

THE PORTS ACT,
(CAP. 166)

REGULATIONS

Made Under Section 44(1)

THE PORTS REGULATIONS, 2022

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THE PORTS ACT,
(CAP. 166)
REGULATIONS
Made Under Section 44(1)
THE PORTS REGULATIONS, 2022

PART I
PRELIMINARY PROVISIONS

Citation

1. These Regulations may be cited as the Ports Regulations, 2022.

Interpretation
Cap. 166

2. In these Regulations, unless the context requires otherwise -
- “Act” means the Ports Act;
- “Authority”: means the Tanzania Ports Authority established under Section 4 of the Act;
- “authorised place” means any place approved by the Authority for the purposes of these Regulations;
- “authorized pilotage officer” means a harbor master or any other officer authorized by the Authority to administer or provides a pilotage system.
- “certificate of competency” means a certificate issued by the Authority or relevant Authorities under these Regulations;
- “charges” means all sums received, charged in respect of any ship or port or the handling or ware housing of goods by the Authority or for, or in respect of any other service performed or facilities provided by the Authority;
- “container terminal” means a facility designated for the handling of cargo containers which are loaded on or discharged from vessels specially designed or converted for that purpose;
- “compulsory pilotage area” means the navigable waters enclosed within the ports limit;
- “competent pilotage Authority” means the Tanzania Ports Authority which shall administer and provide a pilotage system”
- “compulsory pilotage” means vessels that require pilotage while plying within the ports limit;
- “dangerous goods” means goods classified in the I.M.D.G Code or any other IMO publication referred to this regulation or labelled as dangerous

goods;

“documents” includes the shipping documents in respect of the cargo concerned, completed and stamped by the customs, the customs entry, the released bill of lading or shipping company’s delivery order, the shipping order including electronic data as may be modified from time to time;

“Director General” means the Director General appointed under section 34 of the Act;

“dhow” includes traditional vessels, schooners, whether fitted with auxiliary engines or otherwise and self-propelled vessels of not more than 125 net registered tons of 38.5m (125feet) overall length, whichever is greater;

“dry port” means an Inland common user facility which is directly linked to maritime port a railway or road having appropriate infrastructure, equipment and storage facilities operating as a centre for trans-shipment of sea bound cargo and containers to and from inland destinations and includes inland clearance depot and empty container depot.

“explosive” means all commodities as stated under the IMDG Code Class 1, including the following -

- (a) Gunpowder, nitro-glycerine, dynamite, guncotton, blasting power, fulminate of mercury or of other metals, coloured fires and every other substances, whether similar to those herein mentioned or not which are used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect;
- (b) Any fuse, rocket, detonator, cartridge, and every adaptation or preparations of any explosive as herein defined;
- (c) Any other substance declared to be explosive under the provisions of any law for the time being in force in the United Republic of Tanzania;

“fairway” means the whole of the navigable channel or channels of any Port;

“ferry” includes a boat or a vessel other than any vessel plying from one side of a water way to the other for the purpose of the carriage of goods or passengers;

“fireworks” includes all signalling or life-saving;

“foreshore” means the seashore between high-water mark and low-water mark;

“port baggage attendant” means a person who attends on a passenger for the purpose of assisting in connection with baggage formalities of the Port or who in any way controls any motor boat or row boat for the purpose of transporting passengers baggage to or from a ship lying at anchor in the stream;

“ports limits” means the area with limits of any Port as may be defined by an Order made under Section 14 of the Act,.

“port area” means the area within the limits of any port as defined by an order made under section 16 of the Act,

“hatch” means an opening in a deck used for purposes of loading or discharging of cargoes in the Vessel;

“hatchway” means the whole space within the square of the hatch, from the top deck to the bottom of the hold;

“IMDG Code” means the IMO International Maritime Dangerous Goods Code;

“IMO” means the International Maritime Organisation;

“Master” means a person other than a pilot having for the time being command or charge of a ship;

“passenger” means a person carried on a ship other than-

- (a) a master or an apprentice or a member of the crew or a person employed or engaged in any capacity on board the ship on the business of the ship;
- (b) a child under one year of age; or
- (c) a person carried on the ship in pursuance of the obligation laid upon the master of any circumstances which neither the master nor the owner the charter if any, could have prevented or forestalled.

“tanker ship” means a ship having or loading or having has on board or about to take on board, any bulk liquid;

“terminal” means facility designated for handling of cargos which are loaded or discharged and includes passengers, bulk, roro, container terminals and any other terminal designed for that purpose;

“pilot” means a person not belonging to a ship who has the lawful conduct of the ship;

“small craft” means a Tug, launch boat, barge, lighter, rowing boat, sailing boat or similar craft not included in the definition of a traditional vessel;

“steamship” includes a mechanic propelled ship;

“tariff” means the port tariffs and Charges as prescribed tariff book;

“towing” means any operation in connection with holding, pushing, pulling or moving a vessel;

“traditional vessel” means any vessel which being under 200 tons gross either-

- (a) presents the outward appearance of traditional build or rig; or
- (b) Presents the outward appearance of traditional build or rig and is manned by a crew of whom the Captain and the majority of the seamen belong to the territorial waters of the United Republic of Tanzania;

“vessel” includes a ship, tug, lighter or boat of any kind , whether propelled by steam or otherwise or towed;

“VTS” means Vessel Traffic System

“warehouse” includes a building, place, yard, shed and any place where cargoes may be stored;

“VHF” means Very High Frequency.

PART II SHIP REPORTS

Notice of vessel's
arrival

3. The owner, master or agent of a vessel intending to call at a port shall lodge a notice of arrival with the Authority not less than twenty-four hours before arrival of the vessel.

(2) The notice referred in sub regulation (1) shall contain the following particulars-

- (a) the expected date and time of arrival of the vessel;
- (b) particulars of the vessel;
- (c) purpose of the call;
- (d) particulars of the agent representing the vessel;
- (e) last port of call;
- (f) nature and quantity of cargo to be loaded or discharged;
- (g) details of safety certificates and their period of validity;
- (h) any matter which may affect the safe passage into port and berthing of the vessel in particular or any defect on hull, machinery or equipment which may -
 - (i) affect the safe manoeuvrability of the vessel or the safety of other vessels; or
 - (ii) constitute a hazard to the environment, to persons or property.

(3) Where a vessel that intends to call at a port is tanker, the owner, master or agent of the vessel shall, in addition to particulars prescribed under sub regulation (1), ensure that the notice contains-

- (a) the nature of the cargo, its correct technical name, UN number and flashpoint, if applicable, and quantity;
- (b) the distribution of cargo on board, indicating cargo to be discharged and loaded;
- (c) whether the tanker is fitted with an inert gas system and it is fully operational, and whether she will be inert or gas free on arrival;
- (d) drip pans are placed beneath all pipeline manifold hose connections; and
- (e) the distance of the manifold from the bow or the stern.

(4) The Harbour Master may, for the purpose of ensuring safe, orderly, efficient and effective port working, grant or refuse permission or withdraw or vary permission previously granted for any vessel to approach or enter the port.

(5) The owner or master of the vessel shall be responsible for all damages

or consequences resulting from any erroneous declaration made by himself or his representatives as to the draught.

Determination of Ships tonnage

4.-(1) The tonnage of a ship shall be shown on her certificate of registry.

(2) The certificate shall be lodged or produced by the master of the vessel to the Authority if so required at the appointed place when application is made for marine bills.

Nautical charts

5. A Master of the vessel shall, before entering or proceeding within a port, ensure that he has on board the latest edition of the nautical charts and publication relating to that port.

Communication with Port Control

6.-(1) A master of the vessel shall communicate with Port Control or VTS station where applicable on her arrival at VHF range on channel 12 or 16;

(2) A Vessel entering the port shall comply with all directives issued by the Port control or VTS station on channel 12.

Signals entering on

7. Before entering a port, a vessel shall display-

- (a) its national flag, which shall fly from 6 a.m. to 6 p.m;
- (b) the ship's signal letters;
- (c) the "Q" flag which shall not be lowered until the Port Health Officer has given free pratique;
- (d) if carrying passengers, the "I" Flag which shall not be lowered until notified by an immigration officer;
- (e) if livestock are to be landed therefrom, the "N" Flag which shall be hoisted;
- (f) if carrying dangerous goods, the "B" flag which shall be hoisted by day and a red light by night;
- (g) the Tanzanian National flag which shall fly from 6 a.m. to 6 p.m;
- (h) if the pilot is on board, the "H" flag which shall be hoisted by day and by night two lights white on top of red; and
- (i) any other signal as may be directed by the port control.

PART III PILOTAGE

Vessel speed when embarking Pilot

8. A vessel shall proceed with a safe speed as directed by the pilot or port control when embarking, and shall make a good lee for the operations.

Compulsory pilotage

9.-(1) The master of a vessel, other than an exempted vessel, shall not cause or permit the vessel to enter, leave or be moored in any compulsory pilotage area without having on board a pilot appointed by the Authority.

(2) If a vessel, other than exempted vessel, is in circumstances in which pilotage is compulsory and is not under pilotage as required by these Regulations the master of the vessel shall be guilty of an offence.

(3) When two or more vessels are approaching the compulsory pilotage limits, the pilot boat shall indicate the number of pilots she has on board by Aldis lamp or VHF radio.

(4) Subject to sub regulation (3), signs indicated by pilot boat shall be taken as an additional warning that a vessel for which a pilot is not available is to remain outside the ports limits as prescribed in these Regulations.

(5) Where the Authority deems necessary, may designate other areas within the port limits as compulsory pilotage areas.

Exemption from compulsory Pilotage

10.-(1) When in any particular case a vessel is exempted from compulsory pilotage, the Authority shall, upon payment of prescribed fee, issue a certificate of exemption to the master of the vessel.

(2) The certificate of exemption shall, unless suspended or revoked, or unless the master of the vessel relinquishes command of such vessel, remain in force for a period of twelve months from the date of issue.

(3) Notwithstanding sub regulation (1), a vessel may, on a signal or special occasion, be exempted from compulsory pilotage without issuing a certificate of exemption.

(4) A vessel which is exempted from compulsory pilotage shall display international signals when entering or leaving the port.

(5) Notwithstanding the provisions of sub regulation (1), a certificate shall be issued to the master upon submission of valid certificate of competency and showing the ability of safe manoeuvring through entrance channel.

(6) The master of the vessel to whom a certificate of exemption has been issued under these Regulations shall return the certificate to the Authority in respect of which the same was issued.

Pilotage at Ports

11.-(1) A vessel, other than an exempted vessel, traditional vessel or small craft arriving at Port shall-

(a) await the arrival of the pilot launch at the outer anchorage; and

(b) if necessary, anchor clearly at the leading marks.

(2) Instructions shall be communicated by VHF radio or by signal from the Control station or VTS or by any other appropriate means of communication.

Pilot ladder

12.-(1) A pilot ladder shall comply with the following requirements:

(a) kept clean and in good order and for use only by officials and other persons while a ship is arriving or leaving a port, and for the embarkation and disembarkation of pilots;

(b) secured in a position that each step rests firmly against the ship's side and so that the person using it can gain safe and convenient access to the ship after climbing not less than 1.5 metres (or 5 feet) and not

- more than 9 metres (or 30 feet);
- (c) a single length of pilot of access to the ship and due allowance shall be made for all conditions of loading and trim of the ship;
- (d) in case of excessive freeboard which is greater than 9 meters, a combination ladder shall be rigged.
- (e) Certified in accordance with SOLAS Chapter V Regulation 23 and pursuant to the schedule to these Regulations.

Pilot to be duly appointed

13.-(1) A person other than a duly appointed pilot or an emergency pilot appointed by the Authority under regulation 11 shall not offer services as a pilot.

(2) Appointment of pilot shall be as prescribed in the port operation manual.

Emergency pilot

14.The Authority may as a temporary and emergency measure in case of shortage of staff authorize a person other than duly appointed pilot to pilot ships.

Functions of Pilot

15. Subject to the directions of the Authority, the functions of the pilot shall include-

- (a) navigating a vessel in the port, to directing its movements and to determine and control the movements of the tugs assisting the vessel under pilotage;
- (b) determining the number of tugs required for pilotage with the concurrence of the master of the vessel:

Provided that in the event of a disagreement between the pilot and the master of the vessel regarding the number of tugs to be used, the Harbour Master shall make the final decision.

