

*Merchant Shipping (Registration of Ships and Licensing of Vessels)
Regulations*

G. N. No. 198 (contd.)

THE MERCHANT SHIPPING ACT, 2003
(No. 21 OF 2003)

REGULATIONS

Made under section 430

MERCHANT SHIPPING (REGISTRATION AND LICENSING OF VESSELS)
REGULATIONS, 2005

PART I
PRELIMINARY PROVISIONS

Citation 1.-(1) These Regulations may be cited as the Merchant Shipping
(Registration of Ships) Regulations, 2005.

interpretation 2. In these Regulations unless the context otherwise requires:-

“Act” means the Merchant Shipping Act, 2003;

“application for registration” includes, except where otherwise stated, application for registration of a ship or share in a ship, application for registration of a small ship, application for re-registration of the same and application for the registration of a transfer or transmission of a ship or a share in a ship; but not application for the renewal of registration;

“appropriate person” means in relation to a port in a country outside the United Republic of Tanzania:-

(a) any United Republic of Tanzania consular officer within whose consular district the port lies; or

(b) where the Government in the United Republic of Tanzania is represented in that country by a High Commissioner, any member of the High Commissioner’s official staff nominated by him for the purposes of these Regulations; or and in this definition “High Commissioner” includes an acting High Commissioner.

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- “appropriate attestation” means attestation in a form approved by the Minister;
- “authorised measurer” means the Minister or any person authorised under the Merchant Shipping (Tonnage) Regulations 2005 to carry out the measurement of ships for the purposes of those Regulations;
- “bareboat charter ship” means a ship registered under section 52 of the Act;
- “beneficial ownership” shall be determined by reference to every beneficial interest in that vessel, however arising whether held by trustee or nominee or arising under a contract or otherwise, other than an interest held by any person as mortgage;
- “builders certificate” means a certificate signed by the builder of the ship and containing a true account of the proper denomination and of the tonnage of the ship, as estimated by him, and of the date and place where it was built, and of the name of the person, if any, for whom the ship was built, or the name of the person to whom it was delivered;
- “certificate of registry” means a certificate of registration which is issued to a ship which is registered under the Act and includes a certificate of bareboat charter unless the context otherwise requires;
- “certificate of bareboat charter” means a certificate of registration issued to a ship which is registered under section 52 of the Act;
- “classification society” means a person authorised to act as a ‘Certifying Authority’ for the purposes of the Merchant Shipping (Tonnage) Regulations 2005;
- “closure transcript” means a certified extract from the register showing that the entry in the register in respect of a ship has been closed, the date of its closure, and the details about the ship and its ownership at the time of closure;
- “declaration of eligibility” means a declaration which complies with the provisions of Regulation 16;
- “fishing vessel” means a vessel within the meaning of Section 2 of the Act; “freeze” means to prevent any entry which includes a deletion of an entry being made in the Register;
- “identifying number” means the unique identifying number allocated to a bareboat charter ship on its registration on the primary register or, in the absence of such a number, the number allocated under Regulation 66;

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“identity mark” means in relation to a fishing vessel a combination and sequence of letters and numerals allocated to it under section 43 of the Act;

“inspector of marks” means an authorised measurer or any person authorised by the Minister to verify the carving and marking of a ship under these Regulations;

“local office” means an office of the Ministry responsible for fishing, designated as ‘Local Offices for Fishing Vessel licensing’;

“overall length” means the distance between the foreside of the foremost fixed permanent structure and the aftside of the aftermost fixed permanent structure;

“owner” means, in relation to a ship or share in a ship, the person owning the ship, or as the case may be, a share in the ship, whether or not registered as owner;

“pleasure vessel” means a vessel within the meaning of section 2 of the Act;

“port letters and numbers” means in relation to a fishing vessel the letters for the port of choice and the number within that port allocated to the vessel under Regulation 22;

“port of choice” means a port listed in the Second Schedule which an owner chooses as a port to be marked on his ship;

“primary register” means the register on which the ship is registered at the time the application is made to register the ship as a bareboat charter ship;

“proper offices” means any officer appointed to perform a certain duty or action when engaged on the performance of that duty *vis a vis* and include a consular offices;

“Register” means the register of Tanzanian ships established under section 20 of the Act;

“Registrar of Ships” means the person described as “the Registrar of Ships” in section 19 of the Act;

“representation” means probate, administration, confirmation, or other instrument constituting a person, the executor, administrator or other legal representative of a deceased person, including a certificate of confirmation relating to a vessel;

“ship” includes a fishing vessel but does not include a small ship or a bareboat charter ship except for the purposes of Part XI and Part XII of these Regulations;

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- “small ship” means a ship which is less than 24 metres in overall length and is, or is applying to be, registered under Part X of these Regulations;
- “submersible vessel” means any vessel used or designed to be used under the surface of any waters;
- “surveyor of ships” means a marine surveyor nominated by the Minister to undertake the surveys required by these Regulations and includes any Government marine surveyor;
- “the transfer of a ship” includes, except where the context otherwise requires, transfer of a share in a ship.

PART II

THE REGISTER OF TANZANIAN SHIPS

(2) The Register shall consist of both paper and computerised records and such other records as the Minister may consider to be expedient.

(3) Any person shall be entitled on application to the Registrar of Ships to obtain a transcript, certified by an authorised officer, of the entries in the Register.

(4) During the official opening hours of the Maritime Safety and Security Division of the Surface and Maritime Transport Regulatory Authority any person shall be entitled on request to inspect the entries in the Register.

(5) Entries in the Register shall be made in accordance with the following provisions:-

(a) the property in a ship shall be divided into sixty-four shares;

(b) subject to the provisions of the Act and these Regulations with respect to joint owners or owners by transmission, not more than sixty-four persons shall be entitled to be registered at the same time as owners of any ship. This rule shall not affect the beneficial title of any persons represented by or claiming under or through any registered owner or joint owner;

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- (c) a person shall not be entitled to be registered as owner of a part of a share; but any number of persons not exceeding five may be registered as joint owners of a ship or of any share or shares in a ship;
 - (d) joint owners shall be considered as constituting one person only as regards the persons entitled to be registered, and shall not be entitled to dispose in severalty of any interest in a ship, or in any share in a ship in respect of which they are registered;
 - (e) a body corporate shall be registered as owner by its corporate name.
- (6) The Registrar of Ships shall be entitled to amend the Register where:-
- (a) a clerical error has occurred, or
 - (b) Sufficient evidence is produced to satisfy him that the entry is incorrect, and on making the amendment he shall issue a new certificate of registry if necessary.

4.-(1) Subject to sub-regulation (2) no trust, express, implied or constructive may be registered by the Registrar of Ships.

(2) Where, on the bankruptcy of a registered owner or mortgage his title is transmitted to his trustee in bankruptcy that person, if a qualified person, may be registered as the owner or mortgage of a United Republic of Tanzania ship or share in a ship.

PART III

QUALIFICATION AND ENTITLEMENT FOR REGISTRATION

Persons
qualified
to be
owners of
ships to
be
registered

5. The following persons are qualified to be the owners of ships which are to be registered:-

- (a) nationals of Tanzania;
- (b) individuals or corporations owning ships hired out on bareboat charters to nationals of Tanzania;
- (c) individuals or corporations in *bona fide* joint venture shipping enterprise relationships with nationals of Tanzania as may be prescribed;
- (d) such other persons as the Minister may by order, specify.

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- 6.-(1) Subject to Regulation 27(4) a ship shall be entitled to be registered if a majority interest in the ship is owned by one or more persons qualified to be owners of Tanzanian ships. Tanzania
connection
and
majority
interest
- (2) For the purposes of sub-regulation (1)-
- (a) one or more persons shall be treated as owning a majority interest in a ship if there is vested in that person or in those persons, taken together, the legal title to 33 or more shares; and
 - (b) a body corporate shall be treated as resident in the United Republic of Tanzania if, it has a place of business in the United Republic of Tanzania.
- (3) The owner of such a ship shall fulfill the following:
- (a) all ratings engaged on board the ship shall be Tanzanian;
 - (b) at least half the officers engaged on board the ship shall be Tanzanian;
 - (c) non-Tanzanian crew employed on board the ship shall have their certificates of competency endorsed by the Authority;
 - (d) has to prove to the Authority that he has the requisite equipment to protect the Marine environment; and
 - (e) provide as directed otherwise by the Minister.

PART IV

QUALIFICATION AND ENTITLEMENT OF FISHING VESSELS TO BE REGISTERED

- 7.-(1) The following persons are qualified to be the owners of fishing vessels which are to be registered:- Eligibility
- (a) national of Tanzania;
 - (b) individuals or corporations owning ships hired out on bareboat charters to nationals of Tanzania;

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(c) individuals or corporations in bona fide joint venture shipping enterprise relationships with nationals of Tanzania as may be prescribed;

(d) such other persons as the Minister may by Order, specify.

(2) Subject to Regulations 8 and 27(2), (3) and (4), a ship shall be entitled to be registered only if the legal and beneficial title of the vessel are vested wholly in one or more of those persons qualified to be owners of a Tanzanian fishing vessel by virtue of Regulation 7(1).

Representative
persons
for fishing
vessels

8.—(1) Notwithstanding that the requirements specified in Regulation 7 (2) are satisfied a vessel shall not be registered unless:-

(a) it is managed, and its operations controlled and directed, from within the United Republic of Tanzania; and

(b) any chartered, manager or operator of the vessel is a person qualified to be the owner of a Tanzanian fishing vessel by virtue of Regulation 7(1).

(2) Where-

(a) the requirements specified in Regulation 7(2) are satisfied with respect to a fishing vessel; but

(b) the legal title to the vessel is vested wholly in one or more qualified persons who is, or as the case may be each of whom is, an individual not resident in the United Republic of Tanzania;

The vessel shall only be eligible to be Registered as a fishing vessel if a representative person is appointed in relation to the vessel under part V.

PART V

APPOINTMENT OF REPRESENTATIVE PERSONS

Appointment of
representative
persons

9.—(1) Where the entitlement of any ship to be registered is conditional upon the appointment of a representative person, the owner of the ship shall:-

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- (a) before applying for the ship to be registered, appoint an individual or body corporate satisfying the requirements in sub-regulation (2) below to be the representative person, and
- (b) ensure that, so long as the ship remains registered, an individual or body corporate satisfying those requirement shall be so appointed.

