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THE MERCHANT SHIPPING ACT,  
(CAP. 165)

**REGULATIONS**

*(Made under section 222)*

THE MERCHANT SHIPPING (LIFE SAVING APPLIANCES AND ARRANGEMENTS)  
REGULATIONS, 2023

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THE MERCHANT SHIPPING ACT,  
(CAP. 165)

REGULATIONS

*(Made under section 222)*

THE MERCHANT SHIPPING (LIFE SAVING APPLIANCES AND ARRANGEMENTS)  
REGULATIONS, 2023

PART I  
PRELIMINARY PROVISIONS

- Citation                    1. These Regulations may be cited as the Merchant Shipping (Life-Saving Appliances and Arrangements) Regulations, 2023.
- Application                2.-(1) These Regulations shall apply-
- (a) in respect of giving effect to Chapter III of the Safety Convention;
  - (b) to Tanzanian ships, wherever they may be;
  - (c) to non-Tanzanian ships while they are within Tanzanian waters; and
  - (d) to Tanzanian pleasure vessel operated for hire or reward or for any other kind of monetary consideration.
- (2) Without prejudice to the generality of subregulation (1), these Regulations shall not apply to-
- (a) warship or naval auxiliary;
  - (b) vessel owned or operated by the government and engaged only on governmental non-commercial activities;
  - (c) passenger ships of Classes III, IV, V, VI and VI(A);
  - (d) wooden ships of primitive build;
  - (e) fishing vessels;
  - (f) non-Tanzanian ships which are pleasure vessels;

- (g) vessels of not less than 24 metres length or 50 gross tonnage; and
- (h) non-Tanzania ship flying the flag of a State which is not a party to the Safety Convention and it would not have been in Tanzania waters but for stress of weather or any other circumstances which neither the master nor the owner or the charterer could have prevented.

Interpretation

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

“passenger” is any person carried on a ship except-

- (a) a person employed or engaged in any capacity on the business of the ship;
- (b) a person on board the ship either in pursuance of the obligation laid upon the master to carry ship wrecked, distressed or other persons, or by reason of any circumstance that may neither the master nor the owner nor the charterer, if any, could have prevented or forestalled;
- (c) a child under one year of age;

"special trade passenger" means a passenger carried in special trades in spaces on the weather deck, upper deck or between decks which accommodate more than eight passengers;

“sea” includes any estuary or arm of the sea but does not include Category A, B, C or D waters;

“pleasure vessel” means-

- (a) any vessel including dive boats which at the time of use is-
  - (i) wholly owned by an individual or individuals used only for the sports or pleasure of the owner or the immediate family or friends of the owner; or
  - (ii) owned by the body corporate one of which the person are employees, officers or stakeholders of the body corporate, or their immediate family or friends;

(b) a vessel on a voyage or excursion which is one for which the owner does not receive money for or in connection with operating the vessel or carrying any person, other than as the contribution to the direct expenses of the operation of the vessel incurred during the voyage or excursion or any vessel wholly owned by or on behalf of a club formed for the purpose of sport or pleasure which, at the time it is being used, is used only for the sport or pleasure of members of the club or their immediate family, and for the use of which the charges levied are paid into club funds and applied for the general use of the club;

“similar stage of construction” means the stage at which-

(a) construction identifiable with a specific ship begins; and

(b) assembly of that ship has commenced comprising at least 50 tons or 1% of the estimated mass of all structural material, whichever is less;

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“Category A, B, C or D waters” means the waters specified as such in Merchant Shipping (Load Line) Regulations;

“mile” means an international nautical mile of 1,852 metres;

"special trade passenger ship" means a mechanically propelled passenger ship which carries a large number of special trade passengers;

“new ship” means a ship the keel of which is laid, or which is at a similar stage of construction, on or after 1st July 1998;

“passenger ship” means a ship which is constructed for or which is habitually or on any particular occasion used for carrying more than 12 passengers and includes a ship that is provided for a transport or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment;

“Safety Convention” means the International Convention for the Safety of Life at Sea, 1974 and its Protocols