Qualifications of pilot

16.-(1) A person other than a pilot already appointed prior to the coming into operation of these Regulations, in order to be appointed as a Pilot shall fulfill the following conditions:

- (a) A person of not less than twenty-five or more than forty five years of age and must produce certificates of ability and general fitness for such an appointment, including a medical certificate that he is in good health and not afflicted with any bodily infirmity rendering him unfit for the duties of a pilot.
- (b) he shall satisfy the Authority as to his knowledge of seamanship;
- (c) holds at least a Deck Officer Class 2 certificate of competency;
- (d) holds at least Deck Officer Class 3 certificate of competency, provided that holders of Class 3 Certificate shall not pilot vessels of more than 7000 Gross Registered Tonnage.

(2) Notwithstanding sub regulation (1)(c) deck officer Class 3 with certificate of competency may be appointed as Pilot upon certification by the competent pilotage Authority in accordance with the requirements stipulated in Port Operations Manual.

Pilot flag and attire

17.-(1) A person, not being a pilot afloat and on duty, shall not hoist a pilot flag, upper half white, lower half red, or a master of a ship shall not allow such flag to be displayed except by a pilot.

(2) The Authority shall ensure that pilots are provided with attire in accordance with their ranks.

Exempted ship not to occupy assigned berth

18. An exempted ship, not having taken a berth assigned to her by the Authority, and which is observed to be foul of or likely to foul any mark, buoy, mooring buoy, or other vessels due to having made a slack mooring or other cause, may be moved or moored under the direction of the Harbour Master, for which service a prescribed penalty shall be charged as provided under the First Schedule.

Removal of ships anchored in inner harbor areas and fairways

19.-(1) A ship, traditional vessel or small craft, shall not be anchored in any inner harbour area and fairway of a harbour without the approval of the Harbour Master.

(2) A person who anchor ship, traditional vessel or small craft in the inner harbour areas and fairways in contravention of this regulation commits an offence and upon conviction shall be liable to the fine as stipulated in First Schedule.

(3) Without prejudice to the provisions of sub regulation (2), where the vessel is removed under the control of a pilot, full pilotage shall be charged and, if the use of tugs is considered necessary by the Authority, also towage charges shall apply.

(4) In the event of a repetition of such anchoring by ship, traditional vessel or small craft, it shall be subject to a penalty imposed by the Authority as stated in the First Schedule.

Ship's mooring etc

20.-(1) For the purpose of ensuring safety of a ship, master of a vessel shall ensure that-

- (a) a vessel within a port shall at all times and to the satisfaction of the Harbour Master, have sufficient hands on board to attend the moorings, gangways and shore connections so as to ensure the safety of the vessel.
- (b) a mooring rope shall not be made fast except to dolphins, buoys, posts, and bollards placed for the purpose, and a wire rope shall not be used unless the bollards and the edge of the coping of the wharf of jetty are protected from chafing to the satisfaction of the Harbour Master.
- (c) a chain cable shall not be used for mooring, except with the permission of the Harbour Master.
- (d) A ship shall anchor, moor and berth to the satisfactions of the Harbour Master and shall take such additional precautions in severe weather as may be ordered; and
- (e) a ship mooring alongside quay shall affix sufficient rat guards on

every line and wire connected to or reaching the shore:

Provided that, in the event of insufficient hands on board the Authority shall provide for other crew at the cost of the Ship owner or Master of the Vessel which shall be charged as per the Authority's Tariff Book.

Watch to be kept
aboard

21. Master of a ship shall watch on open deck by day and night while a ship is in the port, provided that a person shall not be employed for watch purposes without the express permission of the Authority.

Port Health
Officer

22.-(1) A ship entering port shall await the arrival of the port health officer before having any contact with the shore or with any other ship or boat except the pilot or the boat of a Customs officer.

(2) the Authority shall ensure that the port health officer is provided with information about the arrival of a ship.

Immigration
formalities

23.-(1) A port health officer may give free pratique to a vessel for the immigration officer to commence the clearance formalities;

(2) A person shall not leave the vessel prior to the completion of clearance formalities except with the permission of an immigration officer;

(3) Notwithstanding sub regulation (3), a person other than a port health officer, port officer, customs officer, immigration officer or an agent of the shipping line to which the vessel belongs shall not board a vessel until the "I" flag is lowered or until permission to do so has been granted by the immigration officer.

Customs
formalities

24. A person shall not leave the port area except with the express permission in writing granted by a Customs Officer.

PART IV

WORKING OF VESSELS

Cargo manifest

25.-(1) An agent of a vessel shall lodge the cargo manifest to the available system at least seven days prior to arrival or commencement of working of the vessel in a port.

(2) manifest referred to in sub-regulation (1) shall include-

(a) vessel's details, voyage number, and estimated arrival and departure dates;

(b) vessel's country or origin and destination;

(c) port of loading, discharge, and trans-shipment;

(d) for containerised, breakbulk and bulk -

(i) consignee and consignor names, addresses and contact details;

- (ii) cargo agent name, addresses and contact details;
- (iii) bill of lading or mates receipt;
- (iv) marks and numbers of a vessel;
- (v) number and description of packages or goods;
- (vi) description of the cargo carried by a vessel; and
- (vii) gross mass of a vessel.

(3) A vessel shall not start discharging cargo until the complete cargo manifest has been lodged to the Authority.

(4) Where there are any subsequent amendments to the manifest, an agent shall notify the relevant authority.

Domestic cargo and coastal vessel

26. An agent of vessel, prior to arrival or commencement of working of the vessel in a port shall lodge the cargo transire to the available system or deliver to the Authority on arrival.

List of heavy lifts

27. An Agent of a vessel shall, at the time of delivery of the manifest, lodge to the available system a list of heavy lifts over five tons comprised in her cargo to be discharged at the port.

Conditions of working vessels

28.-(1) A vessel shall be planned for berthing in the order of her arrival or subject to the discretion and direction of the Authority.

(2) The Authority does not guarantee to work any vessel at an anchorage; such work may only be undertaken when weather and other conditions are suitable.

(3) The Authority may refuse to permit cargo to be landed from any vessel until suitable wharf, shed, quay or other accommodation is available for such cargo.

(4) The Authority may refuse to permit any cargo to be landed unless the conditions regarding bundling, marking or both such bundling and marking are complied with.

(5) Subject to sub regulation (4) the Authority shall not be responsible for loss, damage, delay or misdelivery occasioned by non-compliance with the conditions stated under this regulation.

Prevention of cargo and vessel's gear falling into port

29.-(1) The master of a vessel that is loading or discharging cargo shall ensure that all measures are taken to prevent cargo or the vessel's gear from falling.

(2) When measures have not been put in place, and the cargo or vessel's gear have fallen the Authority shall not be liable.

Reporting on cargo and vessel's gear that has fallen into port

30. A master shall report to the Authority within the working shift about any cargo or vessel's gear that is dropped overboard and shall provide particulars that the Authority may require.

Recovery of cargo or vessel's

31.-(1) A master of the vessel shall cause the cargo or vessel's gear that

gear that has fallen overboard

has fallen overboard to be recovered before ship's departure and shall abide by the Authority's directives regarding the recovery.

(2) Where the master of the vessel fails to recover the cargo or vessel's gear that has fallen overboard, the Authority may recover it, and the owner or master of a vessel shall be liable for the costs associated with the recovery of the cargo or vessel's gear that has fallen overboard.

(3) A terminal operator or a port service provider shall ensure that a cargo, cargo handling, packing materials or oil-spills that have fallen on the quayside or terminal of any part of the port are removed, failure of which the Authority shall arrange for its removal at the expense of the responsible person.

Master to prepare vessel for cargo operation

32. The master shall prepare the vessel for cargo operations to the satisfaction of the Authority or other designated terminal operator.

Master to superintend loading or discharge

33. The master or other responsible person appointed by him, shall remain on board whilst loading or discharging cargo for the purpose of superintending such loading or discharge.

Vessels to be worked with reasonable dispatch

34.-(1) Where a vessel fails to load or discharge her cargo with such dispatch as appears reasonable to the Authority, the vessel shall lose her turn to load or discharge her cargo, after written notice has been given by the Authority to the master and may be removed by the Authority at the risk and expense of the owner of the vessel.

(2) Where the plant or labour for the special purpose of landing, shipping or transshipping a cargo is not fully employed owing to the default of the vessel, the expenses incurred thereby shall be paid by the owner of the vessel.

(3) The Authority shall, in the event of accumulation of goods upon the wharf, jetty or quay, or in a lighter, or for any cause that may appear reasonable to it, require a vessel to suspend discharge or reduce the rate of discharge of cargo

Receipts for cargo delivery

35. Unless otherwise specifically agreed upon between the Authority and the master or the agent of the vessel, the Authority shall grant receipts to the master or the agent of the vessel, for all cargo received upon discharge of the cargo subject to each item being properly marked and being discharged in an orderly manner:

Provided that where the cargo is discharged by the Authority in such a manner as to preclude an accurate tally at the time of discharge, the receipt shall be granted after sorting and stacking the cargo ashore and only then shall delivery of cargo in each case be considered to have been made to the Authority.

When cargo considered delivered to the Authority

36. (1) Subject to the provisions of regulations 40, 60(2)(c) and 220 of these Regulations delivery of cargo shall not be considered to have been made to the Authority until the cargo has been safely landed on the quay or into lighter and has been removed from the cargo handling gear used in landing the said cargo.

(2) Cargo or goods including ISO containers when landed over a vessel's

ramp are deemed to have been landed and delivered to Authority when the cargo or goods including ISO containers are clear of the ramp.

When cargo
considered
shipped

37.-(1) Goods for shipment shall, unless mutually agreed upon to the contrary, or unless such goods are declined by the ship and damage or in bad condition, be deemed to have been properly delivered by the Authority to the ship in good order and condition when placed into the cargo handling gear at the ship's side whether on the quay or in lighter.

(2) Cargo or goods including ISO containers when shipped over a vessel's ramp are deemed to have been shipped and delivered when the leading wheels of the vehicle contact the ramp.

Cranes or
terminal tractor

38.-(1) At quay, wharf, or jetty where cranes, terminal tractor or other mechanically-operated appliances are provided by the Authority, the master of a vessel desiring to discharge or ship goods shall, if required by the Authority, use the appliance exclusively for that purpose at the rates prescribed in the Tariff, and subject to the following conditions:

- (a) the charge shall commence from the time stated in the requisition, handed in by the master or agent of the vessel to the Authority, or, if the crane, terminal tractor or other appliance is not ready, from such time as it is ready or available;
- (b) a person obtaining the use of a crane shall not reeve the wire rope or chain under the coamings of the hatches and no cargo shall be dragged from under or across decks by the wire ropes of a crane;
- (c) the Authority shall not be liable for any loss, damage, or accident which may occur in the working of the cranes, terminal tractor or other appliances;
- (d) a person obtaining the use of crane or terminal operator shall conform with any reasonable order or condition in regard to the working or stoppage or work of the cranes and terminal tractor which may be given or imposed by the Authority.
- (e) the use crane, terminal tractor or other mechanical appliance in the transit sheds or the stacking grounds shall be paid for by a person requiring the use of same at the Authority's Tariff rates;
- (f) when the Authority supply a crane fixed or floating for the purpose of lifting heavy weights, being 5 tons or more per piece or package, such lifting shall be performed solely upon the condition that no liability caused to or by any pieces or packages so lifted.

(2) Notwithstanding the provisions of paragraph (c), the crane terminal tractor or other appliances are worked by the servant of the Authority, a person obtaining the use of crane, terminal tractor, or other appliances shall be liable for any damage done to such crane, terminal tractor or other appliances or to the gear in connection therewith, or to any property, whatever, while the same are being used by a person, reasonable wear and tear only excepted.

Stationed
handling

39. A vessel berthed near or under the stationed handling equipment shall

equipment have sufficient crew on board ready to shift the vessel at any hour, day or night, as or when directed by the Harbour Master.

Offence **40.** A person who uses a crane, terminal tractor or other appliances, for purposes other than the loading of a vessel commits an offence and upon conviction shall be liable to a fine stipulated under the First Schedule.

