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THE MERCHANT SHIPPING ACT,
(CAP. 165)

REGULATIONS

(Made under section 427)

THE MERCHANT SHIPPING (AUTHORISATION OF RECOGNISED ORGANISATIONS)
REGULATIONS, 2023

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(Made under section 427)

THE MERCHANT SHIPPING (AUTHORISATION OF RECOGNISED
ORGANISATIONS) REGULATIONS, 2023

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Merchant Shipping (Authorisation of Recognised Organisations) Regulations, 2023.
- Application 2.-(1) These Regulations are made in respect of giving effect to Regulation 1 of Chapter XI-1 of the SOLAS Convention and shall apply to every Tanzanian ship and any other ship while in Tanzanian port.
- (2) These Regulations shall apply to recognised organisations, which have been authorised under these Regulations to perform, on behalf of the Corporation, statutory certification and services under relevant written laws and international conventions pertaining to-
- (a) safety of life at sea;
 - (b) prevention of pollution from ships;
 - (c) standards of training, certification and watchkeeping for seafarers;
 - (d) load lines;
 - (e) tonnage measurement of ships;
 - (f) regulations for preventing collisions at sea; and
 - (g) right of seafarers to decent employment.
- (3) Without prejudice the provisions of subregulation (1), these Regulations shall not apply to-
- (a) pleasure vessel;

- (b) fishing vessel;
- (c) ship of traditional build such as dhow and junk;
and
- (d) warship or naval auxiliary.

Interpretation

3. In these Regulations, unless the context otherwise requires-

“IMO Resolution” means a Resolution issued by the Assembly, Council and each Committee of IMO;

“certificate” means a document issued by recognised organisation on behalf of the Corporation in accordance with the International Conventions;

“class certificate” means a document issued by a recognised organisation certifying the fitness of a ship for a particular use or service in accordance with the rules and regulations, laid down and made public by that recognised organisation;

“location” means a place from which:

- (a) surveys are carried out and managed;
- (b) plan approvals are carried out; or
- (c) processes are managed;

“authorisation” means delegation of powers to a recognised organisation to perform statutory certification and services on behalf of the Corporation as detailed in an agreement or equivalent legal arrangement in consideration of the “Elements to be included in an agreement” as set out in Appendix 3 of the RO Code;

“IMO” means International Maritime Organisation;

“RO Code” means the Code for Recognised Organisation in pursuant to IMO Resolution MSC.349(92) adopted on 21st June 2013 and subsequent amendments;

“competent authority” means the Ministry, Government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned;

“ship” means a floating vessel which is self-propelled and capable of carrying passengers or cargo and

includes every description of vessel used in navigation;

“passenger ship” means a ship which is constructed for, or which is habitually or on any particular occasion used for carrying more than twelve passengers and includes a ship that is provided for the transport or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment;

“cargo ship” means a ship which is not a passenger ship;

“Tanzanian ship” shall have the meaning ascribed to it under section 2 of the Act;

“international conventions” means the-

- (a) International Convention for the Safety of Life at Sea of 1974, with the exception of Chapter XI-2 of the Annex thereto;
- (b) International Convention for the Safety of Life at Sea of 1974, with the exception of Chapter XI-2 of the Annex thereto;
- (c) International Convention on Load Lines of 1966 and the International Convention for the Prevention of Pollution from Ships of 1973/78;
- (d) International Convention on Load Lines, 1966,
- (e) International Convention on Tonnage Measurement of Ships, 1969
- (f) Convention on the International Regulations for Preventing Collisions at Sea, 1972; and
- (g) International Maritime Labour Convention, 2006,

together with their protocols and amendments thereto, and the related codes of mandatory status in all IMO Member States, in their up-to-date version which is ratified by the United Republic of Tanzania;

“rules and regulations” means a recognised organisation’s requirements established, published and systematically maintained for design, construction, equipment, maintenance, certification and survey of ships and their associated essential engineering systems as well as provide for adequate research capability to ensure appropriate updating of the