(2) A representative person is either:-

- (a) an individual resident in Tanzania; or
- (b) a body corporate incorporated and having a place of business in Tanzania.

(3) The appointment of the representative person shall be made in a form approved by the Minister and shall contain the name and the address of the representative person.

(4) The owner of any ship in relation to which any representative person is for the time being appointed under this regulation shall:-

- (a) on applying for the ship to be registered, send to the Registrar of Ships the appointment required by sub-regulation (3); and
- (b) in the event of any change in the identity or in the address of the representative person, notify the Registrar of Ships the relevant change within seven days of the change occurring, and the Registrar of Ships shall record the new particulars in the Register.

10. Any document required or authorized to be served by or under the Merchant Shipping Act or required or authorized, by virtue of any statutory provision, to be served for the purpose of the institution of, or otherwise in connection with, proceedings for an offence under the Merchant Shipping Act, or under any instrument in force under that Act, on the owner of a ship shall be treated as duly served on him if:-

Service on
represent-
ative
persons

- (a) delivered to any representative person for the time being appointed;
- or

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(b) sent to any such person by post at the address notified (or, as the case may be, last notified) to the Registrar of Ships under regulation 9(4) above in relation to that person; or

(c) left for any such person at that address.

PART VI
REGISTRATION

Form of
application

11.-(1) Every application made under these Regulations shall be made to the Registrar of Ships. Applications in respect of any vessel may also be made through a local office.

(2) The application shall be made in a form approved by the Minister and shall contain the name and address of the applicant and sufficient information to enable the ship to be identified.

The
applicant

12. Every application made under these Regulations shall be made:-

(a) in the case of individuals, by some one or more of the individuals registered or requiring to be registered as owners or by his or their agent; or

(b) in the case of a body corporate, by a duly authorised officer of that body corporate, or by its agent.

Applicat-
ions for
registration

13.-(1) Every application for registration must be supported by a declaration of eligibility which shall be in a form approved by the Minister and shall include:-

(a) a declaration of ownership by every owner setting out his qualification to own a Tanzanian ship;

(b) a statement of the number of shares in the ship the legal title of which is vested in each owner whether alone or jointly with any other person or persons.

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(2) Every application for registration of a ship which has, immediately prior to the application, been registered on any other register shall be accompanied by a certificate of de-registration in respect of that ship.

14.-(1) Where application is made in respect of a ship which has more than one owner, or whose shares are owned by more than one owner, and no representative person has been appointed under Part V, one of those owners who is resident in the United Republic of Tanzania shall be nominated as the managing owner, and the Register shall be marked accordingly and all correspondence shall be sent to that person at the address recorded in the Register in respect of that owner.

Appoint-
ment of
managing
owner

(2) Where the owners determine that a different managing owner should be appointed, the Registrar of Ships shall be notified in writing and the Register noted accordingly.

(3) Any document required or authorised to be served, by or under the Act or required or authorised, by virtue of any statutory provision, to be served for the purpose of the institution of, or otherwise in connection with, proceedings for an offence under the Merchant Shipping Act, or under any instrument in force under that Act, on the owner of a ship shall be treated as duly served on him if:-

- (a) delivered to the managing owner; or
- (b) sent to the managing owner by post at the address notified or, as the case may be, last notified to the Registrar of Ships under sub-regulation (1) or (2) above in relation to that person; or
- (c) left for the managing owner at that address.

15. Where application is made on behalf of a body corporate, the application must be accompanied by:-

Applications
by bodies
corporate

- (a) if it is a company registered in the United Republic of Tanzania, a copy of its certificate of incorporation, and, in the case of a company which has changed its name since incorporation, its certificates of change of name, or

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- (b) if it is a body corporate incorporated by virtue of an Act of Parliament, a Charter granted by the President or an Act of Ordinance, proof, sufficient to satisfy the Registrar of Ships, of its incorporation.

Declaration
of intent

16. Where, at the time when the application for registration is made, the ownership of a ship has not yet passed or fully passed to the persons who are to be its owners when it is registered, the application shall be accompanied by a declaration of intent instead of a declaration of eligibility.

Form of
declaration
of intent

17. The declaration of intent shall consist of:-

- (a) a draft declaration of eligibility setting out particulars of ownership of the ship as they are intended to be when the ship is registered; and
- (b) a declaration that the ownership of the ship will, at the time when registration occurs, be as stated in the draft declaration of eligibility.

Declaration
of
eligibility
to be
submitted
before
registration

18. Where an application for registration is accompanied by a declaration of intent and not by a declaration of eligibility, a duly completed declaration of eligibility shall be submitted to the Registrar of Ships prior to registration.

Evidence
of title on
registration

19. An application to register a ship, must be supported by the following evidence of title:

- (a) in the case of a new ship, the builder's certificate,
- (b) in the case of a ship which is not new; either
 - (i) in respect of a ship other than a fishing vessel;

- (a) a previous bill or bills of sale showing the ownership of the ship for at least 5 years before the application is made; or

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- (b) if the ship has been registered with a full registration at any time within the last 5 years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered; or
- (ii) in respect of a fishing vessel;
 - (a) a previous bill or bills of sale showing the ownership of the vessel for at least 3 years before the application is made; or
 - (b) if the ship has been registered with full registration at any time within the last 3 years, a bill or bills of sale evidencing all transfers of ownership during the period since it was so registered; or
 - (c) where the evidence required by (a) or (b) above is not available, other evidence of title satisfactory to the Registrar of Ships.

20.-(1) Every ship, shall before registration be- (a) of the age of not more than fifteen years;

Survey
and
measure-
ment
of
ship

- (b) surveyed by a surveyor of ships and her tonnage ascertained in accordance with the Act.

(2) After survey or measurement, the surveyor or measurer shall issue a certificate specifying the ship's tonnage and build and such other particulars describing the identity of the ship as may be required by the Minister and certificate shall be delivered to the Registrar of Ships before the ship may be registered.

(3) A ship which is being;

- (a) registered for the first time which has been surveyed or measured and its tonnage ascertained within the previous 12 months; or
- (b) re-registered within 12 months of its registration on the Register ceasing; shall not be required to be surveyed or measured, or its tonnage ascertained, again in accordance with sub-regulations (1) or (2) if a declaration is made by the owners confirming that the surveyor measurement and tonnage details have not changed from those previously provided to the Registrar of Ships.

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(4) The Registrar of Ships may direct, if he thinks it appropriate, that such declaration be provided by an authorised measurer or surveyor.

Names

21.-(1) On making an application for registration of a ship the applicant shall propose a name by which the ship is to be called.

(2) First Schedule, which provides for the approval of names shall have effect.

(3) A ship shall not be described by any name other than its registered name.

(4) A change shall not be made in a registered ship's name, without the prior written permission of the Registrar of Ships.

Allocation
of official
number
and port
of choice

22.-(1) On making an application for registration of a ship the applicant shall specify one of the ports listed in the Second Schedule which it is intended to be the ship's port of choice.

(2) On receipt of an application for registration of a ship for the first time the Registrar of Ships, if he is satisfied that that ship is eligible to be registered, shall:-

(a) allocate to the ship a register number ("official number");

(b) allocate to a fishing vessel an identity mark within the vessel's port of choice; and shall issue a carving and marking note.

(3) The Registrar of Ships may, on request by a classification society, allocate an official number to a ship notwithstanding that he is not yet satisfied as to its eligibility.

(4) Where a ship has had a number allocated under sub-regulation (3) and that number has been carved into the ship's beam but the ship is not accepted as being eligible for registration, the number must be permanently defaced and a certificate to that effect provided by the classification society to the Registrar of Ships.

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23. On receipt of a carving and marking note on first registration the owner shall:- Marking

- (a) if the ship has not already been surveyed or measured as required by Regulation 20, cause it to be so surveyed or measured;
- (b) cause the ship to be carved and marked in accordance with the Third Schedule;
- (c) where required under Regulation 24 cause the ship's carving and marking to be inspected by an inspector of marks.

24.-(1) In respect of a ship, other than a pleasure vessel which is under 50GT, an inspector of marks shall satisfy himself that the ship has been carved and marked in accordance with the Third Schedule and, when so satisfied, shall complete the carving and marking note and return it to the Registrar of Ships and, in respect of a fishing vessel, the carving and marking note may also be returned to the local office. Inspection
of marks

(2) In respect of pleasure vessel which is under 50GT the owner shall certify that the ship has been carved and marked in accordance with the Third Schedule and return the certified carving and marking note to the Registrar of Ships.

25.-(1) If the Registrar of Ships is not satisfied:-

- (a) that the particulars of the measurement or other details and tonnage of the ship or such other particulars describing the identity of the ship, as have been required by the Minister furnished to him are correct; or
- (b) that the ship is carved and marked in the manner required by the Third Schedule; he may direct the owner to have the measurement, and, or carving or marking of the vessel verified by an authorised measurer or inspector of marks as appropriate.

Verification
of
measur-
ment and
carving
and
marking

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(2) If the owner fails to comply with the direction of the Registrar of Ships, the Registrar of Ships may-

- (a) if the ship is not registered, refuse it registration until his direction has been complied with; or
- (b) if the ship is registered, he may serve notice on the owner or managing owner, or any charterer, manager or operator of the ship requiring him to produce evidence within 30 days sufficient to satisfy him that the particulars of the measurement and tonnage are, or that the marking of the ship is, correct.

(3) If at the expiry of that period of 30 days the Registrar of Ships is not so satisfied, he may:-

- (a) extend the notice and ask for further information; or
- (b) serve a final notice which closes the ship's registration, such closure to be effected 7 days after the service of that notice.

(4) Where a ship's registration is closed under sub-regulation (3) the owner of the ship shall forthwith surrender its certificate of registry.

(5) Where the Registrar of Ships serves a notice under this Regulation on the owner of a ship in respect of which a mortgage is registered, he shall send a copy of that notice to the mortgagee at the address recorded in the Register for the mortgage.

Cancellation
of carving
and
marking
note

26. If a carving and marking note issued under Regulation 22 is not duly completed and returned to the Registrar of Ships within three months of its issue, the Registrar of Ships may cancel it and the application shall be treated as having been withdrawn.