PART V HANDLING OF CARGO

Shed, berth and yard **41.** A person shall not access the shed, berth and yard within the port premise in connection with the delivery, loading and unloading unless authorized by the Authority.

Packing of goods **42.**-(1) The Authority shall designate a place for storage of goods.
(2) In case of cargo spillage the Authority shall re-pack the cargos and the customer shall bear the cost for re-packaging as stipulated in the Authority's Tariff Book.

Goods not to be delivered without authority from customs **43.**-Goods shall not be delivered by the Authority to any consignee without approval from Customs.

Documents required before cargo delivered **44.**-(1) A consignee or agent shall submit the following documents to the Authority before the delivery of cargo-

- (a) delivery order, complete in every detail and respect and specifying the respective marks and numbers on packages, or articles in respect of unpacked goods, their number, description and contents with the deadweight, cubic measurement, name of the vessel, the arrival date and disposal instructions;
- (b) bill of lading and shipping company delivery order, duly released by vessel's agents,; and
- (c) custom release order

(2) The provisions of sub regulation (1) , , shall not apply to cargo charges which are assessed on a defined basis set out in the tariff, in which cases, either deadweight or cubic measurement, according to the unit specified in the said tariff, or bill of lading tonnage shall be specified.

When good provisionally entered are deemed to be cleared **45.** Goods for Customs examination under a provisional entry shall not be deemed to be cleared until a perfect entry has been duly made.

Documents required for goods for export **46.** Persons desiring goods to be shipped shall lodge through available system shipping order to the Authority. In case of different consignment there shall be a separate shipping order for each consignment.

Tendering or
depositing of
goods for export

47.-(1) goods for export shall not be deposited in any port but shall be tendered in such places as the Authority may direct.

(2) the owner of any goods tendered or deposited in violation of paragraph (1) shall be subject to a penalty of one thousand United States Dollars USD 1,000 or its equivalent in Tanzania shillings per day per harbour ton until the goods are removed;

Provided that the Authority may remove them, charging the owner with the cost thereof in addition to such fine.

Goods for export
and relative
documents to be
received in time

48.-(1) Goods intended for shipping by any particular vessel together with the relative shipping orders shall be presented at the appointed place at the port not later than twelve working hours before the call of the vessel.

(2) Where goods or shipping orders is received late the exporter shall be liable for any additional expenses incurred.

(3) Goods in respect of which shipping orders are presented shall be ready for shipping in every respect by the shipper or any other person responsible as the case may be.

(4) Goods shall not be resorted or manipulated in port area unless it is authorised by the Authority.

(5) Goods which are not fit for shipping shall be removed from the port area within forty eight hours from time of discovery of such fact.

(6) Export cargo shall not be received by the Authority except for warehousing upon the terms and conditions, and at the charges, prescribed in the Tariff.

Cancellation or
amendment of
shipping orders

49.-(1) An order from a person in lawful control of goods, cancelling or amending previous orders may be accepted by the Authority after it has been lodged on the available systems twelve hours before sailing time;

(2) a charge shall be made in respect of each order cancelling or amending a previous order, and such charge shall be paid at the time such order is delivered to the Authority.

Liability for
shipment of cargo
or goods

50. The Authority shall not be liable for any delay in shipment or for non-shipment of cargo or goods due to the failure of shippers or their agents to comply with the regulations applicable to the shipment of such cargo or goods at any port.

When weight or
measurement not
available

51.-(1) Where the weight or cubic measurement of goods is not available the goods shall be weighed or measured by the Authority and the charges thereof shall be paid by the person who presents the delivery order or the shipping order in respect of the goods.

(2) A package weighing 1,000 kilos or more shall have the actual weight thereof legibly painted on the outside of the package in close proximity to the vessel mark.

(3) Where the package is not labelled, it shall be weighed by the Authority and all expenses of weighing, extra handling, transport from the weighing scale shall be charged and recovered from the consignee.

(4) The Authority shall not be liable for any error in any weight made under the provisions of this regulation.

Marking
packages

of

52.-(1) When goods are insufficiently or erroneously marked, the Authority, notwithstanding that all dues and charges have been deposited or paid, shall require from a person claiming such goods a special release order signed by the vessel's agent, or an indemnification against any loss or damage which the Authority shall sustain by reason of the delivery to such person.

(2) The ordinary rent shall be charged against all goods remaining on the port premises in consequence of such insufficient or erroneous marking.

(3) The Authority shall not be liable for any damage, loss, delay, or non-delivery of goods occasioned by insufficient or erroneous marking.

Delivery
customs
warehouse

to

53. The delivery of goods to the Customs shall constitute delivery of such goods to the consignee and the Authority shall not be liable in respect of goods after they have been so delivered.

Defective
packages

54.-(1) Where goods have been landed in packages of a defective or leaky character, notwithstanding the provisions of regulation 56 or the fact that the Authority has given a receipt for the goods, delivery of the goods shall not be considered to have been made to the Authority until such packages have been repacked, rebadged, or repaired in a reasonably sound condition and such goods have been checked in the presence of the vessel's agent, and the Authority shall be deemed to have accepted delivery of such goods as are found upon such check

(2) Notwithstanding the provisions of sub-regulation (1) the Authority may decline to accept goods which are tendered for landing in packages or a defective or leaky character until such landing in packages have been properly repaired or the goods rebadged or the packages have been properly repaired to the satisfaction of the Authority.

Unpacking of goods

55.-(1) Goods shall not be unpacked within a port without special permission of the Authority unless it is for customs purposes; and all straw or other material from which goods may have been unpacked shall be immediately swept up and removed by the owner or agent of such goods.

(2) The goods may removed by the Authority at the expenses of such owner or agent.

Acid and similar
substance landed
in leaky condition

56.-(1) When acid, grease, oil, tar, pitch, paint or other similar substance come into the possession of the Authority in a leaky condition, the Authority may

(a) repair the leaky or defective package and in case of spillage caused as a result of such leaky or defective package, the same shall be cleaned up and the damage caused shall be made good at the expense of the

owner, and

(b) refill package from which the original contents have leaked with like substance from other leaky or damaged package forming part of the same consignment at the expense of the owner.

(2) when the package is repaired or refilled, the consignee or owner shall have no claim against the Authority for any loss or damage in respect of such manipulation, repair or refiling of such package:

Provided that the owner may at the time of handing in his orders notify the Authority that he wishes such articles to be set aside, and in that case they may be removed to a depositing ground or placed in a warehouse at his risk and expense.

Charges to be prepaid or secured

57. Dues and charges payable to the Authority upon all goods landed, transferred or warehoused shall be paid, or sufficient security furnished for their payment, before orders for delivery or forwarding are acted upon, and the Authority shall prevent the removal of any goods from its premises whilst any dues or charges payable by the consignee remain unpaid.

PART VI HANDLING OF DANGEROUS GOODS

Master or agent to give notice of dangerous goods on board

58.-(1) The master or agent of a vessel, having on board any goods of a dangerous nature as described in the IMDG Code shall, within twenty-four hours before arrival, give notice thereof to the Authority and such cargo shall not be landed before the material safety data sheet is lodged to the Authority.

(2) The material safety data sheet shall contain-

- (a) the correct technical name;
- (b) mass;
- (c) the UN number if any;
- (d) IMDG Code class of each consignment;
- (e) handling, safety and health precautions;
- (f) risk associated with the cargo;
- (g) emergency procedures; and
- (h) type of packaging.

Loading and stowage of dangerous or inflammable goods

59.-(1) Goods of a dangerous nature as described in the second Schedule shall not be loaded into a vessel without prior permission from the Authority.

(2) The Authority shall, in granting permission under this regulation, ensure that the loading and stowage is carried out in accordance with safety requirements prescribed out by the Authority or by any relevant law.

Authority's instructions on dangerous goods

60.-(1) The Authority may, in the interests of safety, security, good order and the protection of the environment and at the expense of the owner or master

of the vessel-

- (a) approve the discharge and storage of dangerous goods at demarcated areas in the port in accordance with handling and storage of dangerous cargo procedures prescribed by the Authority or any relevant law for the time being in force;
- (b) order such dangerous goods be discharged from a vessel, removed from the port or be otherwise disposed of;
- (c) order that dangerous goods be retained or returned on board the vessel from which it was landed, be destroyed, or be dealt with in a manner that the Authority considers necessary and appropriate at the risk and expense of the owner or master of the vessel from which they were discharged.
- (d) order that vessels having dangerous goods on board that are berthed alongside a wharf or jetty have sufficient fire protection personnel and equipment in attendance; and
- (e) order that the master of a vessel with dangerous goods on board adopt precautionary measures, as the Authority considers appropriate.

Berthing of vessel carrying explosives

61. A vessel carrying or about to carry, explosives shall be anchored or berthed in the position assigned to her by the Authority and shall not be moved therefrom, without the written permission of the Authority.

Bunkering of vessel carrying explosives

62. A vessel with explosives on board in approved magazines well forward and requiring bunkers may, at the discretion of the Authority, be brought alongside a wharf specified by the Authority and the bunkering shall be carried out expeditiously.

Discharge of vessel carrying explosive

63. A vessel with explosives on board for discharge at a port may, at the discretion of the Authority, be brought alongside a wharf specified by the Authority and be discharged expeditiously.

Notice of loading and unloading explosives

64. Before any explosives are transhipped from any vessel or are landed into or unloaded from any vessel, notice shall be given to the Authority informing it of the nature and quantity of such explosives.

Superintendence of the Authority

65. -Explosives shall not be landed, shipped or transhipped except under the direction and superintendence of the Authority.

Certificate to land explosives

66. Explosives shall not be landed except upon production of a certificate on oath of a duly qualified chemist authenticated as such to the effect that the explosives have been shipped in good order and condition, properly packed and labeled, and safe to be shipped through the tropics and handled in warm climate.

Hours during which explosives may be handled

67. Except with the permission of the Authority and subject to such conditions as the Authority may impose, explosives shall not be loaded or unloaded or handled except during authorized hours.

Control quantity of explosives

68. The quantity of explosives to be conveyed to and allowed on a landing place at one time and shall be regulated by the Authority and such regulated quantity shall not be exceeded.

Liability for expenses

69. Expenses incurred in superintendence, the provision of watchmen or other facility in connection with the handling and discharge of explosives shall, except where otherwise provided in these Regulations, be borne by the consignee, consignor, or agent, as the case may be.

Controlling of explosive on railway in port

70. Explosive conveyed in or loaded into or unloaded from any vehicle on any lines of railway within a port area shall be so conveyed, loaded and unloaded in accordance with these Regulations, and, in the event of any breach thereof by an act or default, the provisions with regard to penalties and forfeiture FirstScheduleshall apply.

Notice to be given to Authority

71. The master or owner shall issue a twelve hours notice in writing to the Authority informing of the nature and quantity of explosives before explosive is brought into a port area for shipment or is loaded into or unloaded.

Control by Authority on places where explosives may be loaded

72. Explosive shall not be loaded from, brought into or deposited in the port area except where the Authority shall direct.

Vessel to be ready to receive explosives

73. Explosive shall not be placed on port area until the vessel is at the place in readiness to receive the same.

Inspection and examination

74. A person in control of explosive or of a vessel or vehicle containing explosives shall, when so required by the Authority, show all explosives under his control or upon his vessel and shall afford every reasonable facility to enable inspection and examination of such explosive and to ascertain whether these Regulations have been duly observed.

Handling of petroleum and other inflammable liquids

75. In the case of petroleum and all other inflammable liquids, these Regulations shall apply in addition to and not in derogation of any relevant legislation in force.