- published criteria in English language version;
- “quality management system” means a formalized system that documents processes, procedures, and responsibilities for achieving quality policies and objectives;
- “surveyor” means a person appointed as surveyor under section 382 of the Act;
- “SOLAS Convention” means the International Convention for the Safety of Life at Sea, 1974, including the Protocols and amendments thereof;
- “owner” in relation to a ship, or “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. 165 “Act” means the Merchant Shipping Act;
- Cap. 415 “Corporation” means the Tanzania Shipping Agencies Corporation established in pursuant to section 4 of the Tanzanian Shipping Agencies Act;
- “recognised organisation” means an organisation that has been assessed by the Corporation and found to comply with the RO Code to perform, on its behalf, statutory certification and services under mandatory IMO instruments and national legislation;
- “assessment” means any activity to determine that the assessed entity fulfils the requirements of the relevant rules and regulations of the recognised organisation;
- “audit” means a systematic, independent, and documented process for obtaining audit evidence and evaluating it objectively to determine the extent to which the audit criteria are fulfilled;
- “inspection and survey” means an inspection and survey made mandatory for the Tanzanian ship or for the operator of Tanzanian ship under the International Conventions;
- “ISO 9000 series” means a set of international standards on quality management and quality assurance developed to help companies effectively document the quality system elements needed to maintain an

efficient quality system;

“audit evidence” means records, statements of fact or other information which:

(a) are relevant to the audit criteria and verifiable;
and

(b) may be qualitative or quantitative;

“statutory certification and services” means certificates issued and services provided in accordance with relevant written laws which includes:

(a) plan review, survey and audit leading to the issuance of, or in support of the issuance of, a certificate by or on behalf of the Corporation as evidence of compliance with requirements contained in an international convention or national legislation;

(b) certificates issued by a recognised organisation in accordance with the provisions of regulation XI-1/1 of SOLAS Convention, and which may incorporate demonstrated compliance with the structural, mechanical and electrical requirements of the RO under the terms of its agreement of recognition with the Corporation;

“audit criteria” means a set of policies, procedures or requirements;

“interested parties” means any person or legal entity who can demonstrate a justified interest in the survey and certification process and includes clients of the recognised organisation, shipowners, ship operators, shipbuilders, equipment manufacturers, shipping industry interests or associations, marine insurance interests or associations, trade associations, governmental regulatory bodies or other governmental services and non-governmental organisations;

“MEPC/Circular” means a Circular issued by the Marine Environment Protection Committee of IMO dealing with environmental issues under IMO’s remit and includes the control and prevention of ship-source pollution covered by the MARPOL treaty;

“MSC/Circular” means a Circular issued by the Maritime Safety Committee of IMO which deals with all matters related to maritime safety and maritime security, covering both passenger ships and all kinds of cargo ships; and

“Minister” means the Minister responsible for maritime transport.

PART II
REQUIREMENTS FOR AUTHORISATION OF
RECOGNISED ORGANISATIONS

Requirements for
authorisation

- 4.-(1) A recognised organisation shall not-
- (a) engage in any activities that may conflict with its independence of judgement and integrity in relation to its statutory certification and services;
 - (b) be the designer, manufacturer, supplier, installer, purchaser, owner, user or maintainer of the item subject to the statutory certification and services, nor the authorised representative of any of these parties; and
 - (c) be substantially dependent on a single commercial enterprise for its revenue.

(2) The recognised organisation shall ensure observance of the minimum criteria for its recognition by the Corporation in pursuant to the First Schedule to these Regulations.

Quality
management
system

5. A recognised organisation shall develop and implement a quality management system and ensure its continued improvement and effectiveness based on the provisions of these Regulations, requirements of the RO Code and its subsequent amendments.

Design and
development

6.-(1) A recognised organisation shall plan and control the design and development of statutory certification and services processes.

(2) During the design and development planning, the recognised organization shall determine-

- (a) the design and development stages;

(b) the review, verification and validation that are appropriate to each service design and development stage; and

(c) the responsibilities and authorities for design and development.

(3) A recognised organisation shall allow participation in the development and review of its rules and regulations, specifically in the review process prior to finalisation, by representatives of the Corporation and any interested party.

(4) A recognised organisation shall include in its rules and regulations requirements-

(a) specified and communicated to recognised organisation by the Corporation, specifically for statutory certification and services;

(b) not stated by the Corporation but necessary for specified or intended use, as determined by the recognised organisation.

(5) Implementation of requirements may be in the form of adoption into the recognised organisation's internal requirements or by use of the original documents from IMO or the Corporation.

(6) A recognised organisation shall not issue statutory certificates to a ship which has been declassified or is changing class for safety reasons, before giving the opportunity to the Corporation to give its opinion within a reasonable time as to whether a full inspection is necessary.

