

Merchant Shipping (Requirements for Maintenance, Thorough Examination, Operational Testing, Overhaul and Repair of Lifeboats and Rescue Boats, Launching Appliances and Release Gear)

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THE MERCHANT SHIPPING ACT,
(CAP. 165)

REGULATIONS

(Made under section 222)

THE MERCHANT SHIPPING (REQUIREMENTS FOR MAINTENANCE, THOROUGH EXAMINATION, OPERATIONAL TESTING, OVERHAUL AND REPAIR OF LIFEBOATS AND RESCUE BOATS, LAUNCHING APPLIANCES AND RELEASE GEAR) REGULATIONS, 2023

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PART I
PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Merchant Shipping (Requirements for Maintenance, Thorough Examination, Operational Testing, Overhaul and Repair of Lifeboats and Rescue Boats, Launching Appliances and Release Gear) Regulations, 2023.

Application

2.-(1) These Regulations shall apply to Tanzanian ships and non-Tanzanian ships while within Tanzanian waters in particular to the maintenance, thorough examination, operational testing, overhaul and repair of-

- (a) lifeboats including free-fall lifeboats, rescue boats and fast rescue boats; and
- (b) launching appliances and on-load and off-load release gear for lifeboats including primary and secondary means of launching appliances for free-fall lifeboats, rescue boats, fast rescue boats and davit-launched liferafts.

(2) Without prejudice to subregulation (1), these Regulations shall not apply to-

- (a) warship or naval auxiliary;
- (b) vessels of the Tanzania People's Defence Force;
- (c) sea aircraft of the Tanzania Peoples' Defence Force; and

- (d) vessel owned or operated by the government on non-commercial services.

Interpretation

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

“Life Saving Appliance Code” means a Code adopted by Maritime Safety Committee (MSC) at 66th session (June 1996) by resolution MSC.48 (66) or in its acronym known as LSA Code;

“off-load release mechanism” means a release mechanism which releases the survival craft or rescue boat or fast rescue boat when it is waterborne or when there is no load on the hook;

“on-load release mechanism” means a release mechanism which releases the survival craft or rescue boat or fast rescue boat with load on the hooks;

“Safety Management System” means a structured and documented system enabling company personnel to effectively implement the company safety and environmental protection policy;

“surveyor” means a person appointed as surveyor under section 382 of the Act;

"Safety Convention" means the International Convention for the Safety of Life at Sea, 1974 as affected by any amendment made thereunder, and includes resolution MSC.402(96) adopted on 19 May 2016;

“manufacturer” means the original equipment manufacturer or any entity which has taken legal and legitimate responsibilities for equipment when the original equipment manufacturer no longer exists or supports the equipment;

“authorised service provider” means an entity authorised by the Corporation to conduct maintenance, thorough examination, operational testing, overhaul and repair of lifeboats and rescue boats, launching appliances and release gear;

“Merchant Shipping Notice” means a Notice described as such issued by the Registrar and includes a reference to any document amending or replacing that notice;

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“Act” means the Merchant Shipping Act;

- Cap. 415 “Corporation” means the Tanzania Shipping Agencies Corporation established under section 4 of the Tanzania Shipping Agencies Act;
- “repair” means any activities requiring disassembly of equipment, or any other activities outside the scope of the instructions for on-board maintenance and for emergency repair of life-saving appliances prepared in accordance with regulations III/36.2 and III/35.3.18 of the Safety Convention, respectively;
- “overhaul” means periodical activity defined by the manufacturer that proves continuous fitness for purpose for a defined period subject to correct maintenance; and
- “equipment” means lifeboats and rescue boats, launching appliances and release gear.

PART II
AUTHORISATION, QUALIFICATION LEVELS, CERTIFICATION,
REPORTS AND RECORDS

- Authorisation 4.-(1) The Corporation shall ensure that, thorough examination, operational testing and overhaul of equipment is carried out by service providers authorised in accordance with regulation 13 of these Regulations, regulation III/20 of Safety Convention and guidelines issued by the Corporation through a Merchant Shipping Notice on marine equipment conformity and approval standards.
- (2) The requirements under regulation 13, shall equally apply to manufacturers when they are acting as authorised service providers.
- Qualification levels and certification 5.-(1) Weekly and monthly inspections and routine maintenance shall be conducted by authorised service providers or by shipboard personnel under the direction of a senior ship's officer as prescribed in the applicable equipment maintenance manual.
- (2) An annual thorough examination and operational test as prescribed under regulation 8, shall be conducted by certified personnel of either the

manufacturer or an authorised service provider in accordance with regulations 13 and 14.