Handling of carbide of calcium

76.-(1) In addition to other requirements under these Regulations, the following shall apply to the handling of carbide of calcium:

(a) the

owner or master of a vessel, the hold of which contains carbide of calcium, shall keep such hold efficiently ventilated;

- (b) All carbide of calcium landed from a vessel shall be removed without unnecessary delay to licensed place of storage or beyond the limits of a port area;
- (c) carbide of calcium shall not be brought into or landed within a port area unless packed in hermetically closed metal vessels of such strength and construction or so protected as not to be liable to breakage or to become defective or insecure;
- (d) container containing carbide of calcium shall not be opened within the limits of a port area except in a licensed place of storage or with the written approval of the relevant authorities in such place as may be directed;
- (e) reasonable precaution shall be taken by the owner and master of a vessel carrying carbide of calcium and a person engaged thereon and also by the owner of such carbide of calcium and a person engaged in the landing or loading thereof to prevent the contact of water or moisture therewith and, where such contact may have occurred, to prevent the gas evolved thereby from being ignited;
- (f) the owner and master of a vessel carrying carbide of calcium, and a person in charge of carbide of calcium shall, when so required by the Authority show all carbide of calcium onboard the vessel or under his control respectively and shall afford every reasonable facility to enable the relevant authority to inspect and examine such vessel or such carbide of calcium respectively so as to ascertain whether these Regulations are being duly observed.

Compliance with other legislations and industry guidelines

77.-(1) All persons shall comply with the applicable legislation and international conventions relating to dangerous and flammable liquids in bulk or in containers.

(2) All persons involved in the handling of dangerous goods shall comply with the standards, procedures, practices and requirements set out in the Maritime Industry Guidelines, as amended from time to time, including but not limited to-

- (a) The International Safety Guide for Oil Tankers and Terminals;
- (b) Marine Terminals Baseline Criteria and Assessment Questionnaire;
- (c) Unified Gas Handling Principles on Ships and in Terminals;
- (d) Ship/Shore Interface: Safe Working Practice for LPG and Liquefied Chemical Gas cargoes; and

- (e) Guidelines for the Handling, Storage, Inspection and testing of Hoses in the Field;

(3) The Authority may permit a vessel to follow a procedure or practice other than those required by Maritime Industry Guidelines, if it is satisfied that other procedure or practice is as safe as that required by the relevant authorities and is in the interests of security, good order, the protection of the environment and the effective and efficient working of the port

Dangerous goods
landed in ISO
containers

78.-(1) If dangerous goods are landed in ISO containers, the vessel's agent shall lodge packing declaration through the available system before the container is landed.

(2) The packing declarations shall prescribe-

- (a) the correct technical name;
- (b) mass;
- (c) the UN number;
- (d) IM DG Code class of each consignment in the container; and
- (e) a declaration that -

- (i) the container is fit to transport the respective kind of dangerous goods;
- (ii) the cargo is adequately secured in the container; and
- (iii) no other cargo which is incompatible with the dangerous goods has been placed in the container.

(3) The packing declaration shall accompany the container to its final destination.

(4) When dangerous goods are to be shipped in ISO containers, the packing station shall provide a packing declaration as prescribed in sub-regulation (2) with the loaded container.

(5) The packing declaration shall accompany the container at all times and shall be provided to the owner or the master of the vessel when the container is loaded on board.

(6) ISO containers with IMDG Code labels attached shall be treated as though they contain dangerous goods.

Penalty

79. (1) A person who contravenes any of the provision under this Part shall be liable -

- (a) to a fine of not less than US \$ 10,000.00 but not exceeding US \$ 50,000.00 for foreign nationals; and
- (b) not less than shillings 10,000,000.00 but not exceeding Tshs 20,000,000.00 for Tanzanian nationals;
- (c) to confiscation of dangerous cargo in respect of which, or found in the vehicle in respect of which, the offence has been committed.

(2) In addition to penalties stipulated under sub regulation (1) the defaulting party shall be liable to compensate to the extent of damage occurred.

(3) Notwithstanding the provisions of this regulation, the Authority may order removal of a defaulting vessel from berth to a place directed by the Authority at the owner's risk and expense.

PART VII FLAMMABLE LIQUID IN BULK CARGOES

- Application of this Part **80.** This Part shall apply within the restricted area of oil terminals and to vessels carrying bulk flammable liquids within the port limits, and to all other vessels or craft at, or in the vicinity of, all oil terminal facilities within the ports of the Authority.
- Insurance and survey certificates **81.**-(1) A vessel carrying bulk flammable liquids entering port limits shall hold a valid oil pollution insurance certificate and valid survey certificate issued by the flag State or an authority recognized by the flag State, for the carriage of flammable liquids subject to verification by the Authority.
(2) The Authority may refuse entry into the port by a vessel which is not in possession of the certificates referred to in sub regulation (1).
- Condition of vessel **82.** (1) A vessel shall be properly tended and kept taut for the purposes of dealing with any situation that may detrimentally affect the safe, orderly, efficient and effective working of a port.
(2) Wire towing pendants shall be made fast to bitts and ranged out through bow and stem on a vessel's offshore side, convenient to tugs, and these wires shall be rigged at all times while a vessel is in a port.
(3) A vessel shall be sufficiently manned for the purposes of dealing with any situation that may detrimentally affect the safe, orderly, efficient and effective working of a port.
(4) Intakes of air conditioning or mechanical ventilation system shall, where practicable, be adjusted to prevent the entry of petroleum vapours.
(5) All scuppers shall be plugged to the satisfaction of the Authority.
(6) The lid of any tank shall only be opened after it has been established that such a tank is gas free.
- Removal of vessel **83.** Where the Authority considers it necessary or in the interests of safe, orderly, efficient and effective port working, may order the removal of a vessel with flammable liquids on board, from the berth at which it is lying, and the master shall be responsible for the charges incurred in connection with such removal.
- Safety of oil tank **84.**-(1) Immediately after all flammable liquids have been removed from each oil tank, such tank shall be secured.
(2) A tanker shall not lie within thirty metres of any other vessel except by

express directive of the Authority.

Cargo Deck door,
upper-deck to be
closed

85. When cargo is being handled or ballast taken on board, all cargo deck doors and ports and all upper-deck doors facing the cargo deck shall be kept closed, and such doors may only be opened for the purpose of entry and exit where it is essential to the working of the vessel.

Discharge of gas

86.-(1) With the written permission of the Authority and subject to such conditions as the Authority may impose in the interests of safe, orderly, efficient and effective port working, a tanker may discharge gas in a port.

(2) An application to the Authority for permission to discharge gas in a port shall be accompanied by a statement signed by the master of the vessel to the effect that suitable and efficient mechanical equipment for discharging gas is on board the vessel.

(3) Where pressure is built up in any tank by compressed air or other means, prior to discharging gas, the master shall certify that all gas-line vent valves are in working order.

(4) The lid of any tank shall only be opened after it has been established that such a tank is gas free.

(5) Where discharging gas is permitted prior to back loading, all tanks shall be securely closed before back loading is commenced.

Close of manifold

87. A vessel's manifold valves and shore pipeline valves shall be kept closed until -

- (a) the hose connection has been made;
- (b) the vessel's cargo valves have been set and outlet valves checked;
- (c) all safety precautions have been complied with; and
- (d) the permission of the Authority to commence pumping has been obtained.

Condition on
pumping

88.-(1) As soon as pumping has commenced, and when full pressure has been reached, the vessel's officer on duty shall ensure that no oil or ballast is being discharged into the sea.

(2) The Pumping of flammable liquids and ballasting shall cease upon the order of the authorised officer of the Authority who shall inform the Harbour Master of any action taken -

- (a) when such order is given in terms of any other provision of this regulation;
- (b) during the failure of lighting either on the cargo deck or on the wharf;
- (c) at the close approach of an electric storm and until all danger has passed;

- (d) in the event of any undue concentration of vapour being detected in the accommodation or the engine room or pump room; or
- (e) in the event of any condition being observed which in the opinion of the Authority is not conducive to the safe working of the vessel.

Handling of flammable liquids

89. Prior to the commencement of handling operations of flammable liquids, the Master shall ensure that-

- (a) all valves and overboard discharges in the pump rooms and cofferdams are securely closed, and remain lashed closed during discharging or shipping operations, except for such valves as it may become necessary to open for the purpose of flushing shore lines with water and all scuppers are effectively plugged;
- (b) in order to minimize the risk of spills, the pressure during pumping is increased gradually and all flexible pipe joints are carefully examined during this period; and
- (c) drip pans are placed beneath all pipeline manifold hose connections.

PART VIII HANDLING OF CONTAINER VESSELS

Container vessels to occupy special berths

90. Subject to Regulation 37 a container vessel shall discharge or load cargo at specialized container terminal or any berth as directed by the Authority.

Safety of container cranes at berths

91. A vessel shall not be brought alongside specialised container terminal if container handling crane booms on vacant berths are in the lowered position or if the container cranes are parked in vulnerable positions of the berths.

Vessel's cranes to be in stowed position

92. A master of a container vessel shall ensure that, handling cranes have them in the stowed position until the vessel is safely berthed.

When to unlash container deck

93. The master of a container vessel shall ensure that all containers stowed on deck which are for discharge are unlash after the vessel is safely berthed before the time fixed for commencement of loading or discharging.

Master to provide adequate safe means to containers

94.- (1) In addition to complying with these Regulations, the master of a vessel shall provide adequate safe means of access to all container stowed on deck for the purpose of lashing or unlash.

“Adequate safe means: are ladders of sufficient length to reach the top of the highest tier of containers and of approved construction according to International Convention for Safe Containers, 1972”.

(2) The Master shall also provide a sufficient number of twist lock poles or similar device long enough to operate all the twist locks from the weather deck level.

Vessel's cranes or derrick's not impede Ship-to-Shore gantry crane

95. When a ship-to-shore gantry crane is to be used for the discharge or loading of container, the Master shall first ensure that the Vessel's deck cranes or derrick's are placed in such a position that the operation of such a crane is not impeded and its boom does not need to come within safe distance from the crane jib or derrick head.

Vessel's cargo gear to be held in readiness

96.- (1) A vessel shall have all cargo handling gear in readiness as soon as is practicable after the vessel is safely berthed, before the time fixed for commencement of discharging or loading operations.

(2) The use of the Ship-to-Shore gantry crane shall be at the sole discretion of Authority.

Opening and closing of hatches of vessels without cranes or derrick's

97. Subject to provision of regulation 41 vessels which do not have any cargo handling cranes or derrick's and which require the use of shore equipment to open hatches, shall have the hatch-covers ready for lifting off before the time fixed for commencement of discharging or loading operations.

Containers to be sufficiently marked

98.-(1) A container discharged shall be clearly marked with standard ISO Lettering and numbering except in the case of vessels owned container where an adequate marking or non-standard type will suffice.

(2) The Authority shall not be liable for loss or mis-delivery of containers which are insufficiently marked.

Master or agent to furnish manifest

99. The Master or agent of a vessel shall, at least seven days prior to arrival of vessel or commencement of working of the vessel in a port shall lodge the cargo manifest to the available system indicating the location of each container, together with -

- (a) container number; con
- (b) port of loading; port
- (c) port of discharge; port
- (d) the gross mass; the
- (e) the bill of lading or mates receipt; the
- (f) the cargo agent name, addresses and contact details; the
- (g) owner of the container; ow
- (h) ship

- per's details;
- (i) signee and consignor names, addresses and contact details
 - (j) details of any out of gauge container;
 - (k) details of any refrigerated containers and the carrying temperature;
 - (l) details of hazardous cargo in containers, using IMO system of class numbering according to IMDG Code;
 - (m) status of container such as full, empty; house to house, port to port, port to house, house to port;
 - (n) type of container;
 - (o) the number and description of packages or goods; and
 - (p) details of any break-bulk cargo on board.

Container to bear customs approved seal

100.-(1) A container capable of being sealed shall bare customs approved seal attached through the door latch.

(2) The Authority shall not be liable for the loss of any contents if a container is not sealed or the seal is tampered with as evidenced by tally records.

Landing containers on vessel convenience

101.-(1) A vessel wishing to land any container for its own convenience with the intention of restoring such container on board prior to departure shall first obtain Authority's permission.

(2) The Authority shall not be liable for any loss or damage to any container or any contents therein.

(3) A container which has not been re-loaded before the vessel's departure shall be for storage until such time as the container is removed from the port subject to payment of applicable charges.

Authority to decide use of cargo gear

102.-(1) When break-bulk cargo is to be discharged at the container terminal, the Authority shall have the liberty to use either the vessel's own crane or derricks, the ship-to-shore gantries or the floating crane.

(2) The Authority shall not be liable for any such lifts but the vessel shall be responsible for these lifts and be charged at a special tariff rate.