PART III POWER TO ISSUE INSTRUCTIONS TO RECOGNISED ORGANISATIONS

Appointment and supervision of recognised organisation

7.-(1) The Corporation shall issue instruction to a recognised organisation to act on its behalf, to ensure compliance by the Tanzanian ship and by the operator of a Tanzanian ship with the relevant provisions of the Annex and the Appendix to IMO Resolution A. 847(20) on the guidelines to assist flag states in the implementation of IMO instruments.

(2) The Corporation shall supervise, oversee and follow up the work of the recognised organisation authorised to act on its behalf as provided under these Regulations.

Obligations of
recognised
organisation

8.-(1) Inspection, survey, marking of load lines, tonnage measurement, monitoring of shipbuilding and repair works, issuance and renewal of relevant certificates, certificates of permanent or provisional exemptions from or equivalent arrangements to a Tanzanian ship according to the International Conventions and SOLAS Convention, shall be undertaken, whether in whole or in part, by-

- (a) surveyor of a ship; or
- (b) recognised organisation which is authorised by the Corporation to act on its behalf.

(2) In performing functions for which it is authorised by the Corporation in terms of these Regulations relating to a Tanzanian ship to which the provisions of International Convention apply, a recognised organisation shall ensure that the provisions of these Regulation and Appendix 2 of the RO Code are complied with.

(3) Notwithstanding the provisions of subregulation (1), the Corporation may require that a recognised organisation shall not issue any exemption certificate, whether permanent or provisional, from the provisions of, or equivalent arrangements according to the requirements of International Conventions, as well as the issuance and renewal unless it is so authorised by the Corporation:

Provided that, the Corporation shall in all cases approve the first issue of the exemption certificates.

(4) Notwithstanding any requirements of the Act as to the issue of certificates, recognised organisations shall not issue certificates to a Tanzanian ship declassified or changing class for safety reasons before consulting the Corporation to determine whether a full inspection is necessary.

(5) After carrying out the specified safety assessment work on radio communication, the recognised

organisation shall, in consultation with the relevant competent authority, issue Cargo Ship Safety Radio Certificate on behalf of the Corporation.

(6) Subject to subregulation (3), in order for the recognition and assignment of such duties to take place, the recognised organisation shall fulfil the criteria set out by the Corporation in consultation with the relevant competent authority which may, at any time, be withdrawn where it is no longer fulfils the criteria set or its performance is considered as unsatisfactory.

(7) This regulation shall not include the certification of specific items of marine equipment.

(8) For the purposes of this regulation, "Cargo Ship Safety Radio Certificate" means the certificate of that name, issued in conformity with the Safety Convection pursuant to section 231(1) (c) of the Act.

Authorisation of
recognised
organisations

9.-(1) Subject to the provisions of these Regulations, the Corporation shall not refuse to authorise the undertaking of any functions referred to under regulation 8 by a recognised organisation:

Provided that, the Corporation may restrict the number of recognised organisations it authorises in accordance with the needs of Tanzanian shipping, provided there are transparent and objective grounds for so doing.

(2) When undertaking any of the functions delegated to undertake on behalf of the Corporation, the recognised organisation shall-

- (a) develop, implement and maintain an effective internal quality management system that complies with the requirements of the RO Code;
- (b) base on appropriate parts of internationally recognised quality standards not less effective than the ISO 9000 series;
- (c) comply with quality and environmental management systems auditing; and
- (d) comply with the requirements for training and qualification of technical staff of the recognised

organisation in accordance to Appendix 1 of the RO Code.

Agreement with recognised organisations

10.-(1) The Corporation shall set out a working relationship with a Recognised Organisation in accordance with the provisions of these Regulations, by entering into a formalised written agreement setting out the specific duties and functions to be assumed by such recognised organisation.

(2) The written agreement shall be signed by the Corporation and Recognised Organisation in accordance with the provisions of the written laws governing the incorporation and operation thereof in the country in which the recognised organisation is located.

(3) The Corporation shall list Recognised Organisations engaged to work on behalf of the Corporation in the website of the Corporation for notification to the public.