- of 1978 and 1988, together with such amendments thereof, or replacements therefore as may be in effect in respect of Tanzania;
- Cap. 415 “Registrar” means the Registrar appointed under section 31 of the Tanzania Shipping Agencies Act;
- “Safety Convention country” means a country the Government of which has adopted the Safety Convention and which has not denounced that Convention or a territory of such Country to which the Convention extends and remains extended;
- “Merchant Shipping Notice” means a notice described as such and issued by the Registrar and includes a reference to any document amending or replacing that notice;
- “short international voyage” means an international voyage-
- (a) in the course of which a ship is not more than 200 nautical miles from a port or place in which the passenger and crew could be placed in safety; and
  - (b) which does not exceed 600 nautical miles in length between the last port of call and the final destination, no account being taken of any deviation by a ship from its intended voyage due to stress of weather or any other circumstances that neither the master nor the owner nor the charterer, if any, of the ship could reasonably have prevented or forestalled;
- “international voyage” means a voyage between-
- (a) a port in Tanzania and a port outside Tanzania; or
  - (b) a port in a Convention country (other than Tanzania) and a port in any other country or territory (whether a Convention country or not) which is outside Tanzania;
- Cap. 165 “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;

“Chapter III” means Chapter III of the International Convention for the Safety of Life at Sea, 1974; and  
“Minister” means the Minister responsible for shipping.

Ambulatory  
reference

4.-(1) In these Regulations, any reference to Chapter III of the Safety Convention shall be construed-

- (a) as a reference to Chapter III as modified; and
- (b) where Chapter III is replaced, a reference to the replacement.

(2) For the purposes of subregulation (1), Chapter III is modified or replaced if the modification or replacement takes effect in accordance with Article VIII of the Convention.

(3) A modification or replacement of Chapter III has effect at the time such modification or replacement comes into force in accordance with Article VIII of the Convention.

## PART II

### CLASSIFICATION OF SHIPS AND APPROVAL OF LIFE SAVING APPLIANCES AND ARRANGEMENTS

Classification of  
ships

5. For the purpose of these Regulations, the classification of ships shall be as prescribed in the Schedule to these Regulations.

Approval and  
replacement

6.-(1) Life-saving appliances placed on board a Tanzanian ship shall be approved by the Registrar or any person authorised by the Registrar.

(2) The Registrar or any person authorised by the Registrar may grant an approval in relation to a Tanzanian ship for anything in Chapter III of the Safety Convention requiring to be-

- (a) approved by the Administration of the State whose flag the ship is entitled to fly;
- (b) done to the satisfaction of such Administration; or
- (c) acceptable to that Administration.

(3) An approval given under subregulation (1) or (2) may, on the giving of reasonable notice, be continued, altered or cancelled.

(4) An approval, continuation, alteration or cancellation granted under this regulation shall-

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(5) The requirement that the approval, continuation, alteration or cancellation under this regulation be in writing shall be satisfied where the text of the approval is-

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(6) Subject to subregulation (7), any item of life-saving equipment marked with an expiry date-

- (a) ceases to be approved for the purposes of these Regulations on the expiry date; and
- (b) shall be replaced on or before the expiry date.

(7) The emergency pack of an inflatable life raft, which is inspected at the time of the annual servicing of the life raft and has more than six months remaining before the expiry date at the time of that inspection, may be retained until the next annual service.

(8) The Registrar shall be satisfied that life-saving appliances and arrangements comply with the requirements of these Regulations and the International Life-Saving Appliance Code, before accepting life-saving appliances and arrangements that have not been previously approved by the Registrar.

Exemptions

7.-(1) The Registrar may exempt-

- (a) a ship or class of ships which, during a voyage, does not proceed more than 20 miles from the nearest land, and where the Registrar is satisfied that the sheltered nature and conditions of such a voyage makes it unreasonable or unnecessary to apply the provisions of Part B of Chapter III of Safety Convention;
- (b) a ship which does not normally engage on international voyages but is, in exceptional



circumstances, required to undertake a single international voyage;

- (c) a ship which embodies features of a novel kind if research into the development of those features and their incorporation in ships engaged on international voyages may be seriously impeded where the ship had to comply with the requirements of Part B of Chapter III of Safety Convention.