Registration
and
refusal of
registration
of a ship

27.-(1) Where the Registrar of Ships is satisfied in respect of an application that:-

- (a) the ship is eligible to be registered as a United Republic of Tanzania ship; and

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- (b) the ship has been duly carved and marked and that the appropriate survey or measuring certificate has been provided; and
- (c) the particulars of the ship furnished to him are correct; and
- (d) title to the ship has been adequately proved (where necessary); and
- (e) the relevant requirements of these Regulations have been complied with; he shall, subject to sub-regulations (2), (3) and (4) register the ship by entering in the Register the particulars of the ship and its owners specified in the Fourth Schedule.

(2) If the Registrar of Ships is not satisfied as mentioned in sub-regulation (1) he shall, subject to Regulation 92 refuse the application.

(3) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar of Ships may refuse to register it if, taking into account any requirement of the Act relating to the condition of the ship or its equipment so far as it is relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to be registered.

28. Upon registering a ship the Registrar of Ships shall issue and send to the owner a certificate of registry containing the particulars set out in the Fifth Schedule, and retain a duplicate.

Issue of
certificate
of registry

29.-(1) The Registrar of Ships may upon registering a vessel, if the owner so requests, issue to the owner provisional registration document. The document shall contain the registered particulars of the vessel and shall specify the period not exceeding 3 months for which it is valid.

Provisional
registration
certificate

(2) During the period of its validity a provisional registration document shall have the effect of a certificate of registry.

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Period of registration

30. The registration of a ship shall, unless terminated under these Regulations, be valid for a period of 5 years beginning with the date of registration specified in the certificate of registry and shall expire at the end of that period unless it is renewed in accordance with Regulation 33.

Documents to be retained by the Registrar of Ships

31.-(1) On registering a ship the Registrar of Ships shall retain in his possession a copy of any builder's certificate or bill of sale or other evidence of title produced on first registration, any certificate of measurement or survey, and all declarations of eligibility.

(2) All documents which have been produced to the Registrar of Ships to establish title shall be returned to the applicant once the ship has been registered.

Renewal notices and time limit for renewal

32.-(1) At least three months but not more than 6 months before the expiry of the registration period the Registrar of Ships shall issue to the owner of the ship a renewal notice.

(2) Subject to sub-regulation (3), the owner of the ship may apply for renewal of registration at any time between the date of issue of the renewal notice and the date of expiry of the current registration period.

(3) Notwithstanding sub-regulation (2) above, an application for renewal of registration may be made prior to the last three months of the current registration or issue of a renewal notice, for issue of a certificate of registry commencing prior to the expiry of the current registration period. Where such a certificate is issued it shall not be valid for a period more than 5 years commencing on the date of issue and the previous certificate shall then cease to be valid.

Application for renewal of registration

33.-(1) Application for renewal shall be in a form approved by the Minister and shall be accompanied by:-

(a) a declaration of eligibility; and

(b) a declaration that there have been no changes to any registered details of the ship that have not been notified to the Registrar of Ships.

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(2) Where no application for renewal is made the Registrar of Ships shall notify each and every mortgagee of the expiration of the ship's registration.

34. On application for registration under paragraph 2(1) of the Sixth Schedule of a transfer of a registered ship or a share in a registered ship, the bill of sale shall be produced to the Registrar of Ships.

Evidence of title on registration of transfer of ship

35. Every bill of sale effecting a transfer of a registered ship or a share in a ship under the Act and these Regulations shall be in the form approved by the Minister and shall contain a description of the ship sufficient to identify it.

Form of bill of sale

36.-(1) If the application under Part IV of the Act is granted by the Registrar of Ships, he shall-

Registration of transfer of a ship

(a) register the bill of sale by entering the name of the new owner in the Register as owner of the ship or share in question; and

(b) endorse on the bill of sale the fact that the entry has been made, together with the date and time when it was made.

(2) If the Registrar of Ships is satisfied with the evidence under Regulation 34 that the ship or share in a ship has been transferred, he shall enter the name of the new owner in the Register as the owner of the ship or share in question and issue a new certificate, which shall be valid for a period of 5 years.

37.-(1) An application for registration of a transmission of a registered ship or a share in a registered ship under section 76 of the Act shall be made in the form approved by the Minister.

Evidence of title on transmission of a registered ship

(2) The following evidence shall be produced to the Registrar of Ships on an application for a transfer of a registered ship or share therein by way of transmission:-

(a) if the transmission was consequent on death, the grant of representation or an office copy thereof or of an extract therefrom,

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(b) if the transmission was consequent on bankruptcy such evidence as is for the time being receivable in courts of justice as proof of title of persons claiming under bankruptcy,

(c) if the transmission was consequent on an order of a court, a copy of the order or judgment of that court.

Declaration
of
eligibility
on
transfe.
or
transmission

38. Every application for the registration of a transfer or transmission of a registered ship or a share in a registered ship shall be accompanied by a declaration of eligibility and, where the application is made on behalf of a body corporate, the document or documents mentioned in Regulation

20.

Refusal of
registration
of
transfer
or
transmission

39.-(1) If on an application for transfer or transmission of a ship or shares in a ship the Registrar of Ships is not satisfied that the ship is eligible to be registered:-

- (a) the Registrar of Ships shall serve a notice under sub-regulation (2) on the owner of the ship; and
- (b) the ship's registration shall terminate by virtue of this sub-regulation at the end of the period of fourteen days beginning with the date of the service of that notice.

(2) A notice under this sub-regulation shall state:-

- (a) that the Registrar of Ships is not satisfied that the vessel in question is eligible to be registered; and
- (b) that the ship's registration will accordingly terminate by virtue of sub-regulation (1) at the end of the period referred to in that sub-regulation.

Notification
of
changes
of
ownership

40.-(1) If at any time there occurs, in relation to a registered ship:

- (a) any change affecting the eligibility of the ship to be registered, not being a change which affects the qualification or eligibility of the owner as prescribed by Regulations 5 and 7(2) or the Tanzanian connection of a ship as prescribed in Regulations 5; or

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G. N. No. 198 (contd.)

- (b) in respect of a fishing vessel, any change, not affecting that eligibility, in the percentage of the property in the ship beneficially owned by qualified persons or companies.

The owner of the ship shall, as soon as practicable after the change occurs, notify the Registrar of Ships.

(2) The notification referred to in sub-regulation (1) shall be made in writing, shall be signed by the owner and shall specify the nature of the change and the name and the official number of the ship.

(3) Any person who contravenes sub-regulation (1) shall be guilty of an offence.

41.—(1) Where there is any transfer or transmission of a registered ship or share in a registered ship:

Transfer
or
transmission
of a
registered
ship

- (a) the person ceasing to own the ship or share, or in the event of his death, his legal personal representative, shall notify the Registrar of Ships and surrender the certificate of registry; and
- (b) the Registrar of Ships shall cancel the certificate of registry and shall freeze the Register pending the application for the registration of the transfer or transmission by the new owner or owners of the ship or share.

(2) Where there is a transfer of a registered ship:

- (a) the new owners shall within 30 days of the transfer make application in accordance with these Regulations for the transfer to be registered;
- (b) if the transfer is of all the shares in the ship, and application is not made within the 30 days, the Registrar of Ships may cancel the registration of the ship and the certificate of registry; and
- (c) if the transfer is of one or some of the shares in the ship, and application is not made within the 30 days, the Registrar of Ships shall serve a notice on the remaining registered owners notifying them that, unless an application to transfer the share or shares in question is made within 30 days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.

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(3) Where there is a transmission of a registered ship:

- (a) the new owners shall promptly make application in accordance with these Regulations for the transmission to be registered;
- (b) if the transmission is of all the shares in the ship, and application is not made within a reasonable time, the Registrar of Ships may cancel the registration of the ship and the certificate of registry; and
- (c) if the transmission is not made within a reasonable time: the Registrar of Ships shall serve a notice on the remaining registered owners notifying them that, unless an application to register the transmission of the share or shares in question is made within 30 days of the date of the notice the registration of the ship and the certificate of registry may be cancelled.

Change in
registered
particulars
of ship

42.-(1) Where there is a change:-

- (a) in the registered particulars of a ship other than a change in the tonnage of the ship; or
 - (b) in the name or address of an owner entered in the Register not being a change of ownership;
- application shall be made as soon as practicable to the Registrar of Ships for the change to be recorded in the Register.

(2) Such application shall be in writing and subject to Regulation 97 be accompanied by the certificate of registry and such evidence as to the change as may be required by the Registrar of Ships.

(3) Where there is a change in the tonnage of a ship, it shall be resurveyed or remeasured in accordance with Regulation 20.

(4) Application in a form approved by the Minister shall be made as soon as practicable for the change to be recorded in the Register and be accompanied by the certificate of surveyor measurement and the certificate of registry.

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(5) On recording the change in the registered particulars the Registrar of Ships shall cancel the existing certificate and issue to the owner a new certificate of registry expiring on the same date as the existing one.

43.-(1) An owner of a registered ship may apply to the Registrar of Ships to change the name of the ship.

Change of
name

(2) The application shall be made in a form approved by the Minister and shall, subject to Regulation 97 be accompanied by the certificate of registry.

(3) If it appears to the Registrar of Ships that the name complies with First Schedule he shall issue a marking note to the owner.

44.-(1) An owner of a registered ship may apply to the Registrar of Ships for the ship to change its port of choice to another such port. The application shall be made in a form approved by the Minister and, subject to Regulation 96, be accompanied by its certificate of registry.

Transfer
of port of
choice

(2) On receipt of such an application in respect of a fishing vessel the Registrar of Ships shall allocate to the vessel port letters and numbers for that port.

(3) If it appears to the Registrar of Ships that the requirements of the First Schedule are complied with he will issue a marking note.

45.-(1) On receipt of the marking note the owner shall cause the ship to be marked with the new name and/or port of choice and, in respect of ships over 50GT and fishing vessels, shall cause the marking to be inspected in accordance with Regulation 24.

Re-
marking
of ship

(2) The owner or inspector shall, if satisfied that the ship is marked in the manner required by the Third Schedule, complete the marking note and return it to the Registrar of Ships.

46. On receipt of the marking note duly completed the Registrar of Ships shall re-register the ship with its new name and, or port of choice and shall cancel the existing certificate and issue to the owner a new certificate of registry expiring on the same date as the existing one.

Registration
of
changes
of name
or port of
choice

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G. N. No. 198 (contd.)