(4) The agreement referred to under subregulation (2) shall be as prescribed under the Second Schedule to these Regulations and include the following:

- (a) provisions for a periodical audit by the Corporation or by an independent auditor appointed by the Corporation into the duties the Recognised Organisations are undertaking on behalf of the Corporation, as referred to in regulation 8(1);
- (b) provisions for the possibility for random and detailed inspections of ships;
- (c) provisions for compulsory reporting by the Recognised Organisation to the Corporation of essential information about the Recognised Organisation's classed fleet, changes of class, suspensions and withdrawals of class certificate;
- (d) provisions as to the effect that the agreement shall be treated as terminated if the Corporation withdraws the recognition of the Recognised Organisation, in accordance with these Regulations, and to the effect that, in such a

case, the Corporation shall not bear any liability for paying financial compensation to the said Recognised Organisation.

(4) The agreement under this regulation shall contain the requirement that the Recognised Organisation has a local representation in Tanzania Mainland who-

- (a) is incorporated or registered in Tanzania Mainland pursuant to the written laws; and
- (b) may be subjected to the jurisdiction of the courts of Tanzania Mainland.

Monitoring of recognised organisations

11.-(1) In order to ensure that the United Republic fully meets its international obligations, the Corporation shall:

(a) develop, implement and manage an effective oversight programme of a Recognised Organisation;

(b) monitor the work of a Recognised Organisation by-

(i) conducting supplementary survey to ensure that a ship entitled to fly the United Republic flag complies with-

(aa) the requirements of the applicable international instruments;

(bb) national requirements, which supplement the international mandatory requirements; and

(ii) providing staff who-

(aa) have knowledge of the rules and regulations of the United Republic and of the Recognised Organisation; and

(bb) are available to carry out effective oversight of the recognised organisation.

(2) The Corporation shall supervise the duties delegated to the recognised organisation by considering the following:

(a) documentation of the quality management

- system;
 - (b) access to internal instructions, circulars and guidelines of recognised organisation;
 - (c) access to the documentation of recognised organisation which are relevant to the United Republic fleet;
 - (d) cooperation with the Corporation's inspection and verification work; and
 - (e) provision of information and statistics; such as, but not limited to, damage and casualties relevant to United Republic fleet.
- (3) The Corporation shall establish a system to ensure the statutory certification and services provided are adequate and in compliance with the RO Code.
- (4) The Corporation shall-
- (a) carry out monitoring at least annually; and
 - (b) prepare a report of the results of monitoring at the latest the year following the year in which the monitoring was carried out.

Corporation's
obligation on Port
State Control
GN. No.
67 of 2019

12.-(1) Where in exercising inspection rights and obligations under the Tanzania Shipping Agencies (Port State Control) Regulations, it is established that-

- (a) the recognised organisation, acting on behalf of a flag State, has issued a valid certificate to a ship which does not fulfil the relevant requirements of the International Conventions; or
 - (b) a ship carrying a valid class certificate has any deficiency or failure relating to items covered by that certificate,
- the Corporation shall report the anomalies to the-
- (i) flag State concerned; and
 - (ii) relevant recognised organisation at the time of the initial inspection.
- (2) The reporting in accordance with subregulation (1) shall-
- (a) relate to the discovery of a ship representing a serious threat to safety and the environment; or
 - (b) show evidence of particularly negligent

behaviour of the relevant recognised organisation.

(3) The flag State concerned and recognised organisation notified in accordance with subregulation (1) shall have the obligation to take appropriate follow-up action immediately.

Obligation of ship owner

13.-(1) An owner of a Tanzanian ship shall-

(a) ensure the ship is designed, constructed, equipped and maintained in conformity with the rules and regulations of the recognised organisation with respect to the hull, machinery and electrical and control installation requirements of an authorised recognised organisation; and

(b) furnish the ship with a valid class certificate issued by a recognised organisation.

(2) The Corporation shall-

(a) cooperate with the recognised organisation in the development of the rules and regulations of that organisation; and

(b) confer with the recognised organisation in order to achieve consistent interpretation of the International Conventions.

(3) An owner and operator of a Tanzanian ship who refuses or omits to ensure the compliance of the ship with any of the requirements of subregulation (1) commits an offence and upon conviction shall be liable to a fine not exceeding United States Dollar five thousand or its equivalent in Tanzanian shillings or to imprisonment for a term not exceeding two years or to both.

Registrar's obligations

14.-(1) The Registrar shall-

(a) keep a copy of the International Conventions referred to in subregulation (2); and

(b) provide any person who so requires with-

(i) access to any such Conventions, provided that the said person requires so in the manner as prescribed by notification; and

(ii) a copy of any such Conventions, provided that the said person requires so in the manner as prescribed by notification and pays to the Registrar a fee prescribed by the Registrar, which does not exceed the cost borne by the Corporation for the production of the copy.

