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G.N. 22/1970

2/1982

48/1993

48/1995

92/1996

51/2000

28/2006

INLAND WATERS SHIPPING (HARBOURS) REGULATIONS

under s. 37

1. Citation and application

These Regulations may be cited as the Inland Waters Shipping (Harbours) Regulations and shall apply to all vessels within any harbour designated by the Minister under section 37 (3) of the Act.

2. Interpretation

In these Regulations, unless the context otherwise requires— G.N. 2/1982

“explosive” means any substance which is used or manufactured to produce an explosion or a pyrotechnic effect, or any fuse, detonator or cartridge;

“harbour master” means a person appointed by the General Manager, Malawi Railways Limited to administer and manage a harbour;

“small craft” means a vessel under 7.5 meters overall length, a dugout canoe or a dhow;

“warehouse” includes any building, place, vessel or vehicle used in a harbour for the purpose of warehousing or depositing goods.

PART I

POWERS OF HARBOUR MASTER

3. Powers of harbour master in a harbour

(1) All persons within a harbour shall comply with such directions of the harbour master, such officer may do or cause to be done for the purpose of carrying into effect the provisions of these Regulations.

(2) In the case of refusal or neglect to comply with the directions of the harbour master, such officer may do or cause to be done all acts necessary for the purpose of carrying such directions into effect.

effect, and all reasonable expenses incurred in his doing such acts may be recovered from the person refusing or neglecting to obey such directions.

(3) A harbour master may direct any person within the harbour to leave such harbour.

(4) A harbour master may, in cases of necessity, cut or cause to be cut any rope, warp, cable or hawser endangering the safety of any vessel in the harbour.

(5) A harbour master may order the removal of any object in the harbour which, in his opinion, obstructs or impedes the use of, or work in, any part of such harbour.

(6) A harbour master shall set aside in the harbour a place where vessels may be repaired and small craft may be beached, and no person shall repair a vessel or beach a small craft in any place outside the place set aside by such officer for repairs or beaching without the permission of the harbour master.

(7) A harbour master shall set aside places where vehicles may be parked, and no person shall park a vehicle in a place outside the places set aside for parking without the permission of the harbour master.

(8) A harbour master may close or impose conditions upon the use of any road, wharf, jetty, quay or warehouse or any part thereof within the harbour.

4. Exercise of powers of harbour masters by assistants

All acts or directions authorized by the Act or these Regulations to be done or given by a harbour master may, subject to his control, be done or given by his deputy or assistant.

PART II

CONTROL OF VESSELS IN HARBOURS

5. Vessels arriving from any port outside Malawi

(1) Every vessel arriving in a harbour from a port outside Malawi shall report to the harbour master within twenty-four hours of arrival.

(2) The owners or agents of a vessel proposing to call at a harbour for the purpose of loading or unloading cargo shall, at least twenty-four hours before the arrival of such vessel, give notice to the harbour master of the expected date and time of arrival of such vessel and particulars of the nature and quantity of cargo to be loaded or unloaded.

6. Berthing and movement within harbour

Every vessel shall occupy the berth assigned to her by the harbour master and shall move to any other berth if directed to do so by the harbour master.

7. Ship's moorings

(1) Ropes shall only be made fast to dolphins, rings, buoys, mooring posts or bollards provided for the purpose, and no wire rope shall be used unless there is proper protection from chafe to the satisfaction of the harbour master.

(2) Chain cables shall only be used for mooring alongside a wharf or jetty with the permission of the harbour master.

8. Use of buoys and marks in harbour

(1) A vessel shall not use buoys which are the property of the Malawi Railways Ltd. without the permission of the harbour master.

(2) No buoys shall be laid down and no leading marks shall be erected within a harbour area without the permission of the harbour master.

9. Displaced moorings

(1) Where a mooring buoy has been dragged from its position or damaged by a vessel the master or owner of such vessel shall bear the cost of replacing it.