(3) The service provider referred to under subregulation (1), may be the ship operator provided that it is authorised in accordance with regulations 4, 13 and 14.

(4) A five-year thorough examination, overhaul, overload operational test, and repair shall be conducted by certified personnel of either manufacturer or an authorised service provider in accordance with regulations 13 and 15.

(5) The thorough examination or overhaul and operational test referred to under subregulation (4), shall be carried out in the presence of a surveyor.

Reports and records

6.-(1) Reports and checklists shall be completed and signed by the person who carries out the inspection and maintenance work and countersigned by the Company's representative or the ship's master.

(2) Records of maintenance, thorough examination, operational testing, overhaul and repair shall be updated and filed on board the ship for the service life of the equipment.

(3) When thorough examination, operational testing, overhaul and repair are completed, a statement confirming that the lifeboat arrangements remain fit for purpose shall be promptly issued by the manufacturer or authorised service provider that conducted the work.

(4) A statement referred to under subregulation (3), shall be accompanied with a copy of valid documents of certification and authorisation as appropriate.

PART III
SPECIFIC PROCEDURES FOR INSPECTION,
MAINTENANCE, THOROUGH EXAMINATION,
OVERHAUL AND REPAIR

Maintenance manuals

7.-(1) Any inspection, maintenance, thorough examination, operational testing, overhaul and repair shall be carried out according to the maintenance manuals and associated technical documentation developed by the manufacturer.

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(2) A ship owner and master shall make sure that, full set of applicable maintenance manuals and associated technical documentation are available on board.

(3) The maintenance manuals and associated technical documentation shall include the items listed under regulation 10 as a minimum and shall be kept up to date by the Company taking into account relevant information provided by the manufacturer.

Annual thorough examination and operational test

8. Items listed in checklists for the weekly or monthly inspections required under regulations III/20.6 and III/20.7 of the Safety Convention shall form the first part of the annual thorough examination.

Review of certificates, records of inspections and routine on-board maintenance

9. Records of inspections and routine on-board maintenance carried out by the ship's crew and the applicable certificates for the equipment shall be reviewed in accordance with requirements of the ship applicable Safety Management System.

Items to be examined and checked

10.-(1) For lifeboats including free-fall lifeboats, rescue boats and fast rescue boats, the following items shall be thoroughly examined and checked for satisfactory condition and operation:

- (a) condition of the boat structure including fixed and loose equipment including a visual examination of the external boundaries of the void spaces, as far as practicable;
- (b) engine and propulsion system;
- (c) sprinkler system, where fitted;
- (d) air supply system, where fitted;
- (e) maneuvering system;
- (f) power supply system;
- (g) bailing system;
- (h) fender or skate arrangements; and
- (i) rescue boat righting system, where fitted.

(2) For release gear of lifeboats including free-fall lifeboats, rescue boats, fast rescue boats and liferafts, the following shall be thoroughly examined for satisfactory condition and operation after the annual operational test of the winch brake with the empty boat

or equivalent load:

- (a) operation of devices for activation of release gear;
 - (b) excessive free play including tolerances;
 - (c) hydrostatic interlock system, where fitted;
 - (d) cables for control and release; and
 - (e) hook fastening.
- (3) For launching appliances for lifeboats including free-fall lifeboats, rescue boats, fast rescue boats and liferafts, the following items shall be examined for satisfactory condition and operation:
- (a) davit or other launching structures, in particular with regard to corrosion, misalignments, deformation and excessive free play;
 - (b) wires and sheaves, possible damage such as kinks and corrosion;
 - (c) lubrication of wires, sheaves and moving parts; and
 - (d) if applicable-
 - (i) functioning of limit switches;
 - (ii) stored power systems;
 - (iii) hydraulic systems; and
 - (iv) for winches;
 - (e) inspecting the braking system in accordance with winch manual;
 - (f) replacing brake pads, when necessary;
 - (g) winch foundation; and
 - (h) if applicable-
 - (i) remote control system; and
 - (ii) power supply system.

Additional requirements for maintenance and test

11.-(1) Utmost care shall be taken when carrying out all inspection and maintenance operations on the release gear, as the setting and maintenance of release gear are critical operations with regard to maintaining the safe operation of lifeboats including free-fall lifeboats, rescue boats, fast rescue boats and davit launched liferafts.