(2) The International Conventions in relation to which the Registrar has an obligation under subregulation (1) include-

(a) the International Conventions, in their up-to-date versions, provided that this is allowed by the intellectual property rights (copyrights) of the IMO, the International Labour Organisation and the International Telecommunication Union;

(b) the Resolutions and Circulars of the IMO, referred to in these Regulations.

(3) The Registrar may keep a copy of the International Conventions, referred to under subregulation (2) in an electronic or paper form.

Refusal,
withdrawal or
suspension of
authorisation of
recognised
organisations

15.-(1) Notwithstanding the minimum criteria specified under the First Schedule to these Regulations, when the Corporation considers that a recognised organisation should no longer be authorised to act on its behalf, it may suspend or withdraw such authorisation.

(2) The Corporation shall notify the recognised organisation concerned of its intention to suspend or withdraw, informing it of the reasons for which it intends to act as such and providing such organisation with the right to submit representations within seven working days from the date of such notification.

(3) The Corporation, in issuing its decision, shall inform IMO of its decision according to subregulation (1) without delay and shall give substantiated reasons thereof.

(4) The suspension or withdraw of an authorisation shall be effected by a decision of the Corporation being published in the website of the Corporation.

(5) Where Corporation suspends or withdraws an authorisation, shall communicate its decision to the affected recognised organisation.

PART IV GENERAL PROVISIONS

- General penalty
16. A person who contravenes any provision of these Regulations for which no specific penalty is provided, commits an offence and upon conviction, shall be liable to a fine of not less than United States Dollar two thousand but not exceeding United States Dollar ten thousand or its equivalent in Tanzanian Shillings.
- Transition for relevant certificates of Tanzanian ship.
17. A certificate or document issued to a Tanzanian ship or ship owner before the entry into force of these Regulations shall continue to be valid until the date of expiry of such certificate or document.
- Limitation to recognised organisations functions
18. The Corporation shall not mandate or authorise the recognised organisation to-
- (a) functions beyond its capabilities taking into consideration the provisions of Appendix 2 of the RO Code for authorisation; and
 - (b) apply to ships, other than those registered under the Act, any requirement pertaining to their classification rules, requirements, regulations or performance of other certification processes, beyond international convention requirements.
- Cooperation between recognised organisation
- 19.-(1) In cases of transfer of the statutory certification of the ship from one recognised organisation to another, the losing recognised organisation shall, without undue delay, provide the gaining organisation access to the history file of the ship including-
- (a) any overdue surveys;

- (b) any overdue recommendations and overdue conditions of class;
- (c) operating conditions issued against the ship;
- (d) operating restrictions issued against the ship; and
- (e) technical information, drawings, plans and documents by considering the relevant guidelines developed by the recognised organisation.

(2) New certificates for the ship can be issued by the gaining recognised organisation only after all overdue surveys have been satisfactorily completed and all overdue recommendations or overdue conditions of class previously issued in respect of the ship have been completed as specified by the losing recognised organisation.

(3) Within one month from the issuance of the certificates, the gaining recognised organisation shall advise the losing recognised organisation of the date of issue of the certificates and confirm the date, place and action taken to satisfy each overdue survey, overdue recommendation and overdue condition of class.

(4) A recognised organisation shall establish and implement appropriate common requirements concerning cases of transfer of the statutory certification of a ship where special precautions are necessary including-

- (a) the statutory certification of ships of 15 years of age or above; and
- (b) the transfer of a ship from a recognised organisation not recognised by the Corporation.

Evaluation and reporting

20.-(1) The Registrar shall-

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

(2) The first report under this regulation shall be published before the fifth anniversary of the date on which these Regulations come into force.

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

(4) The report prepared and submitted under this regulation shall, in particular-

- (a) set out the objectives intended to be achieved by the regulatory provisions referred to under subregulation (1)(a);
- (b) assess the extent to which those objectives are achieved;
- (c) assess whether those objectives remain appropriate; and
- (d) where the objectives remain appropriate, assess the extent to which they could be achieved in another way which involves less onerous regulatory provision.

Complaints
handling
GN. No.
338 of 2018

21. A person who is aggrieved by the decision made under these Regulations may apply to the Corporation for review, in accordance with the Tanzania Shipping Agencies (Complaints Handling) Regulations.