(2) The Registrar may, in exceptional circumstances not prescribed under subregulation (1), exempt from any of the provisions of Part B of Chapter III of the Safety Convention a ship or class of ships where satisfied that compliance with such provision is either impracticable or unreasonable in the case of that ship or class of ships.

(3) An exemption under this regulation, may be granted subject to such safety requirements as the Registrar thinks fit to ensure the overall safety of the ship.

(4) An exemption granted under this regulation, may on the giving of reasonable notice, be altered or cancelled.

(5) An exemption, alteration or cancellation granted under this regulation, shall-

- (a) be in writing;
- (b) specify the date on which it takes effect; and
- (c) specify the terms, if any, on which it is given.

(6) The requirement that an exemption, alteration or cancellation granted under this regulation be in writing shall be satisfied where the text of the approval is-

- (a) transmitted by electronic means;
- (b) received in legible form; and
- (c) capable of being used for subsequent reference.

(7) Where an exemption is granted subject to safety requirements, the exemption ceases to have effect if those requirements are not complied with.

PART III  
REQUIREMENTS FOR SHIPS CONSTRUCTED BEFORE 1<sup>ST</sup>  
JULY, 1998  
ENGAGE ON INTERNATIONAL VOYAGES

Application

8. This Part applies to ships of Classes I, II, VII, VII(A), VII(T), VIII, VIII(T), IX, XI and XII, the keels of which were laid, or which were at a similar stage of construction, before 1<sup>st</sup> July 1998 engaged on international voyages.

Compliance by  
ships constructed  
before 1<sup>st</sup> July  
1998

9.-(1) A ship to which this Part applies shall comply with each provision of Part B of Chapter III of Safety Convention that applies to it, except for ships of Classes XI and XII.

(2) Ships constructed before 1<sup>st</sup> July 1998 shall be subject to certain specified requirements in Part B of Chapter III of Safety Convention, including the provisions that apply to “all ships”.

(3) The expression “all ships” means ships constructed before, on or after 1<sup>st</sup> July 1998; the expressions all passenger ships and all cargo ships shall be construed accordingly.

Replacement of  
life-saving  
appliances and  
arrangements

10.-(1) This regulation shall not apply to ships of Classes XI and XII.

(2) Where on a ship to which this Part applies -

(a) life-saving appliances or arrangements are replaced; or

(b) the ship undergoes repairs, alterations or modifications of a major character which involves replacement of, or any addition to, its life-saving appliances or arrangements,

the replacement or additional life-saving appliances or arrangements shall, so far as is reasonably practicable, comply with the requirements of Part B of Chapter III of Safety Convention.

(3) Where-

(a) a survival craft, other than an inflatable life raft, is replaced but its launching appliance is not; or

(b) a launching appliance for a survival craft, other than an inflatable life raft, is replaced but the survival craft is not, the survival craft or the launching appliance as the case may be shall be of the same type as that replaced.

PART IV  
REQUIREMENTS FOR SHIPS CONSTRUCTED BEFORE 1<sup>ST</sup> JULY  
1998  
ENGAGED ON NON-INTERNATIONAL VOYAGES

Application 11. This Part applies to ships of Classes II(A), VII(A), VIII(A), VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII, the keels of which were laid, or which were at a similar stage of construction, before 1<sup>st</sup> July 1998 not engaged on international voyages.

Compliance by ships constructed before 1<sup>st</sup> July 1998 12. A ship to which this Part applies shall comply with each provision of Part B of Chapter III of the Safety Convention that applies to it.

PART V  
REQUIREMENTS FOR NEW SHIPS ENGAGED ON  
INTERNATIONAL VOYAGES

Application 13. This Part applies to new ships of Classes I, II, VII, VII(T), VIII, VIII(T), IX, XI and XII engaged on international voyages.