Removal
from the
Register

47.—(1) The Registrar of Ships may, subject to Regulation 87 terminate a ship's registration in the following circumstances:

- (a) on application by the owner;
- (b) if the registered owner has not notified the Registrar of Ships that ownership of the ship has changed;
- (c) on the ship no longer being eligible to be registered;
- (d) on the ship being destroyed which includes, but is not limited to, shipwreck, demolition, fire and sinking;
- (e) if, taking into account any requirements of the Act including any instrument made under it relating to the condition of the ship or its equipment so far as relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to remain registered;
- (f) when a registered fishing vessel which has been licensed to fish ceases to be so licensed for a continuous period of 6 months or more;
- (g) when a fishing vessel which requires a licence to fish but at the time of registration did not have such a licence and has not acquired such a licence within 6 months of the issue of its certificate of registry;
- (h) when any penalty imposed on the owner of a ship in respect of a contravention of the Act, or of any instrument in force under the Act, has remained unpaid for a period of more than 3 months and no appeal against that penalty is pending;
- (i) when any summons for any such contravention has been duly served on the owner of a ship but the owner has failed to appear at the time and place appointed for the trial of the information or complaint in question and a period of not less than 3 months has elapsed since that time.

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G. N. No. 198 (contd.)

(2) Where the Registrar of Ships terminates registration under (a) or (c) above, he shall:-

(a) forthwith issue a closure transcript to the owner of the ship; and

(b) notify any mortgagees of the closure of the registration.

(3) On receipt of the closure transcript the owner shall immediately surrender the ship's certificate of registry to the Registrar of Ships for cancellation.

(4) Where the registration of a fishing vessel has been terminated by virtue of sub-regulation (1)(b), then, without prejudice to the operation of any provision of the Act or these Regulations the ship shall not again be registered as a United Republic of Tanzania ship unless:-

(a) the Registrar of Ships consents to the vessel being so registered;
or

(b) the Registrar of Ships is satisfied that the vessel has been disposed of by its former registered owner by means of a transaction at arm's length and that no person who for the time being is a relevant owner of the vessel was a relevant owner of it at the time registration was terminated.

(5) For the purposes of sub-regulation (4) a person is a relevant owner of a vessel at any time if at that time:

(a) the legal title to the vessel or any share in it is vested in that person;

(b) the vessel or any share in it is beneficially owned by that person;

(c) any share in a body corporate falling within (a) or (b) above are legally or beneficially owned by that person, whether vested in, or as the case may be owned by, that person alone or together with any other person or persons.

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Regulations*

G.N. No. 198 (contd.)

PART VII
MORTGAGES

Form of mortgage

48. The following types of mortgages shall be in a form approved by the Registrar of ships and shall bear appropriate attestation:-

- (a) a mortgage produced for registration under the Six Schedule; and
- (b) a transfer of a registered mortgage; and
- (c) a discharge of a registered mortgage.

Registration of mortgage

49. Where a mortgage executed in accordance with Regulation 48 is produced to the Registrar of Ships for registration, he shall:-

- (a) register the mortgage; and
- (b) endorse on it the date and time it was registered.

Notices by intending mortgages: priority notices

50.-(1) Where any person who is an intending mortgagee under a proposed mortgage of:-

- (a) a registered ship, or
- (b) a share in a registered ship,

notifies the Registrar of Ships of the interest which it is intended that he should have under the proposed mortgage, the Registrar of Ships shall record that interest.

(2) For the purpose of sub-regulation the notice to the Registrar of Ships shall be in a form approved by the Minister and shall contain the name and official number of the ship, the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee.

(3) Where any person who is an intending mortgagee under a proposed mortgage of:-

- (a) a ship which is not for the time being registered; or

(b) a share in any such ship;

... notifies the Registrar of Ships in writing of the interest which it is intended that he should have under the proposed mortgage, the Registrar of Ships:-

(i) shall record that interest in the Register; and

(ii) if the ship is subsequently registered, shall register the ship subject to that interest or, if the mortgage has by then been executed in accordance with Regulation 48 and produced to the Registrar of Ships, subject to that mortgage.

(4) For the purposes of sub-regulation (3) the notice shall be in a form approved by the Minister and contain the following information:

(a) the present name of the ship;

(b) the intended name of the ship;

(c) the approximate length of the ship;

(d) where the ship is registered outside the United Republic of Tanzania, a copy of its certificate of registry or other document evidencing its registration and giving its port of registration;

(e) where the ship is a new ship, the builder's certificate or if that is not available, the name and address of the builder and the ship's yard number;

(f) where the ship is neither a new ship nor a registered ship, details of any permanent marks on the ship which enable it to be clearly identified;

(g) the name, address and signature of the intending mortgagor, the number of shares to be mortgaged, and the name and address of the intending mortgagee; and

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(h) declaration of any mortgage in force.

(5) In a case where:-

(a) paragraph 8 of the Sixth Schedule operates to determine the priority between two or more mortgages; and

(b) any of those mortgagee gave notification under sub-regulation (1) or (3) above with respect to his mortgage;

paragraph 8 of the said Schedule shall have effect in relation to that mortgage as if it had been registered at the time when the relevant entry was made in the Register under the said sub-regulations (1) or (3).

(6) Any notification given by a person under sub-regulations (1) or (3) (and anything done as a result of it) shall cease to have effect:

(a) if the notification is withdrawn; or

(b) at the end of the period of 30 days beginning with the date of the notification, unless the notification is renewed in accordance with sub-regulation (7).

(7) The person by whom any such notification is given may renew or further renew the notification on each occasion for a period of 30 days, by notice in writing given to the Registrar of Ships:-

(a) before the end of the period mentioned in sub-regulation (6)(b);
or

(b) before the end of a period of renewal; as the case may be.

(8) Any notice given under this Regulation shall be in a form approved by the Minister.

Evidence
of
transfer
or
transmission
of
mortgage

51. A registered mortgage:-

(a) which is transferred under paragraph 12 of the Sixth Schedule;
or

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Regulations*

G. N. No. 198 (contd.)

(b) the interest in which, is transmitted under paragraph 13 of the Sixth Schedule, shall be transferred in a form approved by the Minister.

52.—(1) Where any transfer or transmission of a registered mortgage is produced to the Registrar of Ships, he shall:-

Transfer
or
transmission
of
registered
mortgage

(a) enter the name of the transferee in the Register as mortgagee of the ship or share in question; and

(b) endorse on the instrument the date and time when the entry was made.

(2) On an application for registration of a transmission of a registered mortgage the evidence to be produced to the Registrar of Ships shall be the same as is required under Regulation 34.

53.—(1) Where a registered mortgage has been discharged, the Registrar of Ships shall, on production of the mortgage deed and with such evidence of the discharge as satisfies him that the mortgage has been discharged, record in the Register that the mortgage has been discharged.

Discharge
of
mortgages

(2) If for good reason the registered mortgage cannot be produced to the Registrar of Ships, he may, on being satisfied that the mortgage has been properly discharged, record in the Register that the mortgage has been discharged.

54. Where the registration of a ship terminates by virtue of any of these Regulations, that termination shall not affect any entry in the Register of any undischarged registered mortgage of that ship or any share in it.

Effect of
termination
of
registration
on
registered
mortgage

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Regulations*

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PART VIII

PROVISIONAL REGISTRATION

Provi-
sional
registra-
tion

55. Where a ship which the owner intends to register is outside the United Republic of Tanzania, the owner may apply to the Registrar of Ships for provisional registration, or, if the ship is at a port outside the United Republic of Tanzania, the owner may alternatively apply to the proper officer for provisional registration of the ship.

Applica-
tion for
provisional
registra-
tion

56. An application for provisional registration shall be in a form approved by the Minister and shall be accompanied by the particulars required by Regulation 13(2) and Regulation 15.

Scrutiny
of
particulars
of
eligibility

57. Where application is made to the proper officer he shall forward those particulars to the Registrar of Ships who shall, if he is satisfied that the ship is eligible for registration, notify the proper officer accordingly.

Period of
provisional
registra-
tion

58. The Registrar of Ships, on being satisfied that the ship is eligible for registration, or the appropriate person on receipt of that notification but not otherwise, may proceed to register the ship provisionally for a period of 3 months.

Certificate
of
provisional
registra-
tion

59.-(1) The Registrar of Ships, or the appropriate person, shall issue to the owner of the ship a certificate of provisional registration in a form approved by the Minister. The certificate shall have the effect of a certificate of registry until:-

- (a) the expiration of three months from its date of issue; or
- (b) the ship's arrival at a port in Tanzania; or
- (c) termination by the Registrar of Ships on request from the owner, whichever happens first, and shall then cease to be of any effect.

(2) The master of every ship in respect of which a provisional certificate is granted under this Part shall within ten days of the first arrival at a port in Tanzania deliver the

certificate to the Registrar of ships.

(3) Any master who contravenes sub-regulation (2) shall be guilty of an offence.

60. Where a ship has been provisionally registered once, it shall not be provisionally registered again within one year of the date of the issue of the certificate of provisional registration, except with the consent of the Minister.

Provisional registration not to be renewed

61. It shall be a condition of provisional registration for fishing vessels that the vessel shall not fish for profit while so registered; and if any provisionally registered vessel does fish for profit its provisional registration shall immediately thereon terminate and the owner shall as soon as practicable surrender the certificate of provisional registry to the Registrar of Ships.

Condition of provisional registration for fishing vessels

PART IX BAREBOAT CHARTER-IN

62. The persons qualified to be the owners of Tanzanian ships by virtue of Regulation 5 who charter a ship (other than a fishing vessel) on bareboat charter terms shall be qualified to register a bareboat charter ship under section 52 of the Act.

Qualification and entitlement for registration of bareboat charter ships other than fishing vessels

63.-(1) The persons prescribed by Regulation 7(1) who charter a fishing vessel on bareboat charter terms shall be eligible to register under section 52 of the Act.

Qualification and entitlement for registration of a fishing vessel as a bareboat charter ship

(2) A fishing vessel shall not be registered unless it is managed, and its operations controlled and directed, from within the United Republic of Tanzania.

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Regulations*

GN. No. 198 (contd.)

Appli-
cations

64.-(1) Every application for registration of a bareboat charter ship shall be made to the Registrar of Ships in person.

(2) The provisions of Regulation 12 shall apply to this Part as if the charterer were the owner.