Delivery or reception of container

103.-(1) The delivery to, or reception from, vehicle shall take place in the container stacking area.

(2) A vehicles shall be required to enter and leave the container terminal through the control gate and follow the approved traffic flow system.

(3) The Authority shall not be liable for the loss of, or damage to, any container once delivery has been effected but shall hold the hauler responsible for the carriage of the container across the terminal.

(4) For a container received from a vehicle, the liability of the authority shall cease when the container is properly connected to the lifting gear of the

crane for shipment.

Port Regulations to apply to dry port

104. The Authority's dry port may be established on other areas and shall be deemed to be ports area of ports area and all appropriate Ports Regulations shall apply.

Transfer to depots stripping of container

105.-(1) A port-to-port and house-to-port container shall, at the discretion of the Authority, be transferred to a designated place by the Authority's own vehicles or transport arranged by the Authority.

(2) The order of stripping of a container shall be determined by the Authority and no liability shall be accepted for consequent delays in delivery of cargo or container.

(3) A house-to-house container shall be transferred to a place stated in the bill of lading at the customer's risk and expenses.

Authority to be notified of the intention to change the status of container

106.-(1) Requests for changes of status of containers from house-to-house to port-to-port or vice versa shall be submitted through approved system by filling C 11 form and shall include all the necessary details including-

- (a) relevant Bills of Lading;
- (b) container numbers; and
- (c) the status for which change is requested.

(2) Where the status of the container is not declared in the manifest, such a container shall be treated as house-to-house and attract storage charges as per tariff.

(3) Amendments of status from port to port to house to house and vice versa shall be received before the carrying vessel starts working.

(4) Where request for amendment is received after the container is landed, rent shall be charged on both the container and the cargo up to and including the date of receipt of the amendment.

(5) Where the amendment is received after the container has been shipped, stuffing charges shall be raised through a container MPS voucher.

Liability for improper packing of cargo in containers

107.-(1) All cargo shall be evenly packed and properly secured inside container so as to ensure stability of a container.

(2) Half heights and flat racks shall be properly lashed and secured and shall be packed according to relevant laws.

(3) The consignor and consignee shall be liable for the consequences of any accidents arising out of improper packing and lashing of cargo in a container.

PART IX VESSEL MOVEMENTS, BERTHING AND RELATED MATTERS

Harbour Master to assign berths and control

108.-(1) A vessel shall occupy the berth assigned to her by the Harbour Master and shall be removed to any other berth which the Harbour Master may direct;

(2) In assigning berth, the Harbour Master shall take into account the contractual and other requirements of any terminal operators operating at that berth and the good order and efficient working of the port and shall pay due regard to the requirements of the officer responsible for vessel planning.

(4) The Harbour Master shall have control of the berthing and mooring of a vessel accommodated at a private wharf or jetty.

(5) A vessel proceeding alongside a quay shall have no list, but shall be trimmed astern or even keel.

(6) The Harbour Master shall determine the order of provision of marine operations, which includes pilotage, tug and berthing services to vessels and the movement and mooring of vessels in the port.

(7) In determining berth under this regulation, the Harbour Master shall take into account the interest of safety, security, and good order, the efficient working of the port and the protection of the environment.

Notice of port movements

109.-(1) A master shall not shift a vessel within a port without permission of the Harbour Master.

(2) The permission referred to in sub regulations (1) shall be given to the Harbour Master at least one hour before the time of the intended shifting.

Notice of immobilisation

110.-(1) Owner or Master of a vessel shall not immobilise a vessel without written notice and permission of the Harbour Master.

(2) Owner or Master of a vessel intending to immobilise the vessel in port shall comply with the following conditions during the period of the immobilization:

(a) When at the anchorage-

(i) to have on board sufficient number of crew at all times capable of veering cable and keeping anchor signals on and taking appropriate action in case of an emergency; and

(ii) in the event of an emergency, to inform the Harbour Master without delay and by the most direct means including the use of approved channels

(b) When at a berth-

(i) to obtain the written approval of the Harbour Master;

(ii) to have on board sufficient number of crew at all times to take appropriate action in case of emergency;

(iii) in the event of an emergency, to inform the Harbour Master without delay and by the most direct means including the use of VHF Channel 12 or 16; and

(iv) to have emergency towing-wires laid over the sides of the bow and stern of the vessel

(3). In the event of an emergency occurring on board during the period of the immobilization, the Harbour Master may direct the vessel to be shifted to another location.

(4) Where the owner or master of a vessel fails to shift the vessel pursuant to sub regulation (3) the Harbour Master may order the provision of tugs, pilot

and mooring gang to effect the shifting of immobilized vessel and all charges incurred shall be borne by the owner or master of a vessel.

(5) The Authority may, for purposes of safety, security, good order and the efficient working of the port, or the protection of the environment, require a vessel to shift from a berth to another part of the port.

(6) The costs of the movement referred to in sub-regulation (1) shall be borne by the master of the vessel unless otherwise agreed.

Removal of ships anchored in a port area and fairways

111.-(1) A vessel shall not be anchored in a port area and a fairway of a port without the approval of the Harbour Master.

(2) A vessel anchoring in port area and fairways in contravention of this regulation commits an offence and upon conviction shall be liable to a penalty prescribed in the First Schedule.

(3) Without prejudice to the provisions of sub regulation (2), where the vessel is removed under the control of a pilot, full pilotage shall be charged and, if the use of tugs is considered necessary by the Harbour Master, towage charges shall apply.

Lights on vessel and collision regulations

112.-(1) A vessel, whether under way or at anchor, shall between the hours of sunset and sunrise, exhibit the lights required by the International Regulations for Preventing Collisions at Sea, 1972.

(2) A vessel shall fully observe and obey the International Regulations for Preventing Collisions at Sea, 1972 as amended.

Hiring tug for towage services

113. The Authority shall, subject to the following conditions, afford all towage and other tug facilities:

- (a) on the employment of tug, the master and crew shall become the servants of and be identified with the hire and shall be under the control of the hirer or his servants or agents, and any person on board the hire's vessel who may be employed or paid by the Authority shall be deemed to be the servant of the hirer;
- (b) the Authority shall not, whilst towing, bear or be liable for damage of any description done by or to the tug, or done by or to hirer's vessel, or for any personal injury or loss of life, arising from any cause, including negligence at any time of the Authority's servants or agents, unseaworthiness, unfitness or breakdown of tug, its machinery, boilers, towing gear, equipment or hawsers, lack of fuel stores or speed.
- (c) the hirer shall pay for loss or damage and personal injury or loss of life and shall also indemnify the Authority against all consequences thereof, and the Authority shall not, whilst at the request expressed or implied of the hirer rendering any service other than towing be held responsible for damage done to the hirer's vessel and the hirer shall indemnify the Authority against a claim by a third party other than a member of the crew of the tug for personal injury or loss of

life:

PROVIDED THAT any such liability for loss or damage as herein prescribed is not caused by want of reasonable care on the part of the Authority to make its tugs seaworthy for the navigation of the tugs during the towing or other services. The burden of proof of any failure to exercise such reasonable care shall lie upon the owner of the tow;

- (d) The hirer shall not bear or be liable for any loss or damage done by or to the tug otherwise than whilst towing, or for loss of life or injury to the crew of the tug;
- (e) for the purpose of this Regulation the phrase "whilst towing" shall cover the period commencing where the tug is in a position to receive orders direct from the hirer's vessel to pick up ropes or lines or towrope has been passed to or by the tug, whichever is the sooner, and ending when the final orders from the hirer's vessel to cast off ropes or lines have been carried out, or the towrope has been finally slipped and the tug is safely clear of the vessel, whichever is the latter;

Due notice of vessel's departure to be given

114.-(1) The master or agent of a vessel shall, at least one hour before the vessel leaves, give notice thereof to the Authority specifying the time that the vessel will be departing from the port and such notice shall be confirmed by Master or agent of the vessel.

(2) The Authority shall grant permission to leave the port by issuing port clearance through the available system.

(3) Prior to departure of the vessel in the port, the vessel's owner, master or agent shall submit to the Authority, and where applicable, the terminal operator, passenger manifest and crew list.

Anchors to be ready for letting go

115.-(1) A vessel entering or leaving a port shall have both bow anchors and cables clear and ready for use if required.

(2) If an anchor, or chain or cable belonging to a vessel has parted, slipped or has been lost within a port, the master of such a vessel shall forthwith report the exact position of the anchor, chain or cable to the Authority.

(3) The Authority may order that an anchor, chain or cable referred to in sub regulation (2) be recovered at the expense of the owner or agent of the vessel.

Reporting of damages

116.-(1) The owner or master of a vessel that damages any property within the port, including fouling or displacing a buoy, navigational aid or navigational channel, shall-

- (a) immediately report the occurrence to the Authority and any other relevant authorities.
- (b) submit to the Authority a full written report setting out the circumstances of the occurrence, within 24 hours of the occurrence or before the departure of the vessel from the port, whichever is the sooner; and
- (c) furnish any further particulars that the Authority may require.

Liability of damages

117. The owner or master of a vessel that damages a property within the port shall be liable for such damage and the Authority may detain such vessel until the expenses have been paid or the master or owner has furnished security as may be required by the Authority.

**PART X
SMALL, TRADITIONAL AND PLEASURE CRAFT**

Operating licence and anchorage of small, traditional or pleasure craft

118.-(1) A pleasure or small craft shall not lie or manoeuvre in a port without having boat licence issued by the Authority on payment of a fee as prescribed in the Tariff. .

(2) A small craft shall be registered by the relevant authority;

(3) The provisions of sub-regulation (1) shall not apply to any tug, lighter, motor boat, rowing boat or other small craft owned by the Authority or the Government of the United Republic.

(4) Small, traditional and pleasure vessels shall anchor for pratique at a place approved by the Authority and shall keep clear underway from other vessels.

Lying or manoeuvring of pleasure, traditional or small craft

119. A pleasure or small craft shall only lie or manoeuvre in a port with a permission of the Harbour Master who may indicate where it may lie or manoeuvre.

Mooring of small, traditional craft and pleasure vessels

120.-(1) A small craft or pleasure vessel shall not, except with the permission of the Authority, be secured to a wharf, jetty, quay, mooring, post, pile, bollard or buoy belonging to the Authority.

(2) A pleasure or small craft whatsoever shall not lie alongside any of the passenger landing places or ship's accommodation ladder longer than is necessary to embark or land passengers and their luggage but when waiting, in order not to obstruct the approach, shall lie off at a safe distance to be determined by the Harbour Master.

Beaching for repairs of small craft or pleasure craft

121. A pleasure vessel or small craft shall not be brought ashore or beached for the purpose of repair except at authorized place or such other place as may be assigned by the Authority for that purpose.

Passengers and goods to be landed at place appointed

122. A boat or launch proceeding to or departing from the side of a ship or traditional vessel shall not embark or disembark passengers or load or unload goods except at a place appointed by the Authority.

President's Pier

123. - No boat shall secure or make fast to the president's Pier at Dar es Salaam and no boat shall moor or anchor within a radius of 100 feet thereof.

Master of a small craft, traditional or pleasure to provide particulars

124.-(1)The Master of a small, traditional or pleasure craft arriving at a port shall provide particulars relating to vessel seaworthiness, cargo and passengers if any.
(2) The master of a vessel entering a port may be required to produce his vessel's certificate.

Duration and renewal of licence

125.-(1) The operating licence shall be valid for a period of one year commencing from the date of issue.

(2) The operating licence may be renewed by submitting an application for renewal thirty days prior to its expiry.

Transfer of licensed craft

126. The transfer of any licenced craft shall not affect the operating licence already granted but in all such cases the purchaser shall within fourteen days produce the operating licence for endorsement by the Authority against the transfer and all applicable documents.

Unclaimed property to be taken Authority

127. A person in charge of a craft licensed to carry passengers shall be responsible for unclaimed property left in his boat, and he shall take such property to the Authority.

Liability for loss or injury

128. Nothing contained under this part, shall be deemed to impose any liability or responsibility upon the Authority for loss or injury caused by the acts or negligence of the owner or person in charge of a licensed craft.