Compliance by new ships engaged on international voyages 14. A new ship of Class I, II, VII, VII(T), VIII, VIII(T) or IX, when engaged on an international voyage, shall comply with each provision of Part B of Chapter III of the Safety Convention that applies to it.

Alternative design and arrangements for new ships 15.-(1) Life-saving appliances and arrangements for new ships to which regulation 14 applies may deviate from the requirements of Part B of Chapter III Safety Convention, provided that the alternative design and arrangements meet the intent of the requirements in Part B of Chapter III of the Safety Convention and provide an equivalent level of safety.

(2) In relation to a ship to which regulation 14 applies-

- (a) an alternative design or arrangement shall be subjected to an engineering analysis in accordance with paragraph 38.3 of Chapter III of the Safety Convention relating to elements of engineering analysis; and
- (b) a copy of the engineering analysis shall be provided by the owner to the Corporation.

(3) In relation to the alternative design or arrangement and the engineering analysis referred to in subregulation (2)-

- (a) the Corporation shall evaluate and, if satisfied that the requirements of paragraph 38.3 of Chapter III of the Safety Convention are met, approve the engineering analysis; and
- (b) any amendment to the alternative design or arrangement shall be approved by the Corporation where satisfied that such alternative design or arrangement is at least as effective as that required by these Regulations.

(4) Where the assumptions and operational restrictions which were stipulated in the alternative design or arrangement referred to under subregulation (2) are changed, a further engineering analysis shall be carried out which takes into account the changed assumptions and operational restrictions.

(5) Where the alternative design or arrangement referred to under subregulation (2) requires amendment, shall be evaluated and approved by the Corporation, where satisfied that such alternative design or arrangement is at least as effective as that required by these Regulations.

(6) An approval granted under this regulation, may on the giving of reasonable notice, be continued, altered or cancelled.

(7) An approval for continuation, alteration or cancellation granted under this regulation, shall-

- (a) be in writing;
- (b) specify the date on which it takes effect; and

- (c) specify the terms, if any, on which it is granted.
- (8) The requirement that the approval for continuation, alteration or cancellation referred under this regulation, be in writing is satisfied where the text of the approval is-
  - (a) transmitted by electronic means;
  - (b) received in legible form; and
  - (c) capable of being used for subsequent reference.
- (9) A copy of an approval for continuation or alteration granted under this regulation, and which confirms that the alternative design or arrangement complies with Chapter III of Safety Convention, shall be carried on board the ship.

PART VI  
REQUIREMENTS FOR NEW SHIPS ENGAGED ON NON-  
INTERNATIONAL VOYAGES AND NEW SHIPS ENGAGED ON  
INTERNATIONAL VOYAGES TO WHICH PART B OF CHAPTER  
III OF SAFETY CONVENTION DOES NOT APPLY

Application

- 16.-(1) This Part applies to new ships of-
- (a) Classes II(A), VIII(A), VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII which are not engaged on international voyages; and
  - (b) Classes I, II, VII, VII(T), VIII, VIII(T) and IX which are engaged on international voyages but to which Part B of Chapter III of Safety Convention does not apply.
- (2) Part B of Chapter III of Safety Convention shall not apply to cargo ships Safety Convention below 500 gross tons unless expressly provided otherwise in Chapter III.
- (3) Part B of Chapter III of Safety Convention shall apply to all passenger ships.

Compliance by  
new ships

17. A ship to which this Part applies shall comply with each provision of Part B of Chapter III of the Safety Convention that applies to it.

PART VII  
GENERAL PROVISIONS

Detention

18.-(1) A ship which does not comply with the requirements of these Regulations or Part B of Chapter III of Safety Convention may be detained.

(2) Where the ship is detained under subregulation (1), the provisions of section 409 of the Act shall apply, except the provisions provided under subsection (6).

(3) Where a ship is liable to be detained under this regulation, the person detaining the ship shall serve the master a detention notice which-

(a) states the grounds of the detention; and

(b) requires the terms of the notice to be complied with until the ship is released by any person referred under section 409(1) of the Act.