(3) Every application for registration of the ship shall be in a form approved by the Minister and accompanied by:

- (a) a declaration of eligibility which shall include:
 - (i) a declaration by every charterer setting out his qualification to register a bareboat charter ship; and
 - (ii) in respect of fishing vessels, a declaration that the management, and direction and control, of the ship, will be carried out from within the United Republic of Tanzania.
- (b) a copy of the charter-party showing:
 - (i) the name of the ship;
 - (i) the name of the charterer or charterers and the name of the owner or owners of the ship;
 - (iii) the date of the charter-party;
 - (iv) the duration of the charter-party;
- (c) the certificate of registry, or other document, issued by the authority responsible for the registration of ships in the country of primary registration showing the ownership of the ship; and
- (d) where the charterer is a body corporate, the document or documents required by Regulation 15.

(4) The provision of Regulation 20 shall apply to this Part.

(5) The Registrar of Ships may refuse to register any fishing vessel as a bareboat charter ship if he is not satisfied that there is in force in respect of the vessel any safety certificate required to be so in force.

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GN. No. 198 (contd.)

65.-(1) On making an application for registration of a bareboat charter ship the applicant shall propose a name which the ship is to be called while so registered. Names

(2) If the Registrar of Ships is satisfied that the name is in compliance with the provisions of the First Schedule he shall approve the name.

66.-(1) On making application for registration of a bareboat charter ship the applicant shall specify one of the ports listed in the Second Schedule, as is appropriate, which it is intended shall be the port of choice. Alloca-
tion of
number;
port of
choice
and port
numbers

(2) Where the application is made in respect of a fishing vessel, the Registrar of Ships shall, if he is satisfied that the ship in respect of which the application has been made is eligible to be registered as a bareboat charter ship, allocate a number within the vessel's port of choice.

(3) Any ship which does not have an identifying number allocated shall be allocated such a number by the Registrar of Ships.

67.-(1) On being satisfied that the ship is eligible for registration and on production of any certificate for survey required under Regulation 19 the Registrar of Ships shall issue a carving and marking note. Marking

(2) On receipt of a carving and marking note the charterer shall:

- (a) where the ship is not already so marked cause it to be marked with;
 - (i) its name;
 - (ii) its port of choice; and
 - (iii) in respect of a fishing vessel, the allocated number in its port of choice; and
- (b) where the ship is not already so carved, cause it to be carved with its identifying number and the number denoting its tonnage, in accordance with the Third Schedule.

68. The provisions of Regulations 24 and 26 shall apply to this Part. Inspection
of marks

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G.N. No. 198 (contd.)

Registra-
tion

69.-(1) Where the Registrar of Ships is satisfied in respect of an application:

- (a) that the ship has been duly carved and marked;
- (b) that, where required, the appropriate certificate of survey has been provided; and
- (c) that the other requirements preliminary to registration have been complied with;

he shall enter in the Register the details prescribed in the Fourth Schedule.

(2) Upon registering a ship the Registrar of Ships shall issue and send to the charterer a certificate of bareboat charter registry containing the particulars set out in Fifth Schedule.

(3) Upon registering a ship the Registrar of Ships shall retain in his possession a copy of the charter, a copy of any certificate of survey and all declarations of eligibility, and if applicable any declarations required by Regulation 16.

(4) Notwithstanding that a ship is otherwise entitled to be registered, the Registrar of Ships may refuse to register it if, taking into account any requirements of the Act including any instrument made under it relating to the condition of the ship or its equipment so far as relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to be registered.

Period
of
Registra-
tion

70.-(1) The registration of a bareboat charter ship shall expire:

- (a) on the expiry of the charter period; or
- (b) at the end of a period of 5 years beginning with the date of registration specified in the certificate of bareboat charter registry, whichever is the earlier.

(2) 3 months before the expiry of the registration period the Registrar of Ships shall issue to the charterer of the ship a renewal notice.

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(3) Application for renewal of registration may be made during the last three calendar months of the current registration period.

(4) Application for renewal shall be in a form approved by the Minister and shall be accompanied by a declaration of eligibility and by the certificate of bareboat charter registry.

71.-(1) If at any time there occurs, in relation to a bareboat charter ship any change affecting the eligibility of the ship to be registered, the charterer of the ship shall, as soon as practicable after the change occurs, notify the Registrar of Ships.

Notifica-
tion of
changes

(2) Notification made under sub-regulation (1) shall be made in writing, signed by the charterer, specify the nature of the change, the name of the ship and the identification number.

(3) Any person who contravenes sub-regulation (1) shall be guilty of an offence.

72. The provisions of Regulations 42, 43, 44 and 45 shall apply to this Part.

Applica-
tion of
other
Regula-
tions to
this Part

73. The Registrar of Ships shall notify the responsible authority for registration of ships in the country of primary registration when:

Notifica-
tion to
foreign
registries
by
Registrar
of Ships

- (a) the ship has been registered as a bareboat charter ship on the Tanzanian Register, or
- (b) the ship's registration has closed by reason of the expiry of the certificate of registry under Regulation 70, or
- (c) the ship's registration has been closed by the Registrar of Ships by reason of Regulation 74.

74.-(1) The Registrar of Ships may, close the registration of a bareboat charter ship:

- (a) on application by the charterer;
- (b) on the ship no longer being eligible to be registered

Closure
of
bareboat
charter
ship's
Registration
by
the
Registrar
of Ships

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- (c) on the ship being destroyed which includes, but is not limited to, shipwreck, demolition, fire and sinking;
- (d) if, taking into account any requirement of the Act including any instrument made under it relating to the condition of the ship or its equipment so far as it is relevant to its safety or to any risk of pollution or to the safety, health and welfare of persons employed or engaged in any capacity on board the ship, he considers that it would be inappropriate for the ship to remain registered;
- (e) if the bareboat charter ship is a fishing vessel which requires a licence to fish but at the time of registration did not have such a licence and has not acquired such a licence within 6 months of the issue of its certificate of bareboat charter registry.

(2) On closure of a ship's registration under sub-regulation (1) the charterer shall forthwith surrender to the Registrar of Ships the certificate of bareboat charter registry for cancellation.

PART X

LICENSING OF UNREGISTERED VESSELS

Qualifica-
tion
and
entitle-
ment to
be
licensed

- 75.-(1) To be eligible to be licensed, a vessel must be:
- (a) a Tanzanian vessel of less than 50 GT;
 - (b) a non-Tanzanian ship engaged in the local trade in Tanzanian waters of the age of not more than 20 years; and
 - (c) any other vessel as the Minister may by order specify.

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(2) The owner of such foreign vessel shall fulfill the following:

- (a) 75% of the ratings engaged onboard be Tanzanian;
- (b) 50% of the officers engaged onboard be Tanzanian;
- (c) non-Tanzanian crew employed on board the ship shall have their certificates of competency endorsed by the Authority;
- (d) has to prove to the Authority that he has the requisite equipment to protect the Marine environment; and

(3) Subject to subregulation (1) (b) The Minister may exempt any ship from any of the requirements in this Regulation.

76. Subject to Regulation 75, the following persons are entitled to be registered as the owners of a licensed vessel.

Owner-
ship of
licensed
vessels

- (a) the nationals of Tanzania;
- (b) individuals or Corporations in *bona fide* joint venture maritime enterprises relationships with nationals of Tanzania;
- (c) individuals as Corporation owning ships hired out on bare boat charter to National of Tanzania; and
- (d) such other persons, the Minister may by order, specify.

77. The Six Schedule relating to the private law provisions (Transfers by bill of sale and the registration of mortgages) shall not apply to licensed vessels.

Disappli-
cation of
the Sixth
Schedule
in
respect
of
licensed
vessels

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Regulations*

G.N. No. 198 (contd.)

Applica-
tion

78. Applications shall be in a form approved by the Minister and shall include:

- (a) a description of the ship;
- (b) the overall length of the ship;
- (c) the name of the ship;
- (d) the name and address of every owner of the ship; and
- (e) a declaration by every owner:
 - (i) that he is eligible to be the owner of a licensed vessel under Regulation 76; and
 - (ii) that the ship is entitled to be registered in accordance with Regulation 75.

Details
to be
register-
ed and
refusal

79.-(1) On receiving an application for licensing and being satisfied that the ship may properly be licensed and that the name of the ship does not appear to him to be undesirable, the Registrar of Ships shall license the vessel and shall record in the Register the following details:

- (a) the licence number of the ship;
- (b) the date of licensing;
- (c) the date of expiry of licence in accordance with Regulation 82; and
- (d) the details specified in Regulation 78(a) to (d).

(2) Where the Registrar of Ships is not satisfied that the ship is eligible to be licensed, he may, subject to Regulation 92, refuse to license the ship.

Licence
for
vessel

80. On registration the Registrar of Ships shall issue a certificate which shall contain the details recorded in the Register in accordance with Regulation 78 save for the address of any owner.

Marking

81. The person registered as owner of the vessel shall ensure that:

- (a) within one month of the date on which the licensing of the vessel takes effect, the vessel shall be marked in accordance with the Third Schedule as appropriate; and

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Regulations*

G.N. No. 198 (contd.)

- (b) such marking is effectively maintained and renewed when necessary during the period of the licensing of the vessel.

82. The licensing of a vessel under this Part shall, unless terminated under these Regulations, be valid for a period of 1 year beginning with the date of licensing specified in the licence of the vessel and shall expire at the end of that period unless it is renewed under Regulation 83.

Period of licence

83.-(1) Application for renewal of licence may be made during the last calendar month of the current licence period.

Renewal

(2) Application for renewal shall be in writing and be accompanied by a declaration as required by Regulation 78(e).

84.-(1) If at any time there occurs, in relation to a vessel licensed under this Part:

Notification of changes of ownership.

- (a) any change affecting the eligibility of the vessel to be so licensed; or
(b) any change in relation to the address of the registered owner of the vessel; or
(c) any change in details relating to the vessel;

the registered owner of the vessel shall, as soon as practicable after the change occurs, notify the Registrar of Ships.

(2) Notification made under sub-regulation (1) shall be in writing, shall be signed by the registered owner and shall specify the nature of the change and the name and the licence number of the vessel.

85.-(1) Where it appears to the Registrar of Ships that there is any doubt as to the right of the vessel to be licensed, he may require satisfactory evidence to be produced by the person registered as the owner that the vessel is entitled to be so licensed.

Supplementary information on production of vessel

*Merchant Shipping (Registration of Ships and Licensing of Vessels)
Regulations*

GN. No. 198 (contd.)

(2) Such evidence may include the production of the vessel for inspection at a place and under such conditions as the Registrar of Ships requires; and, if the necessary evidence is not provided within one month of being so required, he may terminate the licence of the vessel.