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FIRST SCHEDULE
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(Made under regulations 4(2) and 15(1))

MINIMUM CRITERIA FOR RECOGNISED ORGANISATIONS RECOGNITION

A. General Minimum Criteria

1. A recognised organisation shall have legal personality in the State of its location. Its accounts shall be certified by independent auditors.
2. The recognised organisation shall be able to document extensive experience in assessing the design and construction of merchant ships.
3. The recognised organisation shall be equipped at all times with significant managerial, technical, support and research staff commensurate with the size of the fleet in its class, its composition and the organisation's involvement in the construction and conversion of ships
4. The recognised organisation shall be capable of assigning to every place of work, when and as needed, means and staff commensurate with the tasks to be carried out in accordance with general minimum criteria under points 6 and 7 and with the specific minimum criteria under part.
5. The recognised organisation shall have and apply a set of own comprehensive rules and procedures, or the demonstrated ability thereto, for the design, construction and periodic survey of merchant ships, having the quality of internationally recognised standards. They shall be published and continually upgraded and improved through research and development programmes.
6. The recognised organisation shall have its register of ships published on an annual basis or maintained in an electronic database accessible to the public.
7. The recognised organisation shall not be controlled by shipowners or shipbuilders, or by others engaged commercially in the manufacture, equipping, repair or operation of ships. The recognised organisation is not substantially dependent on a single commercial enterprise for its revenue. The recognised organisation does not carry out class or statutory work if it is identical to or has business, personal or family links to the shipowner or operator. This incompatibility shall also apply to surveyors employed by the recognised organisation.
8. The recognised organisation shall operate in accordance with the provisions set out in the Annex to IMO Resolution A.789(19) on specifications on the survey and certification functions of recognised organisations acting on behalf of the

administration, in so far as they cover matters falling within the scope of this Regulation.

B. Specific Minimum Criteria

1. The recognised organisation shall provide worldwide coverage by its exclusive surveyors or, in exceptional and duly justified cases, through exclusive surveyors of other recognised organisations
2. The recognised organisation shall be governed by a code of ethics in pursuant to RO Code.
3. The recognised organisation shall be managed and administered in such a way as to ensure the confidentiality of information required by the administration.
4. The recognised organisation shall provide relevant information to the Corporation and to interested parties.
5. The recognised organisation, its surveyors and its technical staff shall carry out their work without harming in anyway the intellectual property rights of shipyards, equipment suppliers and shipowners, including patents, licences, know-how, or any other kind of knowledge whose use is legally protected at international or national level. Under no circumstances, and without prejudice to the assessment powers of the United Republic may either the recognised organisation or the surveyors and technical staff, whom it employs pass on or divulge commercially relevant data obtained in the course of their work of inspecting, checking, and monitoring ships under construction or repair.
6. The recognised organisation's management shall define and document its policy and objectives for, and commitment to, quality and shall ensure that this policy is understood, implemented and maintained at all levels in the recognised organisation. The recognised organisation's policy shall refer to safety and pollution prevention performance targets and indicators.
7. The recognised organisation shall ensure that:
 - (a) its rules and regulations are established and maintained in a systematic manner;
 - (b) its rules and regulations are complied with and an internal system to measure the quality of service in relation to these rules and regulations is put in place;
 - (c) the requirements of the statutory work for which the recognised organisation is authorised are satisfied and an internal system to measure the quality of service in relation to compliance with the International Conventions is put in place;
 - (d) the responsibilities, powers and interrelation of personnel whose work affects the quality of the recognised organisation's services are defined and documented;
 - (e) all work is carried out under controlled conditions;
 - (f) a supervisory system is in place which monitors the actions and work

carried out by surveyors and technical and administrative staff employed by the recognised organisation;

(g) surveyors have an extensive knowledge of the particular type of ship on which they carry out their work as relevant to the particular survey to be carried out and of the relevant applicable requirements;

(h) a system for qualification of surveyors and continuous updating of their knowledge is implemented;

(i) records are maintained, demonstrating achievement of the required standards in the items covered by the services performed, as well as the effective operation of the quality system;

(j) a comprehensive system of planned and documented internal audits of the quality related activities is maintained in all locations;

(k) the statutory surveys and inspections required by the harmonised system of survey and certification for which the recognised organisation is authorised are carried out in accordance with the provision set out in the Annex and Appendix to IMO Resolution A.948(23); and

(l) clear and direct lines of responsibility and control are established between the central and the regional offices of the recognised organisation and between the recognised organisations and their surveyors.