(2) The master of a vessel which hooks or fouls a mooring buoy which is the property of the Malawi Railways Ltd. shall not, except in case of necessity, lift such buoy for the purpose of unhooking or getting clear but shall immediately report the occurrence to the harbour master and await his directions.

10. Speed in harbour

No vessel shall proceed at a speed of more than five knots within a harbour.

11. Small craft to give way

Small craft within a harbour shall at all times make way for— G.N. 2/1982

(a) vessels of 15 metres or more in length which are under way; or

(b) vessels engaged in towing.

12. Explosives etc.

(1) Notice in writing of the arrival of a vessel carrying explosives or inflammable cargo shall be given by the agent of such vessel to the harbour master before her arrival or by the master of such vessel immediately on her arrival. G.N. 2/1982

(2) The International Code Flag "B" shall be displayed conspicuously in a vessel carrying explosives or inflammable cargo and shall be kept displayed—

- (a) until such cargo is unloaded; or
- (b) if such cargo is being loaded, until such time as she leaves harbour.

(3) No explosives or inflammable cargo shall be loaded or unloaded—

- (a) without the permission of the harbour master; or
- (b) at a time and place other than the time and place appointed by the harbour master.

(4) Notwithstanding anything contained in this regulation, a vessel carrying explosives or inflammable cargo which—

- (a) weighs less than 20 kilograms; and
- (b) is packed in a magazine or container designed for the carriage of such cargo,

needs not comply with this regulation.

13. Provision of a gangway

(1) The master of a vessel of 50 tons or more at anchor or berthed in a harbour shall provide a safe and proper gangway so arranged as to admit of free and safe passage to and from the vessel.

(2) The master of a vessel referred to in subregulation (1) shall place a life-buoy with line attached near each gangway and at night shall attach a light to such life-buoy.

(3) In the case of a vessel at anchor embarking or disembarking passengers the gangway shall be provided with a guestwarp.

[SubL7101s1-INLAND WATERS SHIPPING (HARBOURS) REGULATIONS-13A]13A. Berthing fees

There shall be paid for berthing any vessel at a harbour the fees set out in Part I of the Schedule. G.N. 48/1993

PART III

LOADING OR UNLOADING OF CARGOES

14. Manifest of Cargo

(1) The master or a vessel, if required to do so by the harbour master, shall, within twenty-four hours of the vessel's arrival in a harbour, deliver to such officer a copy in duplicate of the manifest of report of cargo inwards giving detailed weights or measurements of such cargo.

15. Shipping of goods and documents

(1) A harbour master may require a person desiring to ship goods to deliver to a place appointed by the harbour master and during working hours consignment notes specifying the respective marks or

numbers on the packages or articles to be shipped, their number, description and weight, the name and address of the consignee and the port of destination.

(2) A person dispatching goods shall deposit such goods at the places directed by the harbour master.

16. Changes to be prepaid

(1) The appropriate charges payable to a harbour master upon goods to be landed, shipped, trans-shipped, stored or warehoused shall be paid or sufficient security furnished for their payment before orders will be given for their shipment, delivery or forwarding.

(2) A harbour master may prevent the removal of any goods if the appropriate charges payable by the consignee are unpaid.

(3) The appropriate charges shall be collected by the harbour master on all cargo loaded or unloaded within a harbour.

[SubL7101s1-INLAND WATERS SHIPPING (HARBOURS) REGULATIONS-16A]16A. Fees for loading, or unloading cargo

There shall be paid for loading or unloading cargo the fees set out in Part II of the Schedule. G.N. 48/1993

17. Storage of goods

(1) Goods for shipment or collection shall be stored at the places directed by the harbour master.

(2) The harbour master may refuse to store any goods because—

- (a) of their size;
- (b) of the way in which they are packed;
- (c) he considers that they are dangerous or harmful; or
- (d) the appropriate charges have not been paid.

(3) The storage of goods shall be at the risk of the owner of such goods.