Termination of licence

86.-(1) In the event of:

- (a) a vessel ceasing to be a vessel to which this Part applies; or
- (b) a change in the details recorded on the licence for the vessel the licensing for the vessel shall terminate.

(2) Where the licence of a vessel is terminated, the certificate of licence shall cease to have effect and shall, within one month, be surrendered to the Registrar of Ships by the person registered prior to the termination as the owner of the vessel or, if he has died, by his legal personal representative.

PART XI
MISCELLANEOUS

Service of notices

87.-(1) Where it appears to the Registrar of Ships that Regulations 47(b), (c), (e), (f), (g), (h) (i) or 74(1)(b), (d) or (e) apply, he may serve notice on the owner or managing owner, or on any charterer, manager or operator of the ship requiring him to produce, within thirty days, evidence, sufficient to satisfy him that the ship is eligible to remain on the Register.

(2) If at the expiry of that period of thirty days the Registrar of Ships is not so satisfied, he may:

- (a) extend the notice and ask for further information or evidence; or
- (b) serve a final notice which closes the ship's registration, such closure to take effect seven days after the service of that notice.

(3) Where a ship's registration is terminated under sub-regulation (2) the Registrar of Ships shall issue a closure transcript and the owner of the ship shall forthwith surrender its certificate of registry.

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Regulations*

GN. No. 198 (contd.)

88. Where the Registrar of Ships serves a notice under Regulation 87 on the owner of a vessel in respect of which a mortgage is registered, the Registrar of Ships shall send a copy of that notice to the mortgagee at the address recorded for him in the Register.

Copy of notice to be sent to mortgagee

89. Any document which is not in the English language and is produced in support of any application under these Regulations shall be accompanied by a notarised translation of the document in the English or Kiswahili language.

Documents not in the English language to be accompanied by a translation
Witnessing of

90. Where the signature on any document made under these Regulations is required to be witnessed, any witness to the signature shall be an adult person and shall not be the spouse of the signatory.

documents

91. Where under these Regulations:

- (a) any person is required to make a declaration on behalf of himself or any body corporate, but is unable to do so and can satisfy the Registrar of Ships that it is due to reasonable cause, the Registrar of Ships may on such terms as he thinks fit, dispense with the declaration; or
- (b) any evidence is required to be produced to the Registrar of Ships, but such evidence is unable to be produced and the Registrar of Ships is satisfied that it is due to reasonable cause, the Registrar of Ships may on production of such other evidence as he considers appropriate, dispense with the evidence.

Dispensing with Declarations

92. Where the Registrar of Ships is not satisfied by the information provided on an application for registration of a ship that the ship is eligible for registration, he may require such supplementary information or evidence as he considers appropriate for the purpose of satisfying himself that it is so eligible.

Requirement for supplementary information

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Regulations*

G.N. No. 198 (contd.)

Fees 93. Where a fee is prescribed in respect of any service or other transaction to be carried out pursuant to these Regulations, the Registrar of Ships shall not be required to carry out the service or other transaction unless the appropriate fee has been paid.

Duplicate certificate 94.-(1) Where it is shown to the satisfaction of the Registrar of Ships that the certificate of registry has been lost, stolen or destroyed or has become defaced or illegible after the event, he may issue to the owner a duplicate of that certificate, which shall be marked as such, and shall be of the same effect as the original.

(2) Where a duplicate certificate of registry is issued, the original if then available or if subsequently found or recovered

shall be forthwith surrendered to the Registrar of Ships.

(3) Where-

- (a) the port where the ship is at the time of the event, or as the case may be, where it first arrives after the event, is not in the United Republic of Tanzania; and
- (b) the master of the ship or some other person having knowledge of the facts of the case makes a declaration before the proper officer as to the loss, theft, destruction, defacement or illegibility of the certificate;

the proper officer shall notify the Registrar of Ships.

(4) On being notified of the event and being satisfied that the ship is entitled to be issued with a duplicate certificate the Registrar of Ships shall send by facsimile or any other form of electronic transmission to the proper officer a copy of the duplicate certificate which the proper officer shall endorse with a statement of the circumstances, under which it is granted.

(5) The facsimile or other electronically transmitted version of the duplicate certificate, temporary certificate as the case may be, shall be surrendered to the Registrar of Ships as soon as the original duplicate certificate referred to in subregulations (1) is received by the owner.

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95.-(1) A certificate of registry shall be used only for the lawful navigation of the ship, and shall not be subject to detention by reason of any title, lien, charge or interest whatever had or claimed by any owner, mortgagee or other person to, on, or in the ship.

Custody
of
certificate

(2) If any person refuses to surrender the certificate of registry when in his possession or under his control to the person entitled to its custody for the purposes of the lawful navigation of the ship, or to the Registrar of Ships, or an officer of customs or any other person entitled by law to demand such delivery, he shall be guilty of an offence.

96. On the termination, whether by expiration of the registration period or otherwise, of a ship's registration the certificate of registry must be returned by the owner or charterer to the Registrar of Ships for cancellation.

Surrender
of
certifica-
te on
terminat-
ion or
expiry of
registrat-
ion

97. Where a certificate of registry is required by these Regulations to accompany any application and it is shown to the satisfaction of the Registrar of Ships that for any reasonable cause which includes, but is not limited to, the ship being in a port outside the United Republic of Tanzania, or the certificate being needed for an imminent voyage, at the time the application was made the certificate cannot be produced, the Registrar of Ships may, subject to such conditions as he thinks fit, dispense with its production.

Dispens-
ing with
product-
ion of
certificate

98. If a ship's registration is terminated, whether by expiration of the registration period or otherwise, the marking prescribed under these Regulations must be removed from the ship and written confirmation of that removal must be sent to the Registrar of Ships.

Removal
of marks
on
cessation
of
registration

99.-(1) Subject to sub-regulation (2) below, no transfer of ownership of a ship or shares in a ship, no renewal of registration, no change of details of the ship or its owners shall be registered in respect of any ship which:

Transfers
where
tonnage
not in
accord-
ance
with
Internat-
ional
Tonnage
Convention
(TC
1969)

(a) is required to have its tonnage measured in accordance with the International Convention on Tonnage Measurement of Ships 1969; and

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(b) for which no such measurement has been undertaken and registered, until such re-measurement takes place and where necessary the certificate of survey has been lodged with the Registrar of Ships for amendment of the Register.

(2) The provisions of sub-regulation (1) above does not apply where the transfer, or change of details, arises by reason of the death of an owner of a ship, or a share in a ship.

PART XII
OFFENCES

Offences
and
penalties

100.-(1) Any person who, with intent to deceive, uses or lends or allows to be used by another, a certificate of registry whether in force or not, commits an offence and is liable upon conviction to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars twenty thousand or imprisonment to a term not exceeding five years or to both.

(2) It shall be an offence on the part of the owner or master of a registered ship if any of the marks required by these Regulations to be marked on a ship is defaced, altered, allowed to become illegible, covered or concealed and is liable upon conviction to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars five thousand or imprisonment to a term not less than six months or to both.

(3) It shall be a defence for a person charged with an offence under sub-regulation (2) of this Regulation to prove:

- (a) that he took all reasonable precautions and exercised all due diligence to avoid the commission of the offence; or
- (b) that the effacing, alteration, covering or concealing of the marking was for the purpose of escaping capture by an enemy.

(4) Any person who fails, without reasonable cause to surrender a certificate of registry when required to do so by Regulation 94, 95 or 96 commits an offence and is liable upon conviction to a fine of not less than the equivalent in Tanzanian

shillings of the United States dollars one thousand or imprisonment to a term not exceeding six months or to both.

(5) Any person who in connection with the registration of a ship knowingly or recklessly furnishes information which is false in a material particular shall be guilty of an offence and is liable upon conviction to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars one thousand or imprisonment to a term not exceeding six months or to both.

(6) Any person who intentionally alters, suppresses, conceals or destroys a document which he has been required by these Regulations to produce to the Registrar of Ships shall be guilty of an offence and is liable upon conviction to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars one thousand or imprisonment to a term of not exceeding six months or to both.

(7) The offences specified in Regulations 40 and 71 shall be punishable upon conviction to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars one thousand or imprisonment to a term not exceeding six months or to both.

(8) The offence specified in Regulation 59 shall be punishable upon conviction to a fine of not less than the equivalent in Tanzanian shillings of the United States Dollars one thousand or imprisonment to a term not exceeding six months or to both.

PART XIII TRANSITION PROVISIONS

101. For the purposes of this Part-

“new certificate” means a certificate of registry issued in accordance with these Regulations;

“old certificate” means any certificate of registry, other than a provisional certificate, issued under the Merchant Shipping Act 1967;

“transitional period” in relation to a ship means the period

Definiti-
ons for
this Part

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commencing on 21st November 2004 and ending on the date of expiry of the certificate which is specified in relation to such a ship in the table in Regulation 102.

Validity
of old
Certific-
ates

102. An old certificate shall remain in force until either:
- (a) a new certificate is issued under these Regulations;
 - or
 - (b) the certificate has expired, in accordance with the following table whichever shall be the earlier.

<i>Age of ship</i>	<i>Date of expiry of certificate</i>
Registered ships other than (small ships) with a year of build before:	
1 st January 1950	31 st November 2005
1 st January 1970	31 st November 2006
1 st January 1992	31 st November 2007
1 st January 1997	31 st November 2008
20 th March 2003	31 st November 2009

Contin-
uation
in force
of old
certifica-
tes

103. Notwithstanding Regulation 102, an old certificate shall remain in force beyond the transitional period if-

- (a) an application to renew the certificate has been correctly made in accordance with Regulation 33; and

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(b) the Registrar has not issued a new certificate by the date of expiry of the transitional period; but any new certificate shall commence at that date.

104. The Fourth and the Fifth Schedules shall not apply to any ship until a new certificate of registry is issued in respect of that ship.

Register of information

105.-(1) Notwithstanding Regulations 42 and 46 any certificate of registry of a ship, other than a fishing vessel, which:-

Issue of new certificates of registry

(a) is issued during the transitional period;
(b) replaces an old certificate of registry, shall be valid for a period of five years from the date of issue.

(2) Any duplicate certificate issued to a ship under Regulation 94 during the transitional period shall be a certificate issued in accordance with these Regulations and shall be valid for a period of five years from the date of issue.