8. The recognised organisation shall have developed, implemented and shall maintain an effective internal quality system based on appropriate parts of internationally recognised quality standards and in compliance with the RO Code on quality management systems, requirements as interpreted and certified by the quality assessment and certification entity.

9. The rules and regulations of the recognised organisation shall be implemented in such a way that the recognised organisation remains in a position to derive from its own direct knowledge and judgment a reliable and objective declaration on the safety of the ships concerned by means of class certificates on the basis of which statutory certificate can be issued.

10. Through the use of qualified professional staff and pursuant to the provisions set out in the Annex to IMO Resolution A.913(22), the recognised organisation shall have the necessary means of assessing the application and maintenance of the safety management system, both ashore and onboard ships, intended to be covered in the certification.

11. The recognised organisation shall allow participation in the development of its rules and regulations by representatives of the administration and other parties concerned.

SECOND SCHEDULE

(Made under regulation 10(4))

ELEMENTS TO BE INCLUDED IN AN AGREEMENT BETWEEN THE
CORPORATION AND RECOGNISED ORGANISATION

Developed in accordance to Appendix 2 of IMO Resolution A.739(18) and Appendix
3 of RO Code, Annex, Appendixes and Attachment to IMO MSC/Circular 710 and
MEPC/Circular 307

A formal written agreement or equivalent between the Corporation and the recognised
organisation shall include the following:

1. Application.
2. Purpose.
3. General conditions.
4. The execution of functions under authorisation:
 - (a) functions in accordance with the general authorisation;
 - (b) functions in accordance with special (additional) authorisation;
 - (c) relationship between the recognised organisation's statutory and other related activities; and
 - (d) functions to cooperate with port States to facilitate the rectification of reported port State control deficiencies or the discrepancies within the recognised organisation's purview.
5. Legal basis of the functions under authorisation:
 - (a) Acts, regulations and supplementary provisions;
 - (b) interpretations; and
 - (c) deviations and equivalent solutions.
6. Reporting to the flag State:
 - (a) procedures for reporting in the case of general authorisation;
 - (b) procedures for reporting in the case of special authorisation;
 - (c) reporting on classification of ships (assignment of class, alterations and cancellations), as applicable;
 - (d) reporting of cases where a ship did not in all respects remain fit to proceed to sea without danger to the ship or persons on board or presenting unreasonable threat of harm to the environment; and
 - (e) other reporting.
7. Development of rules and regulations – Information:
 - (a) cooperation in connection with development of rules and regulations

- liaison meetings;
 - (b) exchange of rules and regulations and information; and
 - (c) language and form.
8. Other conditions:
- (a) Remuneration;
 - (b) Rules for administrative proceedings;
 - (c) Confidentiality;
 - (d) Liability which shall cover recognised organisation and its employees who are involved in or responsible for delivery of statutory certification and services may be required by the relevant written laws to be covered by professional indemnity or professional liability insurance in the event that liability is finally and definitively imposed on the United Republic for loss or damage which is proved in a court of law to have been caused by any negligent act or omission by its recognised organisation. In this connection, the Corporation may also consider placing a limitation on the level of liability and indemnification to be covered under that insurance or other compensation arrangements;
 - (e) Financial responsibility;
 - (f) Entry into force;
 - (g) Termination;
 - (h) Breach of agreement;
 - (i) Settlement of disputes;
 - (j) Use of subcontractors;
 - (k) Issue of the agreement; and
 - (l) Amendments.
9. Specification of the authorisation from the Corporation to the recognised organisation:
- (a) Ship types and sizes;
 - (b) Conventions and other instruments, including relevant national legislation;
 - (c) Approval of drawings;
 - (d) Approval of material and equipment;
 - (e) Surveys;
 - (f) Issuance of certificates;
 - (g) Corrective actions;
 - (h) Withdrawal of certificates; and
 - (i) Reporting.

10. The Corporation's supervision of duties delegated to the recognised organisation:

- (a) documentation of quality assurance system;
- (b) access to internal instructions, circulars and guidelines;
- (c) access by the Corporation to the recognised organisation's documentation relevant to the United Republic 's fleet;
- (d) cooperation with the Corporation's inspection and verification work;
- and
- (e) provision of information and statistics on, e.g. damage and casualties relevant to the United Republic 's fleet.

Dodoma,
28th June, 2023

MAKAME M. MBARAWA,
Minister for Works and Transport