Small craft, traditional and pleasure prohibited from conveying liquor to ship's crew

129.-(1) The owner of a craft or member of a boat crew or a person employed by such owner shall not supply, convey or deliver any liquor on board any ship at anchor or moored in port, except-

- (a) such liquor as may be purchased with the consent of the master of the vessel from a person duly licensed to sell the same; and
- (b) such liquor as may be removed under the customs laws and regulations from a bonded warehouse for exportation beyond the limits of the port or for vessel's stores.

(2) Where any such owner is convicted of contravention of these Regulations, the licence, if any for a craft used in connection with the commission of such offence shall be cancelled, without prejudice to any other penalty provided by the law.

Penalty for
breach of small
craft rules

130. The owner or person in charge of a small craft in respect of which a breach of these Regulations has been committed commits of an offence and shall, in addition to any other penalty to which he may have rendered himself, be liable to imprisonment for a term of twelve months but not exceeding eighteen months or to a fine of US \$ 5,000.00 but not exceeding US \$ 10,000.00 only or to both.

PART XI SPECIAL PROVISIONS RELATING TO DHOW CARGO

Dhow cargo to be
handled at
approved places

131- (1) Dhow cargo may be loaded and unloaded by the Authority at such charges as may be prescribed in the Tariff within port premises as appointed by the Authority.

(2) Notwithstanding the provisions of sub regulation (1) and subject to compliance with regulatory requirements, the Authority may permit dhow cargo to be loaded or unloaded by the owner's labour, at such charges as may be prescribed in the Tariff within port premises as appointed by the Authority.

Import and export
dhow cargo

132. Import and export cargoes from and to dhows may, at the discretion of the Authority, be deposited on the premises of the Authority at such places as may be appointed for the deposit of dhow cargo and at such charges as prescribed in the Tariff.

Authority not
responsible for
loss or damage

133.-Where goods are loaded, unloaded or deposited under the provisions of this Part, the Authority shall not incur any liability in respect of loss, misdelivery or detention of, or damage to such goods where such loss, misdelivery or detention of, or damage is caused by the owner's acts or omission.

Dried and salted
fish

134.-(1) Dried and salted fish deposited on the premises of the Authority shall be removed therefrom within a period of three days:

Provided that if such goods have been entered for home consumption in accordance with the provision of the Customs laws an extension may be granted by the Authority.

(2) where any such goods have not been removed within such period, the Authority may sell such goods by public auction pursuant to the provisions of Ports Act, and may, out of the proceeds of any such sale deduct any sum due to the Authority and shall deliver the balance, if any, to the person appearing to the Authority to be entitled thereto.

Removal or sale
of entered goods
by the Authority

135.Where goods other than dried and salted fish are deposited on the premises of the Authority, the Authority may give notice to the person required to remove the goods within such time as may be specified in the notice; and if the goods are not removed within the time so specified the Authority may sell such

goods and dispose of the proceeds of sale in accordance with the provisions of this Part:

PROVIDED THAT imported goods shall not be sold until they have been entered in accordance with the provisions of the Customs laws.

Dhow cargo may not be handled at places ordinarily used by ships

136.-(1) Cargo from or to dhows shall not be landed or shipped at the Authority's quays, jetties or wharves ordinarily used by ships or lighters.

(2) Cranes installed at the port shall not be used for the purpose of landing or shipping such cargo except with the permission of the Authority and subject to the payment by the master or owner of the dhow ordinary charges applicable thereto prescribed in the Tariff.

PART XII STORAGE

The Authority may refuse to accept certain goods for storage

137. The Authority may refuse to accept the following goods for storage or in accepting such goods for storage, may impose special conditions thereon:-

- (a) articles of unusual length, bulk or weight, or of exceptional bulk in proportion to weight;
- (b) articles unpacked or improperly or insufficiently packed;
- (c) dangerous, hazardous or offensive goods, being goods which are likely to cause harm or damage to persons or property;
- (d) perishables and goods inherently liable to wastage in bulk or weight or to latent or inherent defect, vice or natural deterioration;
- (e) inflammable or explosive substances;
- (f) scrap metal;
- (g) animals; and
- (h) any other goods, as the Authority may deem fit to impose conditions thereon.

Charges for change of delivery status

138. Where there is change of status from direct delivery or loading to indirect delivery or loading the charges for shore handling shall be uplifted as specified in the Tariff book.

Port dues and charges

139. Vessel's dues, wharfage, handling, storage and other port dues and charges including fire standby services for dangerous cargo shall be levied at such rates as prescribed in the Tariff book.

Storage charges on imports

140. Storage charges shall be levied on import cargo and merchandise for which documents have not been received by the Authority or on which charges have not been paid or secured:

Provided that such cargo and merchandise shall be subject to a free period as prescribed in the Tariff Book.

Local deliveries

141.-(1) subject to the provisions of Regulations 147 imported goods which have not been removed from the Authority's sheds or stacking yards within the time specified in the Tariff book shall be subject to storage charges for any period in excess of the free period specified in the Tariff Book.

(2) Imported cargo at any port area and in respect of which documents, completed in accordance with Regulation 48 of these Regulations, have not been presented to the Authority within the period prescribed in the Tariff Book, may be moved by the Authority, within the storage area or from the storage area to any other area within the port area and any cargo so moved shall incur a removal charge as prescribed in the Tariff Book.

Goods detained by Customs and Police

142. (1) Goods detained by Customs for examination purpose may, at the discretion of the Authority, be exempted from the date the documents are stopped by Customs until the date of completion of examination.

(2) Goods seized by police as found goods or property, shall be released by the Authority against signature of a police officer and such goods shall be returned to the Authority upon completion of investigations or court proceedings for disposal in accordance with applicable procedures:

Provided that any delay attributable to the importer or agent during the period of detentions shall not be given the benefit of such free storage.

Storage charges on export cargo

143.-(1) Storage charges shall be levied on export cargo and, save as otherwise provided herein, shall be levied from the date of acceptance by the Authority of such export cargo in the port area until the loading date.

(2) A free storage period as prescribed in the Tariff Book shall be allowed on export cargo.

Shut out cargo

144. (1) Shut out cargo shall incur storage and other charges as prescribed in the Tariff book.

(2) Cargo shall be deemed to be shut out if it has been accepted into the port for shipment in accordance with Regulation 52 but is not accepted for carriage by the vessel named in the shipping order.

Export cargo may be transferred

145.- The export cargo on which storage charges have become due may be transferred by the Authority to any point in the port area or left in situ:

Provided that such cargo shall incur additional charges as prescribed in the Tariff book.

Removal of export cargo

146.-(1) Where an exporter or shipper desires to move any export cargo already in the storage area for a purpose other than for shipment, the Authority shall provide labour and crane necessary at the charge prescribed in the Tariff Book and the employment of private labour for this purpose shall not be

permitted.

(2) Where it is desired to remove export cargo from the Authority's storage area to a private godown, the necessary loading orders shall be submitted not less than forty-eight hours before the expiration of the free storage period on the goods concerned.

(3) Where the exporter or shipper fails to comply with the provisions of sub-regulation (2), the goods shall be subjected to storage charges up to the date on which the goods are loaded as prescribed in the Tariff Book.

When storage
accommodation
not available

147.- When port storage accommodation is not available, the Authority shall not allow the owner or agent to enter the goods into the port premises for a period as may be specified by the Authority.

Penal charges

148.- Where an order issued under regulation 155 of these Regulations is not complied with, the owner or agent of the goods shall be subject to a penal charge as prescribed in First Schedule.

Change of
ownership
of goods

149.- Any change in the ownership of goods shall be notified to the Authority immediately such change takes place and, in the absence of such notification, the previous owner shall be held responsible for all charges.

Storage charges
on transshipment
and over-landed
Cargo

150.-(1) Storage charges shall be levied on all transshipment and over landed cargo where landed, or discharged pending reshipment:

Provided that a free storage period shall be allowed as prescribed in the Tariff book.

(2) While awaiting reshipment, transshipment cargo shall not leave the custody of the Authority and shall not be subject to manipulation, otherwise ordinary import and export charges shall be applied.

Passenger's
baggage not
removed

151. Passenger's baggage not removed from the Customs examination location at port within twenty-four hours after clearance shall be removed and warehoused and charged for at the storage charges prescribed in the Tariff Book.

Claims for refund
of over charges

152.-(1) Claims for refund of overcharges in respect of Port Dues and Charges shall reach the Authority before the expiration of three months from the date such Port Dues or other charges were incurred and shall be supported by such documents as the Authority may require.

(2) Claims for refund of overcharges in respect of Port Dues and charges shall be dealt with in accordance with the Authority's claims policy.

(3) Unless the provisions of sub regulation (1) are complied with, the Authority shall not accept any liability for the over charge nor shall the claim be considered.

Waiver of storage charges

153.-(1) The authority may, upon application, grant waiver of storage charges

(2) Applications for waiver shall be dealt with in accordance with the Authority's waiver policy.

PART XIII WAREHOUSING

Warehousing of export cargo

154. The Authority may warehouse export cargo other than livestock at port subject to the following conditions-

- (a) that space is available;
- (b) that goods intended for port warehouses shall be so consigned, when this is not possible the shipper or his representative shall advise the Authority in writing not later than noon on the day previous to that on which the goods are to be warehoused; and
- (c) that non-port labour shall not be allowed in port warehouses.

Special charges where services not specified in the Tariff Book.

155.-Services in connection with goods warehoused in port warehouses not included in the Tariff book shall be subject to a special charge to be determined by the Authority.

Warehousing of dangerous goods

156.- The Authority may, at a charge, and on a written application, subject to the availability of necessary facilities and safety requirements, accept in port warehouses dangerous goods specified in the I.M.D.G. Code.

Packing of warehoused export goods

157.-(1) Export goods warehoused in port facilities shall be properly packed for shipment.

(2) Resorting and other manipulation of goods shall not be permitted in port warehouses.

No shipment without shipping Order

158.-The Authority shall not load goods ex-port warehouses into trucks for shipment except upon receipt of the shipping Order relating to such goods.

Particulars to be provided and storage charges to be paid

159.- Goods shall not be released for export or local delivery from port warehouses until all particulars including the value of such goods when applicable, have been furnished to the Authority and storage charges thereon paid, or secured.

Warehousing of export cargo discretionary

160.- The Authority reserves the right at any time to withdraw the service of warehousing export cargo.

PART XIV
GENERAL SAFETY REGULATIONS

Safety
Regulations

161.- Safety regulations contained in this Part shall apply in respect of port operations within the port area.

Responsibility of
master for safety
of vessel

162.- The master of a vessel within the port limits is at all times responsible for the safety of the vessel and nothing in these Regulations may be construed as relieving the master of this responsibility.

Fire on vessel

163.-(1) The master of the vessel shall at once give the alarm to the Authority in the event of a fire occurring on board and shall take steps in preventing the fire as the Authority may direct.

(2) The master shall hoist N.Q of the International Code and at the same time sound one long and three short blasts in quick succession on the whistle and kept it hoisted until the fire on board has been extinguished.

Boarding or
leaving ships

164.-A person shall not, except with the permission of the Authority, board or leave a ship whilst such ship is in motion; nor shall any person leave or board a ship except by means of the gangway or an efficient pilot ladder.

Ships, gear not to
be left in a port
area

165.- The master shall not leave ship's gears in a port area except the permission of the Authority.

Vessel not to be
turned by use of
engines while at
bouy

166.-The master shall not, turn round a vessel by engine while made fast at bouy.

Fires prohibited

167.- A person shall not be allowed to make fire or lights near the hatches or in the holds in which dangerous goods are stored.

Provided that this regulation:

(a) Shall not prevent the use of an electric lighting installation or a safety lamp of a construction approved by the Authority or of ship's riding or signal lights so disposed as to prevent any risk of fire or explosion; and

(b) Shall not apply to engine room fires when the same have been previously carefully banked

Drunkenness

168.-A person under the influence of alcohol or drugs shall not be allowed to enter into ports area.

Gear for lifting
beams for hatch
covering to be
provided

169.- The master shall ensure all the fore and aft beams and thwart vessel beams used for hatch covering have suitable gear for lifting them on and off without it being necessary for a person to go upon them to adjust such gear.