(3) The Registrar of Ships may, subject to (b) below, during the transitional period, at his discretion replace a ship's old certificate with a new certificate of registry which shall be valid for a period of five years from the date of issue.

(4) Any such new certificate issued in respect of a fishing vessel shall expire on the date that the old certificate would have expired.

106.-(1) Notwithstanding Regulation 32 no renewal notice shall be issued by the Registrar of Ships when old certificates of registry are due to expire at the end of the transitional period under Regulation 102(b).

Advertisement rather than renewal notice

(2) At least 4 months before the expiry of each date mentioned in column 2 in the table in Regulation 102 or, in the case of the first entry, as soon as practicable after the coming into force of these Regulations, the Registrar of Ships shall publicise that:

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- (a) all certificates of registry will expire on the specified date for ships of that year of build; and
- (b) application for renewal must be made in accordance with Regulations 32 and 33.

Applic-
ations
for
registr-
ation
made
before
commen-
cement
of these
Regula-
tions

107.-(1) Subject to sub-regulation (2) any application for registration of a ship which is made, but not completed, prior to the commencement of these Regulations shall be completed in accordance with these Regulations.

(2) Where:-

- (a) an application for registration of a ship is made, but not completed, prior to the commencement of these Regulations; and
- (b) the operation of sub-regulation (1) would render the ship ineligible for registration;

then the application shall be determined in accordance with the relevant legislation under which the application was made.

(3) An application shall be deemed to have been made when a properly completed application, accompanied by the proper fee, is received by a registrar of ships of Tanzanian ships in a port of registration.

(4) Where, for any reason the fee is not a proper and a valid fee, or where the cheque used to pay a fee is returned by the bank on which it is drawn, then the application shall not be deemed to have been made.

(5) Any certificate of registry which is issued in accordance with this Regulation shall be valid for a period of five years and shall contain the information contained in the Fifth Schedule.

PART XIV
SUPPLEMENTARY

108. Any reference in any Act other than the Act or in any other instrument made under any such other Act to the port of registration of the ship or the port to which the ship belongs shall be construed as a reference to the port of choice required to be marked by Regulations 22, 44, 46 or 66.

FIRST SCHEDULE

Regulations 26, 48, 68 and 74

APPROVAL OF NAMES

1. Every application to the Registrar of Ships to approve a name shall specify a name which is in Roman letters; any numerals shall be in Roman or European numerals.
2. In respect of an application to register a ship, other than a fishing vessel, the Registrar of Ships shall not approve the proposed name if it is:
 - (a) already the name of a registered Tanzanian ship; or
 - (b) a name so similar to that of a registered Tanzanian ship as to be calculated to deceive or likely to confuse;
 - (c) a name which may be confused with a distress signal;
 - (d) a name which is prefixed by any letters or name which could be taken to indicate a type of ship or any other word, pre-fix or suffix which might cause confusion as to the name of the ship.
3. In respect of an application to register a fishing vessel, the Registrar of Ships shall not approve the proposed name if it is:
 - (a) already the name of a vessel in its port of choice; or
 - (b) a name so similar to that of a registered Tanzanian fishing vessel in its port of choice as to be calculated to deceive or likely to confuse;
 - (c) a name which may be confused with a distress signal;
 - (d) a name which is prefixed by any letters or name which could be taken to indicate a type of ship or any other word, pre-fix or suffix which might cause confusion as to the name of the ship.

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4. Subject to paragraph 5, if the Registrar of Ships is satisfied that a name does not fall within 2(a) to (d) or 3(a) to (d) he shall notify the applicant in writing that the name is approved and the ship may be registered with that name.

5. Notwithstanding that the Registrar of Ships is satisfied as to paragraph 2 or 3 he may refuse to approve a name which might cause offence or embarrassment.

6. Any approval given under paragraph 2 or 3 shall be valid only for the period of 3 months beginning with the date it is notified to the applicant.

7. If the Registrar of Ships is not so satisfied he shall notify the applicant accordingly.

8. Notwithstanding paragraph 6, the Registrar of Ships may allow the reservation of a ship's name or designation for a period of 10 years if he is satisfied that:

- (a) the ship is intended to replace another of the same name which is to be registered within 10 years of the date of the application;
- (b) the applicant is the owner of a registered ship with the same name as that which is to be reserved and its Tanzanian registration will be closed before the registration of the new vessel, or
- (c) the applicant is the owner of a registered ship with the same name as that which is to be reserved and it will be sold before the registration of the new vessel on condition that it changes its name and that its name is so changed.

9. Applications for a reservation under paragraph 8 must be accompanied by a full statement of the circumstances of the case.

10. Where a ship having once been registered has ceased to be registered, no person (unless ignorant of the previous registration), (proof whereof will lie on him) shall apply for registration of the ship other than by the name by which it was previously registered except with the written permission of the Registrar of Ships.

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SECOND SCHEDULE

Regulations 22, 63 and 71

PORTS OF CHOICE FOR SHIPS TO BE REGISTERED
PORT CODE & NAME

DS	DAR ES SALAAM	BK	BUKOBWA
MT	MTWARA	MS	MUSOMA
MZ	MWANZA	MB	MBAMBA BAY
KG	KIGOMA	KS	KASANGA
TU	TUNGU		
TG	TANGA		

THIRD SCHEDULE

Regulations 23, 25, 45 and 72

CARVING AND MARKING

1. Every ship is required, before it may be registered, to be marked permanently and conspicuously to the satisfaction of the Registrar of Ships in accordance with this Schedule.

2. The Minister may exempt any class of ship from all or any of the requirements of this Schedule, subject to such conditions, if any, as he thinks fit.

3. Subject to any exemption in respect of that class of ship, a ship other than:

- (a) a fishing vessel;
- (b) a pleasure vessel which is under 24 metres;

is to be marked as follows:

- (i) its name shall be marked on each of its bows, and its name and its port of choice must be marked on its stern;
- (ii) the marking is to be on a dark ground in white or yellow letters, or on a light ground in black letters, the letters

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Regulations*

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- being not less than 10 centimetres high and of proportional breadth; and
- (iii) its official number and the number denoting its registered tonnage shall be cut on its main beam or if that is not possible, marked or fixed thereon in the manner prescribed in paragraph 4(a).

4. A vessel which is under 24 metres in length is to be marked as follows:

- (a) the official number and registered tonnage are:
- (i) to be marked on the main beam or, if there is no main beam, on a readily accessible visible permanent part of the structure of the pleasure vessel either by cutting in, centre punching or raised lettering; or
- (ii) to be engraved on plates of metal, wood or plastic, secured to the main beam (or, if there is no main beam, to a readily accessible visible permanent part of the structure) with rivets, through bolts with the ends clenched, or screws with the slots removed;
- (b) the name and port of choice [unless an exempted ship], are to be marked on a conspicuous and permanent part of the stern on a dark ground in white or yellow letters, or on a light ground in black letters, the letters being not less than 5 centimetres high and of proportionate breadth, or, where this is not possible by the alternative methods given below:
- (i) by engraving on plates of metal or of plastic or by cutting in on a shaped wooden chock. Where a shaped wooden chock is used it should be secured to the hull through bolts, the ends being clenched; or
- (ii) by individual glass reinforced plastic letters and numbers approximately 2mm in thickness. These to be fixed to the hull with epoxy adhesive, and painted with suitable paint and coated with translucent epoxy resin;
- (iii) where metal or plastic plates have been used these must be fixed by the use of epoxy adhesives. Metal or plastic plates secured by adhesives should be coated with translucent epoxy resin after they have been fixed in position.

5. A fishing vessel is to be marked as follows:

- (a) the name of the vessel and the port of choice shall be painted in white on a black background or in black on a white background on the stern of the boat in letters which shall not be less than 8 centimetres in height and 1.5 centimetres in breadth; and
- (b) the identity mark (port letters and the number) of the vessel shall be painted or displayed on both sides of the bow, as

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Regulations*

G.N. No. 198 (contd.)

- high above the water as possible so as to be clearly visible from the sea and the air, in white on a black background or black on a white background;
- (c) for vessels not over 17 metres in length, the height of the identity mark shall be at least 25 centimetres with a line thickness of at least 4 centimetres;
 - (d) for vessels over 17 metres in length, the height of the identity mark shall be at least 45 centimetres with a line thickness of at least 6 centimetres;
 - (e) the identity mark shall in addition be painted or displayed on the wheel house top or some other prominent horizontal surface;
 - (f) the vessel's official number shall be carved into the main beam of the vessel or, if that is not possible, marked or fixed thereon in the manner prescribed in paragraph 4(a).

6. A scale of decimetres, or metres and decimetres, denoting a draught of water shall be marked on a ship, (other than an exempted ship), on each side of its stem and its stern post, as follows:

- (a) in figures in two-decimetre intervals, if the scale is in decimetres; and
- (b) in figures at each metre interval and at intervening two-decimetre intervals, if the scale is in metres and decimetres;

the capital letter 'M' being placed after each metre figure; the top figure of the scale showing both the metre and (except where it marks a full metre interval) the decimetre figure; the lower line of the figures, or figures and letters (as the case may be), coinciding with the draught line denoted thereby; the figures and letters being not less than one decimetre in length and being marked by being cut in and painted white or yellow on a dark ground, or in such other way as the Minister approves.

7. The name of a ship shall be marked in Roman letters and any numerals shall be in Roman or European numerals.

FOURTH SCHEDULE

Regulations 27 and 74

DETAILS TO GO ON REGISTER

1. The following information is to be registered about each owner who is an individual:

- (a) surname, forename and title;
- (b) address;
- (c) nationality;
- (d) number of shares held;

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Regulations*

G.N. No. 198 (contd.)

(e) the name of the managing owner.

2. The following information is to be registered about each owner which is a body corporate:

- (a) name of owner;
- (b) the address of its registered office;
- (c) country of incorporation;
- (d) its principal place of business;
- (e) number of shares owned by the company.

3. The following information is to be registered about:

- (a) in respect of fishing vessels, any charterer:
 - (i) the full name of the individual or body corporate;
 - (ii) the address of the individual, or the place of business in the United Republic of Tanzania of the body corporate.