(2) Maintenance or adjustment of the release gear shall not be undertaken while the hooks are under load.

(3) The operational test of davit-launched lifeboats and rescue boats on-load release function shall be carried out as follows:

- (a) position the boat partially in the water such that the mass of the boat is substantially supported by the falls and the hydrostatic interlock system, where fitted, is not triggered;
- (b) operate the on-load release gear;
- (c) reset the on-load release gear; and
- (d) examine the release gear and hook fastening to ensure that the hook is completely reset and no damage has occurred.

(4) The operational test of davit-launched lifeboats and rescue boats off-load release function shall be carried out as follows:

- (a) position the boat so that it is fully waterborne;
- (b) operate the off-load release gear;
- (c) reset the off-load release gear; and
- (d) recover the boat to the stowed position and prepare for operational readiness.

(5) During the test, prior to hoisting, the release gear shall be checked so as to ensure that it is completely and properly reset and the final turning-in of the boat shall be done without any persons on board.

(6) The operational test of the free-fall lifeboat release function shall be carried out as follows:

- (a) engage the arrangements for the test without launching the lifeboat, required by paragraph 4.7.6.4 of the LSA Code, as specified in the manufacturer's operating instructions;
- (b) if required to be on board, ensure that the operator is properly seated and secured in the seat location from which the release mechanism is to be operated;
- (c) operate the release mechanism to release the lifeboat;
- (d) reset the lifeboat in the stowed configuration;
- (e) repeat the procedures referred to in paragraphs

- (b) to (d), using the back-up release mechanism, if applicable;
 - (f) remove the arrangements for the test without launching the lifeboat, required by paragraph 4.7.6.4 of the LSA Code; and
 - (g) verify that the lifeboat is in the ready to launch stowed configuration.
- (7) The operational test of the davit-launched liferaft automatic release function shall be carried out as follows:
- (a) manually release the hook with a load of 150 kg on the hook;
 - (b) automatically release the hook with a dummy weight of 200 kg on the hook when it is lowered to the ground; and
 - (c) examine the release hook and hook fastening to ensure that the hook is completely reset and no damage has occurred.
- (8) Where a raft is used for the test instead of a dummy weight, the automatic release function shall release the raft when waterborne.
- (9) For winches of the launching appliances for lifeboats including free-fall lifeboat, rescue boat, fast rescue boat and liferaft, annual operational testing shall be done by lowering the empty craft or boat or equivalent load.
- (10) When the craft has reached its maximum lowering speed and before the craft enters the water, the brake shall be abruptly applied and following the tests under subregulation (9), the stressed structural parts shall be re-inspected where the structure permits the re-inspection.

Five-year
operational tests
for launching
appliances

12.-(1) The five-year operational test of the winches of the launching appliances shall be carried out with a proof load equal to 1.1 times the weight of the survival craft or rescue boat and its full complement of persons and equipment and when the proof load has reached its maximum lowering speed, the brake shall be abruptly applied.

(2) Following the tests referred to under

subregulation (1), the stressed structural parts shall be re-inspected where the structure permits the re-inspection.

(3) The operational tests and overhaul at five-year intervals of release gear for lifeboats including free-fall lifeboats, rescue boats, fast rescue boats and liferafts shall include-

- (a) dismantling of hook release units;
- (b) examinations with regard to tolerances and design requirements;
- (c) adjustment of release gear system after assembly;
- (d) operational tests as applicable, but with a load equal to 1.1 times the weight of the survival craft or rescue boat and its full complement of persons and equipment;
- (e) examinations of vital parts with regard to defects and cracks; and
- (f) any other overhaul if required shall be carried out in accordance with regulation 5(3).