Clear passage to means of access to vessel to be maintained on wharf

170.-A person shall not place goods on a wharf or quay to block a clear passage leading to the means of access to the vessel and if any space is left along the edge of the wharf or quay it shall be at least 91 cm (three feet) wide and clear of all obstruction other than fixed structures, plant and appliances in use.

Lifting machinery to be tested and examined

171.-The Authority shall ensure that lifting machinery is tested and examined before taking into use in a manner set out by the Authority.

Testing operators issuance licence for and of

172.An equipment operator shall be examined and tested by the Authority before engaging into operations activities and upon completion the Authority shall issue a licence.

Suspension and Cancellation of licence

173.The Authority shall suspend or cancel operating licence to the operator upon being satisfied that he has failed to full fill his duties or causing any damage to the equipment.

Authority may destroy or otherwise deal with goods

174. In case of emergency, or for the purpose of securing better safety of a port or the vessel therein, the Authority may, in consultation with relevant authorities, wherever it may seem expedient to do so, destroy or otherwise dispose of goods without compensation to the owner of the goods and the costs of such disposal shall be borne by the consignee, owner or agent of the goods.

Hot work permit

175.-(1) A person shall not perform a hot work on a vessel or on shore within the port area without a permit from the Authority.

(2) The Authority shall inspect the place where hot work will be performed before it issues the permit.

(3) The Authority shall impose conditions upon the performance of the hot work and charge fee as prescribed in the Tariff Book.

Wrecks removal

176. A person shall not remove a wreck, hulk, vehicle or vessel in a port area without the permission of the Authority or in contravention of any condition which may be imposed by the Authority.

Penalty

177.- A person who contravenes the provisions of the regulation under this part shall be liable to a penalty as stipulated under the First Schedule to these Regulations.

PART XV

OCCUPATIONAL SAFETY AND HEALTH AT WORKPLACE

Safety and precaution measures to be observed

178. A person within a port area shall -

- (a) take reasonable precautions for own safety, safety of others and property;
- (b) adhere to safety signs and posters installed in the port premises;
- (c) not operate defective vehicle or plant;
- (d) clean the port surroundings and put waste material in waste bins;
- (e) put on safety gears (PPEs);
- (f) not dispose of waste materials within the port area;
- (g) not conduct hot works within the port area without approval of the Authority; and
- (h) observe governing safety and health regulations.

Compliances by drivers in the port area

179. (1) A person who drives a vehicle in the port area shall-

- (a) ensure the vehicle is mechanically sound;
 - (b) possess a valid driving licence;
 - (c) observe road traffic rules and signs within the port areas;
 - (d) observe the maximum speed limit of 20 km/hr;
 - (e) ensure all tyres of the vehicle are in good condition;
 - (f) immediately report to the Authority on any accident occurring in the port area;
 - (g) not drive under influence of alcohol;
 - (h) not drive while using a mobile phone;
 - (i) not drive with ear muff or ear phone on;
 - (j) have hazard triangle sign and an appropriate fire extinguisher; and
 - (k) not cause obstruction to roadways, railways or passageways within the port area and its environment.
- (2) Trucks owners and drivers shall ensure that-
- (a) trucks have twist locks and container should all times be fixed when loaded on the truck;
 - (b) the lighting systems including indicators and brake lights are in good working condition;
 - (c) truck is installed with appropriate fire extinguisher for fire extinction;
 - (d) the body of the truck/trailer carrying grain cargo is covered with rolled tarpaulin tops to prevent air pollution;
 - (e) the body of the truck/trailer carrying grain should be air tight to prevent spill of grain in the port areas;
 - (f) truck carrying break cargo should have flat bed trailers with vertical stakes or steel cradles to hold steel pipes or timbers in place;
 - (g) truck is fitted with appropriate reflectors both on front and rear;

Offences,
Penalties and
Legal
proceedings

180. Any person who, contravene with the provisions of this Part shall be liable to a fine set out in the First Schedule to these Regulations

PART XVI ENVIROMENTAL PROTECTION

Deposition of
foreign materials
prohibited

181.-(1) A person shall not throw, discard, discharge or deposit or allow or cause to be thrown, discarded, discharged or deposited within a port any article, material or liquid which is liable to cause an obstruction, danger, pollution or nuisance

(2) Expenses and claims that may be incurred by the Authority in recovering or removing any article, material or liquid referred to in sub regulation (1), shall be borne by such person who caused such obstruction, danger, pollution or nuisance.

(3) Notwithstanding the provisions of sub regulation (2) the person causing such obstruction, danger, pollution or nuisance shall be liable to a fine as prescribed under First Schedule to these Regulations.

Fumigation of vessel

182. The owner or master of a vessel shall not cause such vessel to be fumigated within port limits except with the written permission of the Harbour Master and upon such conditions as the Harbour Master may impose in the interest of safe, orderly, efficient and effective working of the port.

Sparks, fumes, soot,
smoke and paint

183.-(1) The owner or master of a vessel in a port shall take all necessary precautions to avoid excessive emission of sparks, fumes, soot, smoke or paint from such vessel.

(2) Any claim for damages caused by the emission of sparks, fumes, soot, smoke, or paint from such vessel shall be at the expense of the owner or master of the vessel.

(3) Notwithstanding the provisions of sub regulation (2) the person causing sparks, fumes, soot, smoke, or paint shall be liable to a fine as prescribed under First Schedule to these Regulations.

Ballast Water

184. Ballasting or de-ballasting shall not take place within a port, except with the permission of the Harbour Master and under such conditions as the Harbour Master may impose in the interests of the safe, orderly, effective and efficient working of the port.

No discharge of
sanitary waste

185. A master of a vessel shall not discharge sanitary waste within port area except with permission from the Harbour Master.

Prevention of
pollution and
protection of the
environment

186.-(1) A person within a port shall take all reasonable steps to prevent, minimize and mitigate pollution or damage to or degradation of the environment.

(2) A person who pollutes, degrades or causes damage to the environment

shall bear the costs associated with the combating and cleaning up of that pollution, damage or degradation, and the associated impacts thereto.

(3) Where a person responsible for the pollution or damage to the environment fails to take necessary measures to prevent, minimize, mitigate, combat and clean up the pollution or damage to the environment, including its associated impacts, the Authority may take the necessary measures to combat the said pollution; and

(4) Expenses and claims that may be incurred by the Authority referred to in sub regulation (3), shall be borne by suchperson.

Port waste
reception
facilities

187.-(1) A terminal operator and master of a vessel shall make use of the port facilities for the reception of wastes from a vessel;

(2) Notwithstanding the provisions of sub regulation (1), the Authority may require -

(a) a terminal operator to provide or procure proper and adequate facilities from a licensed waste disposal service provider for the reception of wastes from vessel, using the port terminal;

(b) the owner or master to provide or procure proper and adequate facilities from a licensed waste disposal service provider for the reception of wastes from vessel if the berth is not operated by a terminal operator.

(3) In assessing the adequacy of the waste reception facilities contemplated in sub-regulation (2), the terminal operator or owner or master of the vessel, as the case may be, shall have regard to the Authority's Waste Management Guidelines.

(4) Notwithstanding the provisions of this regulation, the owner- or master of a vessel shall dispose galley waste in accordance with the Authority's Waste Management Guidelines.

Application of
Authority's
Waste
Management
Guidelines

188. The Authority's Waste Management Guidelines shall apply to terminal operator, tenants and all port users.

Discharge or
dumping in a port
of sewage or
residue water as a
result of hatch or
tank cleaning

189.-(1) The owner or master of a vessel shall not discharge or dump sewage into port waters or any part of the port area except with express permission of the Harbour Master and into a facility dedicated for that purpose.

(2) The owner or master of a vessel shall not discharge or dump residue water into port waters as a result of hatch or tank cleaning without the written permission of the Harbour Master:

PROVIDED THAT the Harbour Master may impose conditions upon granting the permission under this regulation.

Removal of
vessels from the
port

190.-(1) The Harbour Master may order removal of a vessel from a port if that vessel has cargo or other matter on board that may be a threat to the environment at the expenses of the owner or master.

(2) Notwithstanding the provisions of sub regulation (1) the Harbour Master may order the cargo or other matter to be disposed of, at the expense of the owner or master of the vessel.

Protection of animals, birds, fish and plants

191. Subject to a licence, agreement or lease with the Authority to regulate pest control, a person shall not collect, use, remove or relocate any animal, bird, fish or plant that is within the port area unless the he is so authorised by the Authority.

Burials

192.- A person shall not burry or dispose a dead person, animal or carcass of any kind within the port limits.

Penalty under this part

193.- A person who contravenes the provisions of the regulation under this part shall be liable to a penalty as stipulated under the First schedule to these Regulations.

PART XVII

PORT SECURITY AND CONTROL

Closing roads, wharves

194.-The Authority may, within any port area, close any road and wharf, jetty, quay, warehouse or any part thereof, and may permit or prohibit the use thereof subject to such conditions or payment as the Authority may think fit to impose.

Vehicle to take position of place assigned

195.-(1) Road vehicles within a port area shall take the position or place assigned to them by the Authority.

(2) Persons in charge of road vehicles within a port area shall move their vehicles when required to do so by the Authority.

Trespass on the port area

196.- An unauthorized person shall not-

- (a) enter a port area, climb upon the roof of a shed or upon a crane, lighthouse, signal station or navigation mark; and
- (b) remove or bring into a port area a timber, wood, vegetation or growth, sand, stone, ballast, or shingle.

Dangerous driving

197. An authorized person shall not drive a vehicle on a thoroughfare within a port area so as to be a danger to the public.

Behavior of motorists	198. A driver or person in charge of a vehicle shall, at all times while in or entering or leaving a port area, conduct himself in an orderly manner and shall comply with such orders as may, from time to time, be issued by the Authority, and with the terms of any notice or sign exhibited by or under the direction of the Authority.
Danger signals	199. A person in a port area shall not disregard a danger signal or refuse to stop when called upon to do so by Authority.
Restriction on parking of vehicle	200. A vehicle shall not be parked over, under or near a fire hydrant, quay side, railway crossing or crane supply line ducts, port handling equipment and other restricted area as may be directed by the Authority.
Fire -fighting operations	201. A person in a port area shall not disregard the direction of the fire officer, police officer or other authorized person in event of an outbreak of fire, or obstruct or in any way interfere in with the fire-fighting operations.
Power to exclude public if major fire occurs	202. The Authority may, in the event of a major outbreak of fire, exclude the public from the vicinity of the fire and may close the whole or any section of the port area as the Authority may think fit.
Fee chargeable for fire-fighting services	203. Whenever fire-fighting services are provided by the Authority, whether at the request or not of the owner, master or agent of a vessel, vehicle or goods, the Authority may make a charge in respect of such fire-fighting services at a rate as may be prescribed in the Tariff Book.
Entering or leaving a port area	204. A person entering or leaving a port area shall do so through the port entrances or exits provided for the purpose and shall be subject to the lawful orders and direction of the Authority.
Persons entering port area to carry identification cards or port entry part.	205. The Authority shall require a person entering a port area to carry and exhibit identification card or port entry pass from the time of entering to the time of leaving the area.
No unauthorized entry when port gates closed	206- (1) An unauthorized person shall not enter or leave a port area after gates have been closed. (2) A person wishing to go into or out of the port area shall stop at the port gates for examination by the Authority. (3) Examination referred to in sub regulation (2) shall include a luggage, vehicle, or animal by which such person is travelling or accompanied.
No loading without proper gate pass	207. -(1) A person shall not knowingly or unknowingly, load or cause to be loaded into any vehicle intended to be used for the conveyance of goods out of a port area, or take out of such port area, any parcel, package or article of any

kind within such area except upon possession of, or production and delivery to the Authority at a designated port gate, as the case may be, of gate pass and pass out check authorizing such person to take such parcel, package or article out of such port area:

Provided that possession of, or production and delivery of such gate pass may be done through an electronic security system.

(2) A gate pass shall not be endorsed after pass-out checks in respect of manifested cargo, passenger's baggage and un-manifested articles ex-ship, unless and until all customs requirements have been complied with and all port dues, rents, and charges in respect thereof have been paid or secured.