4. The following information is to be registered about ships:

- (a) name;
- (b) the IMO number;
- (c) radio call sign;
- (d) port of choice;
- (e) official number;
- (f) year of build;
- (g) method of propulsion e.g. whether sail, steam, motor or dumb;
- (h) where built;
- (i) name and address of builders;
- (j) date keel laid/when built;
- (k) length-metric units;
- (l) breadth-metric units;
- (m) depth-metric units;
- (n) type of ship e.g. dry cargo, oil tanker, passenger, bulk carrier;
- (o) material used to construct hull;
- (p) such of the following tonnages as are specified in the certificate of survey: gross, net and registered;
- (q) make and model of engine(s); and
- (r) total power of engines in kilowatts.

5. The following is to be registered about fishing vessels:

- (a) official number (and fishing boat number);
- (b) IMO number;
- (c) identity mark;
- (d) name;
- (e) radio call sign;
- (f) material used to construct hull;
- (g) name of builder;
- (h) year of build;
- (i) place and country of build;

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- (j) date of entry into service;
- (k) overall length-metric units;
- (l) registered length-metric units;
- (m) breadth-metric units;
- (n) depth-metric units;
- (o) gross tonnage;
- (p) net tonnage;
- (q) total engine power in kilowatts;
- (r) make and model of engine(s).

6. In addition to the information in either paragraph 4 or 5 the following is to be registered in respect of bareboat charter ships:

- (a) the name and address of the owner;
- (b) the name and address of the charterer;
- (c) national unique identifier or official number;
- (d) its country of original registration;
- (e) commencement date of the charter period and its expiry date;
- (f) the name by which the ship is known on the primary register (or a translation of that name).

FIFTH SCHEDULE

Regulations 28 and 74

CERTIFICATE OF REGISTRY

1. A certificate of registry for a ship registered or to be registered shall contain:

- (a) the full name and address of the owner(s);
- (b) the number of shares held by each owner;
- (c) the following information about the ship:
 - (i) name;
 - (ii) the IMO number;
 - (iii) radio call sign;
 - (iv) port of choice;
 - (v) official number;
 - (vi) year of build;
 - (vii) method of propulsion e.g. whether sail, steam, motor or dumb;
 - (viii) length-metric units;
 - (ix) breadth-metric units;
 - (x) depth-metric units;
 - (xi) type of ship e.g. dry cargo, oil tanker, passenger, bulk carrier;

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- (xii) such of the following tonnages as are specified in the certificate of survey; gross, net and registered;
- (xiii) engine make and model;
- (xiv) engine power in kilowatts;
- (d) the date of issue of the certificate;
- (e) the date the certificate expires.

2. A certificate of registry for a fishing vessel registered or to be registered shall contain:

- (a) the name and address of each owner;
- (b) the name and address of any charterer;
- (c) the number of shares held;
- (d) the following details about the vessel:
 - (i) name;
 - (ii) port of choice and number within that port;
 - (iii) official number;
 - (iv) IMO number;
 - (v) radio call sign;
 - (vi) registered length;
 - (vii) overall length;
 - (viii) breadth;
 - (ix) depth;
 - (x) net tonnage;
 - (xi) gross tonnage;
 - (xii) engine make and model;
 - (xiii) engine power in kilowatts;
 - (xiv) year of build;
 - (xv) date of entry into service;
- (e) the date and time of the issue of the certificate;
- (f) the date of expiry of the certificate.

Bareboat
Charter
Registry
Ships

3. A certificate of bareboat charter registry for ships registered or to be registered shall contain the details prescribed by either sub-paragraph 1(a), (c), (d) and (e) (for ships other than fishing vessels) or sub-paragraph 2(a), (b), (d), (e) and (f) (for fishing vessels) and the following:

- (a) the name and address of the charterer;
- (b) national unique identifier or official number;
- (c) country of primary registration;
- (d) original name (or a transition thereof) if different from its registered name.

SIXTH SCHEDULE

PRIVATE LAW PROVISIONS FOR REGISTERED SHIPS

General

1.-(1) Subject to any rights and powers appearing from the Registrar of Ships to be vested in any other person, the registered owner of a ship or of a share in a ship shall have power to dispose of it provided the disposal is made in accordance with this Schedule and registration Regulations.

(2) Sub-paragraph (1) does not imply that interests arising under contract or other equitable interest cannot subsist in relation to a ship or a share in a Ship; and such interests may be enforced by or against owners and mortgagees of ships in respect of their interest in the ship or share in the same manner as in respect of any other personal property.

(3) The registered owner of a ship or of a share in a ship shall have power to give effectual receipts for any money paid or advanced by way of consideration on any disposal of the ship or share.

2.-(1) Any transfer of a registered ship, or a share in such a ship, shall be effected by a bill of sale satisfying the prescribed requirements, unless the transfer will result in the ship ceasing to have a Tanzanian connection.

Transfers
of
registered
ships

(2) Where any such ship or share has been transferred in accordance with sub-paragraph (1), the transferee shall not be registered as owner of the ship or share unless-

- (a) he has made the prescribed application to the Registrar of Ships; and
- (b) the Registrar of Ships is satisfied that the ship retains a Tanzanian connection and that he would not refuse to register the ship.

(3) If an application under sub-paragraph (2) is granted by the Registrar of ships shall register the bill of sale in the prescribed manner.

(4) Bills of sale shall be registered in the order in which they are produced to the Registrar of Ships for the purposes of registration.

3.-(1) Where a registered ship, or a share in a registered ship, is transmitted to any person by any lawful means other than a transfer under paragraph 2 and the ship continues to have a Tanzanian connection, that person shall not be registered as owner of the ship or share unless -

- (a) he has made the prescribed application to the Registrar of Ships; and
- (b) the Registrar of Ships is satisfied that the ship retains a Tanzanian connection and that he would not refuse to register the ship.

*Merchant Shipping (Registration of Ships and Licensing of Vessels)
Regulations*

G.N. No. 198 (contd.)

(2) If an application under sub-paragraph (1) is granted by the Registrar of Ships, the Registrar of ships shall cause the applicant's name to be registered as owner of the ship or share.

4.-(1) Where the property in a registered ship or share in a registered ship is transmitted to any person by any lawful means other than a transfer under paragraph 2, but as result the ship no longer has a Tanzanian connection, the High Court may, on application by or on behalf of that person, order a sale of the property so transmitted and direct that the proceeds of sale, after deducting the expenses of the sale, shall be paid to that person or otherwise as the court directs.

(2) The court may require any evidence in support of the application they think requisite, and may make the order on any terms and conditions they think just, or may refuse to make the order, and generally may act in the case as the justice of the case requires.

(3) Every such application must be made within the period of 28 days beginning with the date of the occurrence of the event on which the transmission has taken place, or within such further time (not exceeding one year) as the court may allow.

(4) If:

(a) such an application is not made within the time allowed by or under sub-paragraph (3); or

(b) the court refuse an order for sale;

the ship or share transmitted shall be liable to forfeiture.

5.-(1) Where any court (whether under paragraph 4 or otherwise) order the sale of any registered ship or share in a registered ship, the order of the court shall contain a declaration vesting in some named person the right to transfer the ship or share.

(2) The person so named shall be entitled to transfer the ship or share in the same manner and to the same extent as if he were the registered owner of the ship or share.

(3) The Registrar of Ships shall deal with any application relating to the transfer of the ship or share made by the person so named as if that person were the registered owner.

6.-(1) The High Court may, if they think fit (without prejudice to the exercise of any other power), on the application of any interested person, make an order prohibiting for a specified time any dealing with a registered ship or share in a registered ship.

(2) The court may make the order on any terms or conditions they think just, or may refuse to make the order, or may discharge the order when made (with or without costs) and generally may act in the case as the justice of the case requires.

(3) The order, when a copy is served on the Registrar of Ships, shall be binding on him whether or not he was made a party to the proceedings.

Mortgages of registered ships

Definitions

7. In this Schedule -

"mortgage" shall be construed in accordance with paragraph 8(2);

"prescribed" means prescribed in these Regulations; and

"registered mortgage" means a mortgage registered under paragraph 8(3).

**Merchant Shipping (Registration of Ships and Licensing of Vessels)
Regulations**

G.N. No. 198 (contd.)

8.-(1) A registered ship, or share in a registered ship, may be made a security for the repayment of a loan or the discharge of any other obligation.

(2) The instrument creating any such security (referred to in the following provisions of this Schedules as a "mortgage") shall be in the form prescribed by or approved under these Regulations.

(3) Where a mortgage executed in accordance with sub paragraph (2) is produced to the Registrar of Ships, he shall register the mortgage in the prescribed manner.

(4) Mortgages shall be registered in the order in which they are produced to the Registrar of Ships for the purposes of registration.

9. Where two or more mortgages are registered in respect of the same ship or share, the priority of the mortgagees between themselves be determined by the order in which the mortgages were registered (and not by reference to any other matter).

Priority of registered mortgages

10.-(1) Subject to sub-paragraph (2), every registered mortgagee shall have power, if the mortgage money or any part of it is due, to sell the ship or share in respect of which he is registered, and to give effectual receipts for the purchase.

Registered mortgagee's power of sale

(2) Where two or more mortgagees are registered in respect of the same ship or share, a subsequent mortgagee shall not, except under an order of a court of competent jurisdiction, sell the ship or share without the concurrence of every prior mortgagee.

11. Where a ship or share is subject to a registered mortgage then -

Protection of registered mortgagee's

- (a) except so far as may be necessary for making the ship or share available as a security for the mortgage debt, the mortgagee shall not by reason of the mortgage be treated as owner of the ship or share; and
- (b) the mortgagor shall be treated as not having ceased to be owner of the ship or share.

12.-(1) A registered mortgage may be transferred by an instrument made in the form prescribed by or approved under these Regulations.

Transfer of registered mortgage

(2) Where any such instrument is produced to the Registrar of Ships, the Registrar of Ships shall register the transferee in the prescribed manner.

13. Where the interest of a mortgagee in a registered mortgage is transmitted to any person by any lawful means other than by a transfer under paragraph 12, the Registrar of Ships shall, on production of the prescribed evidence, cause the name of that person to be entered in the register as mortgagee of the ship or share in question.

Transmission of registered mortgage by operation of law

**Merchant Shipping (Registration of Ships and Licensing of Vessels)
Regulations**

G.N. No. 198 (contd.)

Discharge of registered mortgage 14. Where a registered mortgage has been discharged, the Registrar of Ships shall, on production of the mortgage deed and such evidence of the discharge of the mortgage as may be prescribed, cause an entry to be made in the register to the effect that the mortgage has been discharged.

Dar es Salaam,
....., 2005

MARK J. MWANDOSYA (MP),
*Minister of Communication
and Transport*