PART IV REQUIREMENTS FOR AUTHORISATION OF SERVICE PROVIDERS

Requirements
for authorisation
of service
providers

13.-(1) Authorisation of service providers shall include-

- (a) employment and documentation of personnel certified in accordance with a recognised national, international or industry standard as applicable, or a manufacturer's established certification programme and in either case, the certification programme shall comply with regulation 16 for each make and type of equipment for which service is to be provided;
- (b) availability of sufficient tools, and in particular any specialised tools specified in the manufacturer's instructions, including portable tools as needed for work to be carried out on board ship;
- (c) access to appropriate parts and accessories as specified for maintenance and repair;

- (d) availability of the manufacturer's instructions for repair work involving disassembly or adjustment of on-load release mechanisms and davit winches; and
- (e) a documented and certified quality system, which covers at least the following:
 - (i) code of conduct for personnel involved in the relevant activity;
 - (ii) maintenance and calibration of measuring tools and gauges;
 - (iii) training programmes and certification for personnel;
 - (iv) supervision and verification to ensure compliance with operational procedures;
 - (v) recording and reporting of information;
 - (vi) quality management of subsidiaries and agents;
 - (vii) job preparation; and
 - (viii) in case of cancellation of a certificate issued to any personnel, a notice to show cause be served;
 - (ix) periodic review of work process procedures, complaints, corrective actions and issuance, maintenance and control of documents.

(2) A documented quality system complying with the most current version of the ISO 9000 series and including the items under subregulation (1) shall be considered acceptable.

(3) The Corporation shall ensure that information regarding authorised service providers is made available through a Merchant Shipping Notice.

(4) In cases where a manufacturer is no longer in business or no longer provides technical support, the Corporation may authorise service providers for the equipment on the basis of prior authorisation for the equipment or long-term experience and demonstrated expertise as an authorised service provider.

Issuance and
maintenance of
authorisation
document

14.- (1) Upon successful initial audit of a service provider, an authorisation document shall be issued by the Corporation defining the scope of services provided and the expiry date shall be clearly written on the document.

(2) The Corporation shall ensure that work continues, by periodic audit, to be carried out in accordance with these requirements, and shall withdraw the authorisation of service providers who are not in compliance.

(3) The Corporation may accept or recognise service providers authorised by other Administrations or by their Recognised Organisations.

PART V REQUIREMENTS FOR CERTIFICATION OF PERSONNEL

Personnel for
work

15. Personnel for the work as prescribed under regulation 5, shall be certified by the manufacturer or authorised service provider for each make and type of the equipment to be worked on in accordance with the provisions of this regulation.

Requirements
for certification

16.-(1) Initial certification shall be issued to personnel having completed education, training and competence assessment.

(2) Education referred to under subregulation (1) shall address, as a minimum-

- (a) relevant rules and regulations, including international conventions;
- (b) design and construction of lifeboats including free-fall lifeboats, rescue boats and fast rescue boats, including on-load release gear and launching appliances;
- (c) causes of lifeboat and rescue boat accidents;
- (d) education and practical training in the procedures specified under Part III of these Regulations for which certification is sought;
- (e) detailed procedures for thorough examination, operational testing, repair and overhaul of lifeboat including free-fall lifeboats, rescue boats and fast rescue boats, launching

appliances and on-load release gear, as applicable;

- (f) procedures for issuing a report of service and statement of fitness for purpose based on regulation 6(3); and
- (g) work, health and safety issues while conducting activities on board.

(3) Training shall include practical technical training on thorough examination, operational testing, maintenance, repair and overhaul techniques using the equipment for which the personnel are to be certified.

(4) The technical training under subregulation (3) shall include disassembly, reassembly, correct operation and adjustment of the equipment.

(5) Classroom training shall be supplemented by field experience in the operations for which certification is sought, under the supervision of a certified person.

(6) Prior to issuance of certification, a competency assessment shall be satisfactorily completed, using the equipment for which the personnel are to be certified.

Validity of
certificates and
renewal

17.-(1) Upon completion of training and competency assessment, a certificate shall be issued defining the level of qualification and the scope of the certification.

(2) The expiry date of the certificate referred to under subregulation (1), shall be clearly written and be for the period of three years from the date of issuance.

(3) The validity of any certificate may be suspended in the event of any shortfall in performance and revalidated after a further competency assessment.

(4) A competency assessment shall be conducted to renew the certification and in cases where refresher training is found necessary a further assessment shall be carried out after completion.

PART VI
GENERAL PROVISIONS

Evaluation and
reporting

- 18.-(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 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 in 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.

General penalty

19. A person who contravenes the provisions of these Regulations commits an offence and upon conviction shall be liable to a fine of not less than the United States dollars one thousand or its equivalents in Tanzanian shillings or to imprisonment for a term not exceed six months or to both.

Complaints
handling
GN. No.
338 of 2018

20. 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.

Dodoma,
28th June, 2023

MAKAME M. MBARAWA,
Minister for Works and Transport