(3) Where parcels, packages or articles are conveyed out of a port area by railway, such parcels, packages or articles shall be so conveyed only when they have been properly booked out for such conveyance and then only after all customs requirements have been complied with and port dues, rents, rates and charges in respect thereof have been paid or secured.

When port gates to be closed

208. The port gates may be closed to such traffic and at such times as may from time to time, be notified by the Authority.

Person wishing to enter port

209. A person who wishes to enter the port area for a legitimate purpose may do so, subject to the condition that the Authority shall not be liable for personal injury, whether fatal or otherwise, loss, damage, delay, or detention of, or to any person and/or his property howsoever caused:

Provided that the provisions of this regulation shall not apply to the Authority's employees.

Vagrants

210-(1) A person shall not, except with the permission of the Authority, enter or remain in any port area.

(2) A person committing a breach of this Regulation may, without prejudice to his liability to any other penalty at law, be forthwith removed from the port area.

Approval for conduct of activities within the port area

211. A person shall not conduct any activity within a port area without the approval of the Authority.

untamed and wild animals

212. The Authority shall deal with untamed and wild animals and reptiles found at large on port premises in accordance with the applicable laws:

Provided that those on board a vessel within a port area shall be properly secured by the master.

Use of sound alarms

213. A person shall not sound an alarm, except for the purpose of navigation or of giving a fire alarm, without the permission of the Authority.

Ballast permits

214. A person shall not remove stone or sand within the limits of a port area without the permission of the Authority and subject to payment of a charge as may be prescribed by the Tariff Book.

Smoking prohibited

215-(1) A person shall not smoke within the port area except at an area designated by the Authority.

(2) A person who breaches this regulation shall, without prejudice to any other penalty which may be incurred under these Regulations or other law, be forthwith removed from the port area.

Port Security Committee

216-(1) There is hereby established a Port Security Committee.

(2) The functions and composition of Port Security Committee shall be stipulated under the Ports Security Charter.

Security and Access

217-(1) The Authority shall be responsible for security of the port.

(2) Subject to the provisions of any legislation regulating state security agencies, the Authority shall be responsible for the regulations and control of the security within the port area.

Entering a controlled building

218.-(1) A person shall not enter a controlled building except with the permission of the Authority.

(2) A person shall not remain in a controlled building after being instructed to leave by the Authority.

(3) An authorized person may use such force as is reasonable in the circumstances to remove a person who by remaining in a controlled building or restricted area is in contravention of paragraph (2).

(4) For the purposes of this regulation “authorized person” means—
“auxiliary police and security officer”.

Searching people or property entering or in a restricted area or controlled building

219.-(1) An authorized person may search a person when entering a controlled building, restricted area, any baggage, cargo, vehicle, vessel or other moveable property of any description which is entering or about to enter a controlled building or restricted area.

(2) Neither a person who refuses to submit to such a search nor that person’s baggage, cargo, vehicle, vessel or other moveable property, may enter a restricted area or controlled building.

(3) An authorized person who has reasonable cause to suspect that a prohibited article is in, or may be brought into, a controlled building or restricted area, may, without a warrant, search any part of-

(a) the controlled building or any baggage, cargo, vehicle, vessel or other moveable property of any description which, or any person who, is for the time being in any part of the controlled building; and

(b) the restricted area, or any baggage, cargo, vehicle, vessel or other moveable property of any description which, or any person who, is for

the time being in any part of the restricted area.

(4) Subject to sub-regulation (3) an authorized person may stop any person, baggage, cargo, vehicle, vessel or other moveable property of any description and detain it or that person for so long as may be necessary for that purpose.

(5) Subject to sub-regulation (3) an authorized person may enter any controlled building or any building or works in the restricted area or enter upon any land in the restricted area, if need be by force.

(6) If, in the course of a search carried out under this regulation, a prohibited article is found, an authorized person shall do following:

- (a) detain, and
- (b) confiscate the prohibited article,

Provided that the police officer within the port area shall be contacted as soon as reasonably practicable and the authorized person can continue to detain until the police has arrived.

(7) Subject to sub-regulation (8), searches undertaken under this regulation shall be carried out in public and may not require a person to remove clothing other than an outer coat or jacket and any gloves and hats.

(8) Where—

- (a) a person so requests, or
- (b) it is necessary to require the removal of more than an outer coat or jacket and any gloves or hat in order to establish whether a prohibited article is being carried by a person,
- (c) the search shall be undertaken in private and in the presence of two or more authorized persons who shall be the same sex as the person being searched.

Obstructing the
Authority's
Officers and
Others

220. No person shall not, within a port obstruct, impede, molest, threaten or interrupt the any officer, workman, agent or person employed by the Authority in the performance of his duty or in the execution of any of the work, matters or things to be done by him, or use any offensive or obscene language.

Duty to comply
with these
Regulations

221. It shall be the duty of the master of the vessel, shipping agent or a representative of the Ship using the port to take suitable measures to comply with the provisions contained in these Regulations.

PART XVIII MISCELLANEOUS PORT SERVICES

Licences or
permits

222. The granting of license or permit for any purpose under these Regulations shall not impose liability or responsibility upon the Authority for an accident to the holder of a license or permit within a port area.

Licensing or agreement to undertake activities within the port

223. A person shall not undertake stevedoring, loading or unloading of goods, act as port baggage attendant, perform the works of clearing and forwarding of goods or any other activity relating to marine or port service or facility within the port area without a valid licence or agreement with the Authority and upon payment of fees as prescribed in the Tariff book.

Vessel chandlers and other dealers

224-(1) A person shall not carry the business of a dealer in marine or other storage or articles in a port area without a license from the Authority and upon payment of fees as may be prescribed in the Tariff book.

(2) A person shall not go on board a vessel for or take away from a vessel, marine stores, sweeping, dunnage, wood or other article, without the written permission of the master thereof.

Port baggage attendant.

225 A port baggage attendant shall at all times, display in conspicuous manner the identification card within the port area.

Cancellation, suspension, refusal and renewal of licence or permit

226. The Authority may in the interests of safe, orderly, efficient and effective port working-

- (a) refuse to issue or renew a licence or permit; and
- (b) suspend, cancel a licence or permit issued under these Regulations.

PART XIX GENERAL PROVISIONS

Performance of service and provision of other facilities by other persons

227.-(1) The Authority may enter into agreement with any person including any company or association or body of persons corporate or incorporate, for the performance or the provision by that person of any of the services or the facilities which may be performed or provided by the Authority.

(2) A person referred under sub regulation (1), shall have following eligibility criteria-

- (a) minimum share capital of percent held by a citizen
- (b) has a director or shareholder who has not been convicted of any offence such as-
 - (i) against the national security
 - (ii) against the national economy
 - (iii) fraud, forgery, corruption and/or economic crimes
 - (iv) non payment or evasion of any tax or levy payable under any written law
 - (v) against decency or morality

- (c) is not declared bankruptcy in accordance with the Bankruptcy Act; and
- (d) has no record of violation of local and international security and safety regulation in the regulated services thereupon such person shall have no greater liability to any third party than that which the Authority would have had to such third party under the provision of these Regulations.

Exclusive power
of Authority

228.-(1) The Authority shall have exclusive powers to perform any activity relating to port and marine operations within the port area.

(2) Subject to the provision of sub regulation (1), the Authority may delegate such activity to other person by entering into an arrangement or agreement subject to the provisions of regulation 259.

General offence

229. A person who contravenes any provision to these Regulations shall commit an offence and upon conviction shall be liable to a fine as prescribed under the Schedules.

Revocation of
Tanzania
Harbours
Regulations, 1991

230.The Tanzania Harbours Regulations, 1991 are hereby revoked.

THE FIRST SCHEDULE
(Made under Regulation)

OFFENCES AND PENALTIES

No.	Nature of Offences	Regulation	penalties
1.	Exempted ship no to occupy the assigned berth	18	US \$ 10,000.00 but not exceeding US \$ 50,000.00
2.	Traditional vessel or small craft anchored in any inner harbor area or fairway without the approval of the Harbour master.	19(2)	US \$ 5,000.00 but not exceeding US \$ 10,000.00
3.	Repetition of Traditional vessel or small craft anchored in any inner harbor area or fairway without the approval of the Harbour master.	19(4)	US \$ 10,000.00 but not exceeding US \$ 20,000.00
4.	Use of cranes, terminal tractor or other appliances for purposes other than loading of the vessel	40 (1)	US \$ 5,000.00 but not exceeding US \$ 10,000.00
5	Goods for export deposited in a port area without the approval of the Authority	50 (2)	US \$ 10,000.00 but not exceeding US \$ 50,000.00
6.	Loading and stowage of dangerous goods prior without permission of the Authority	63(1)	US \$ 50,000.00 but not exceeding US \$ 100,000.00
7.	Penalty under Part VI	83(1)	US \$ 50,000.00 but not exceeding US \$ 100,000.00
8.	Vessel anchored in a port area and fairways without the approval of the Harbour Master	111(2)	US \$ 10,000.00 but not exceeding US \$ 50,000.00
9.	Entering of goods into the port premises without the approval of the Authority	155	US \$ 5,000.00 but not exceeding US \$ 10,000.00
10.	A person who contravenes the provisions of PART XII of these Regulations	148	US \$ 10,000.00 but not exceeding US \$ 15,000.00
11.	A person depositing foreign materials in port area	226 (3)	US \$ 100,000.00 but not exceeding US \$ 500,000.00
12.	A person causing sparks, fumes, soot or paint	228 (3)	US \$ 100,000.00 but not exceeding US \$ 500,000.00
13.	Penalty under Part XIV	177	US \$ 100,000.00 but not exceeding US \$ 500,000.00
14.	Penalty under Part XV	180	US \$ 100,000.00 but not exceeding US \$ 500,000.00
15.	Penalty for deposition of foreign materials	181(3)	US \$ 100,000.00 but not exceeding US \$ 500,000.00
16.	Penalty for sparks or fumes etc	183(3)	US \$ 10,000.00 but not exceeding US \$ 50,000.00
17.	Penalty under Part XVI		US \$ 100,000.00 but not exceeding US \$ 500,000.00
15.	A person who contravenes any provision to these Regulations	261	
16.	General Penalty		US \$ 10,000.00 but not exceeding US \$ 50,000.00

(TPA logo & address)

Form A

THE SECOND SCHEDULE

(Made under Regulation 59)

**TANZANIA PORTS AUTHORITY
DANGEROUS OR INFLAMMABLE GOODS**

For the purpose of this Schedule to these Regulation referenced is hereby made to the IMM.D.G. Code of the I.M.O as amended from time to time.

(TPA logo & address)

**THIRD SCHEDULE
EQUIPMENT OPERATORS LICENCE
(Made Under Regulation**

Name:
Address:

WHEREAS you have been found duly qualified to perform the duties of equipment operator, I hereby grant you this Licence pursuant to the provisions of these Regulations and by Order of the Director General, Tanzania Ports Authority. This licence shall remain valid for the period of three (3) years from the issuing date.

Date thisday of, 20.....

.....
DIRECTOR GENERAL
TANZANIA PORTS AUTHORITY

This licence is not transferable and is liable to cancellation or suspension.

(TPA logo & address)

**SIXTH SCHEDULE
HARBOUR CRAFT MASTERS AND MARINE ENGINEER'S LICENCE
(Regulation 21)**

Name:.....

Address:.....

WHEREAS you have been found duly qualified to perform the duties of Harbour Craft Master/Marine Engineer, I hereby grant you this Licence pursuant to the provisions of these Regulations and by Order of the Director General, Tanzania Ports Authority.

Dated thisday of20...

.....
**DIRECTOR GENERAL
TANZANIA PORTS AUTHORITY**

This licence is not transferable and is liable to cancellation or suspension.

SEVENTH SCHEDULE

**TANZANIA PORTS AUTHORITY
PORT BAGGAGE ATTENDANT'S LICENCE
(Made under Regulation 222)**

In consideration of the payment of the fee of shillings licence is hereby granted to Mr..... whose address is for the purpose of acting as Port Baggage Attendant at the Port of.....during the year ending..... in accordance with the TPA's Tariff Book.

This licence is issued subject to the Ports Regulations, 2022.

.....
Director General
Tanzania Ports Authority

Dar es Salaam
Date, 2022

MAKAME M. MBARAWA
Minister for Works and Transport