.g. whether the weight of the cargo is affected by change in the moisture content).	
Method used to verify the gross mass i.e. Method 1 or method 2:			
I hereby declare that the consignment is fully and accurately described and that the verified gross mass is correct to the best of my knowledge. I understand that I may be penalized or prosecuted for false or fraudulent information.		Name & signature of authorized person:	
Official stamp:			

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SECOND SCHEDULE

(Made under regulation 14)

GUIDELINES FOR REGISTRATION OF A GROSS MASS VERIFIER

- I. Registration of a gross mass verifier is valid for twelve months from the date of registration and must be renewed thereafter.
- II. The Authority may deregister a gross mass verifier upon failure to execute its obligations and violation of these Regulations.
- III. A gross mass verifier shall qualify for registration upon furnishing information to the Authority that satisfies capacity to conduct gross mass verification in accordance with these Regulations.
- IV. A person shall apply for registration as gross mass verifier in accordance with these Regulations by filling an application form issued by the Authority in hard copy or online as specified in paragraph VI of these Guidelines and submitting the same along with non-refundable Application Fee of Tanzanian Shillings of equivalent of USD 20.00.
- V. The Authority may require any other information in addition to those shown in the application form as it deems necessary.
- VI. Application for Gross Mass Verifier Registration:

THE UNITED REPUBLIC OF TANZANIA



SMTRA/GMV...

APPLICATION FOR REGISTRATION OF GROSS MASS VERIFIER

1. Name of the Gross Mass Verifier:
2. Postal Address:
Tel. No.:
Fax No.:
Email Address:
3. Certificate of Incorporation No.: Date of issue:
4. Business Licence No.: Date of issue:
5. Physical address of registered place of Business – Street:
Plot No.: Name of House/Building or No.:
District: Region:
6. Particulars of Shareholding:.....

Name	Nationality	Address	Percentage of Share

7. Chief Executive's Title:
Name:
Contact:.....
8. Details of any other business in the transport sector carried on by the applicant:
.....
.....
9. Details of Equipment (list all equipment to be used for the purposes of these Regulations)
(i) Type of Equipment:
(ii) Capacity:
(iii) Calibration Certificate No.:..... /Date /.....
(Please attach certified copy of calibration certificate)
(iv) Working Location of the equipment:

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- (v) Plan of testing the equipment (at least quarterly tests):
 - (a) Date of 1st Test: Results:
 - (b) Date of 2nd Test: Results:
 - (c) Date of 3rd Test: Results:
 - (d) Date of 4th Test: Results:
 - (vi) Plan of intermediate calibration exercises (at least twice calibration/year):
 - (a) Date of 1st intermediate calibration:
 - (b) Date of 2nd intermediate calibration:
10. Declaration of intended methods of gross mass verification to be used (YES/NO)
- (i) Method 1:
 - (ii) Method 2:
- If YES –
- (a) Specific equipment for this method:
 - (b) Other gears and facilities to support this method:
 - (c) Name of Staff to be used to support this method (should be approved by WMA):
.....
.....
 - (d) QMS No.:(attach certified copy)
11. I/ We declare that to the best of my/our knowledge and belief all the statements and information contained in this application are true and correct. I/we undertake to notify the Authority of any changes in material information in this declaration.
Name of Declarant (in full):
Signature: Date:
(Rubber Stamp or Seal)
- VII. An applicant for registration of gross mass verifier shall pay Registration Fees to the Authority amounting to Tanzanian shillings of equivalent of USD 100 upon being approved for registration.
- VIII. The Authority shall issue registration certificate for gross mass verifier which shall include information of number of calibration certificate for each equipment and approved method of verification by the gross mass verifier.
- IX. Deregistration procedures:
- (a) Where the Authority has any reason to deregister a gross mass verifier shall communicate the intension to the gross mass verifier stating the reason. The gross mass verifier shall respond to the Authority within stated time.
 - (b) The Authority shall considerdefence of the gross mass verifier and communicate its decision, or postponement of decision, within 21 days from the date of receipt of such defence.
 - (c) Where the Authority has decided to deregister the gross mass verifier, the latter shall cease to verify container weight in accordance with these Regulations within the time stated by the Authority.
 - (d) The Authority shall specify which method or methods the gross mass verifier is

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stopped from using in carrying out gross mass verification in accordance with these Regulations.

- (e) The Authority shall communicate its decision to the gross mass verifier, port terminal operators, shipping agents, Customs Department and other stakeholders.
- (f) The Authority may opt to impose penalty to defaulting gross mass verifier in accordance with these Regulations in lieu of deregistration.
- (g) The Authority may opt to impose temporary suspension of registration for a specified period in lieu of deregistration.

Dar es Salaam,
9th June, 2016

MAKAME M. MBARAWA
Minister for Works, Transport and Communications