[SubL7101s1-INLAND WATERS SHIPPING (HARBOURS) REGULATIONS-17A]17A. Storage fees

(1) Subject to subregulation (2), there shall be paid for storage or warehousing of cargo the fees set out in Part III of the Schedule. G.N. 48/1993

PART IV

GENERAL

18. Warehouses

No person shall enter a warehouse except for the purpose of collecting or depositing goods or any matter connected therewith without the permission of the person in charge of such warehouse.

19. Trespassers

No person shall climb upon the roof of any shed or upon any crane, lighthouse, signal station or navigation mark or cut or remove any timber, wood, vegetation or growth or remove any sand, stone, ballast or shingle in or from a harbour without the permission of the harbour master.

20. Entrance to harbour

No person entering or leaving a harbour shall do so except through the harbour entrances or exits provided for the purpose, except in emergency.

21. Fire fighting operations

No person in a harbour shall disregard the directions of a police officer or the harbour master in the event of an outbreak of fire or obstruct or in any way interfere with the fire fighting operations.

22. Animals

The owner or person in-charge of an animal shall ensure that such animal is properly secured at all times when it is within a harbour.

23. Objects dangerous to shipping

(1) No person shall place any object likely to be a danger to vessels in the waters of a harbour.

(2) If an object likely to be a danger to vessels falls into the water from a vessel in the harbour the master or person in-charge of such vessel shall recover such object from the water or, if he is unable to do so, shall notify the harbour master immediately of the location of such object.

24. Vessels carrying inflammable material

No person shall smoke or use a naked light in the hold or near an open hatch, of a vessel carrying, loading or unloading any inflammable cargo or explosives, the loading or unloading of which shall be subject to any restrictions imposed by the master of such vessel and the harbour master.

25. Smoking prohibited

No person shall smoke within a shed or within any part of a harbour where no smoking notices are exhibited.

26. Guns and explosives

No person shall fire a gun or rocket or cause an explosion in a harbour without the permission of the harbour master.

27. Divers

No diver shall work within a harbour without the permission of the harbour master.

28. Offences and penalties

Any person who contravenes or fails to comply with any of the provisions of these Regulations shall be liable to a fine of K50.

SCHEDULE G.N. 48/1995, 92/1996, 51/2000, 28/2006

PART I

BERTHING FEES

Length of Vessel Fees per day or part thereof K t1. Where the length of vessel does not exceed 20 metres 1,000002. Where the length exceeds 20 metres but does not exceed 40 metres 1,800 003. Where the length exceeds 40 metres but does not exceed 60 metres 2,000 004. Where the length exceeds 60 metres 3,00000

PART II

FEES FOR LOADING OR UNLOADING CARGO

1. Stevedoring—(a) per tonne or part thereof for weight cargo 50000 (b) per cubic metre or part thereof for volume cargo 250002. Gantry Crane—(a) per Forty Equivalent Unit (FEU) container 2,00000 (b) per Twenty Equivalent Unit (TEU) container 3,00000 (c) per move of any other cargo 2,000003. Mobile Crane—per hour or part thereof 2,000 004. Fork-lift, tractor or trailer—per hour or part thereof 1,50000

PART III

STORAGE FEES

1. Covered storage—(a) per tonne per day or part thereof for weight cargo 25000 (b) per cubic metre per day or part thereof for volume cargo 200002. Open storage—(a) per tonne per day or part thereof for weight cargo 15000 (b) per cubic metre per day or part thereof 15000

PART IV

VISITING FEES

Per person per visit 20,00000

PART V

HIRING CHARGES

Per day (client's fuel)—(a)per 20 tonne mobile crane60,00000(b)per 5 tonne mobile crane15,00000(c)fork-lift truck12,000 00(d)tractor and trailer20,00000(e)ellicott dredger60,00000(f)tractor12,00000

PART VI

SUPPLY OF ELECTRICITY AND WATER

1.Supply of electricity to ships and other containers within the harbour area—(a)single phase—Kt(i)fixed charge, per month1,50000(ii) charge per KWh 2,00000(b)three phase—(i)fixed charge, per month 3,000 00(ii)charge per KWh15002. Supply of fresh water, per litre1200