(4) Where a ship other than a Tanzania ship is detained, the Corporation shall immediately inform the ship's flag administration in writing.

(5) Where it is not possible to inform the ship's flag administration in accordance with subregulation (4), the Corporation shall inform the Consular of the State of the flag administration, or in the absence of a Consular, the nearest diplomatic representative of the State of the flag administration.

(6) For the purposes of subregulations (4) and (5), "flag administration" in relation to a ship means the administration of the State whose flag the ship is entitled to fly.

Evaluation and reporting

19.-(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 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.

Offences and penalties

20. Where a ship proceeds or attempts to proceed to sea or on any voyage, or arrives within Tanzania waters, in breach of any of the requirements of these Regulations or Part B of Chapter III of Safety Convention applicable to that ship, the owner and the master each commits an offence and upon conviction shall be liable to a fine of not less than the United States dollars five thousand or its equivalent in Tanzanian shillings or imprisonment for a term not exceeding two years, or to both.

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.

SCHEDULE

*(Made under regulation 5)*

CLASSIFICATION OF SHIPS

<i>Passenger ships</i>	<i>Description of class of ship</i>
Class I	ships engaged in voyages any of which are long international voyages;
Class II	ships engaged only in short international voyages;
Class II(A)	ships engaged in voyages of any kind other than international voyages, which are not- (i) ships of Classes III to VI(A) as defined in the Merchant Shipping (Passenger Ship Construction: Ships of Classes III to VI(A)) Regulations 1998(27); (ii) ships of Classes A, B, C or D as defined in the Merchant Shipping (Passenger Ships on Domestic Voyages) Regulations 2000 and engaged in domestic voyages for the purposes of those Regulations;
Class III	ships engaged only in voyages in the course of which they are at no time more than 70 miles by sea from their point of departure and not more than 18 miles from the coast of the United Republic, and which are at sea only in favourable weather and during restricted periods;
Class IV	ships engaged only in voyages in Category A, B, C or D waters;
Class V	ships engaged only in voyages in Category A, B or C waters;
Class VI	ships engaged only in voyages with not more than 250 passengers on board, to sea, or in Category A, B, C or D waters, in all cases in favourable weather and during restricted periods, in the course of which the ships are at no time more than 15 miles, exclusive of any Category A, B, C or D waters, from their point of departure nor more than 3 miles from land;
Class VI(A)	ships carrying not more than 50 passengers for a distance of not more than 6 miles on voyages to or from isolated communities on the islands or coast of the United Republic and which do not proceed for a distance of more than 3 miles from land;
<i>Non-passenger ships</i>	<i>Description of class of ship</i>
Class VII	ships, other than ships of Classes I, VII(A), VII(T), XI and XII, engaged in voyages any of which are long international voyages;



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Class VII(A)	ships employed as fish processing or canning factory ships, and ships engaged in the carriage of persons employed in the fish processing or canning industries;
Class VII(T)	tankers engaged in voyages any of which are long international voyages;
Class VIII	ships, other than ships of Classes II, VIII(T), IX, XI and XII, engaged only in short international voyages;
Class VIII(A)	ships, other than ships of Classes II(A) to VI(A) inclusive, VIII(A)(T), IX, IX(A), IX(A)(T), XI and XII, engaged only in voyages which are not international voyages;
Class VIII(T)	tankers engaged in voyages any of which are short international voyages;
Class VIII(A)(T)	tankers engaged only on voyages which are not international voyages;
Class IX	tugs and tenders, other than ships of Classes II, II(A), III, VI and VI(A), which proceed to sea but are not engaged in long international voyages;
Class IX(A)	ships, other than ships of Classes IV to VI inclusive, which do not proceed to sea;
Class IX(A)(T)	tankers which do not proceed to sea;
Class XI	sailing ships, other than fishing vessels and ships of Class XII, which proceed to sea;
Class XII	pleasure vessels of 13.7 metres in length or over.

Dodoma,  
28<sup>th</sup> June, 2023

MAKAME M. MBARAWA,  
*Minister for Works and Transport*