



**AN ACT TO AMEND THE ZANZIBAR MARITIME TRANSPORT  
ACT NO. 5 OF 2006**

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ACT NO. 2 OF 2013

I ASSENT

(DR. ALI MOHAMED SHEIN)  
PRESIDENT OF ZANZIBAR  
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

*18<sup>th</sup> April*, 2013

AN ACT TO AMEND THE ZANZIBAR MARITIME  
TRANSPORT AND OTHER MATTERS RELATED THERETO

ENACTED by the House of Representatives of Zanzibar.

PART I  
PRELIMINARY PROVISIONS

- Short title and Commencement. **1.** This Act may be cited as the Zanzibar Maritime Transport Act (Amendment) Act, 2013 and shall come into operation after being assented to by the President.
- Constructions **2.** This Act shall be read as one with the Zanzibar Maritime Transport Act, No. 5 of 2006, in this Act referred to as the "Principal Act".

PART II  
AMENDMENT PROVISIONS

- Amendment of section 29. **3.** Section 2 of the Principal Act, is amended by:-
- (a) adding references relating to the interpretation of the following words at its alphabetical order:  
  
"Registrar of Seafarer" has the same meaning as in section 7(3) of the Principal Act;
  - (b) Vessel includes every description of watercraft including non-displacement craft and sea planes used or capable of being used as a means of transportation on water;



"small vessel" means a small vessel which uses any means of propulsion and which is less than 24m length and less than 50 gross tonnage.

- (c) inserting the word "from" instead of the word "or" and the word " to 150" instead of "50" in the interpretation of the word "Small Ship";

Amendment of section 3.

4. Section 3(1) of the Principal Act is amended by:-

- (a) inserting in paragraph (a) the word "and seafarers employed there in" before the words "wherever they may be";
- (b) inserting in the paragraph (b) the word "and seafarers employed therein" after the word "within Zanzibar."

Amendment of section 6.

5. Section 6(3) is amended by:

- (a) deleting the words "The Maritime Safety Administration" appearing before the word "shall" and substituting for them, the word "Authority";
- (b) deleting the word "shall" appearing in that subsection and substituting for it, the word "may";
- (c) deleting the words "Maritime Safety Administration established under Merchant Shipping Act 2003" appearing in that subsection and substituting for them, the words "Maritime Transport Authority in Tanzania Mainland established under the Surface and Maritime Transport Regulatory Authority Act, 2001 as amended from time to time".

Amendment of section 7.

6. Section 7 of the Principal Act is amended by:

- (a) deleting in Subsection (2):
- (i) the word "Tanzanian" appearing in that section and substituting for it, the word "Tanzania"
- (ii) changing the word "Zanzibar Tanzania" appearing after the word "registration of" and shall be read as "Zanzibar;"

This amendment shall apply every place where the word "Zanzibar Tanzania" appeared in this Act.

- (iii) inserting the word " and Safety and Security " after the word " registrationTanzanian".
- (b) deleting Section 7(5) of the Principal Act.





- Amendment of section 8.      **7.** Section 8(1) of the Principal Act is amended by:-
- (a) deleting in paragraph (a) the word "for ocean going ships and" appearing after the word "shipping";
  - (b) inserting in paragraph (b) the word "local" after the word "Zanzibar" and deleting the word " for coastal ships" after the word "shipping";
- Amendment of section 9.      **8.** Section 9(3) of the Principal Act, is amended by deleting the words "For the purpose of section 72" appearing before the word "ships";
- Addition of new section 10A.      **9.** The principal Act is amended by adding new section 10A immediately after section 10 as follows:
- 10A(1)** No person or institutions shall engage in any maritime transport related activities without a licence or permit issued in prescribed form by the Authority;
- (2) Any person who contravenes subsection (1) under this section commits an offence and shall be punishable by a fine not less than five thousand dollars or its equivalent in Tanzania Shillings.
- Amendment of section 11.      **10.** Section 11 of the Principal Act, is amended by adding subsection 11(1) and adding subsection 2 as follows:
- “(2) A ship qualified for registration under section 9(1)(d) shall comply with the requirements of the preceding subsection;”
- Amendment of Section 12.      **11.** Section 12 of the Principal Act is amended by:
- (a) renumbering as Section 12 (1);
  - (b) adding new sub section (2) as follows:
- (2) The capital invested by the Shipping Company which is registered for the purpose of shipping business in Zanzibar shall not be less than three billion Tanzania Shillings;
- Amendment of section 15.      **12.** Section 15 of the Principal Act, is amended by:
- (a) inserting in subsection (3) the words "small crafts," after the words "pleasure vessels";
  - (b) inserting in subsection (6) the word "ships" after the word "Registrar of" this also applies to wherever appears the word "Registrar of" in relation to ship".



Addition of new section 17A.

**13.** The principal Act is amended by adding new section 17A immediately after section 17 as follow:

**"17A.(1)** No ship having more than 15 years of age from the date of its commissioned shall come for registration and license for the purpose of carrying passengers in Zanzibar."

(2) Any landing craft vessel which is not purposely built for carrying passenger from her first construction shall not be registered or licensed for the purpose of carrying passengers and cargo in Zanzibar.

"(3) No ship shall be registered in Zanzibar or licensed for the purpose of carrying passengers in Zanzibar if such ship has been modified from its original construction.

For the purpose of this section modification shall mean "any modification to the ship structure from alteration of the main dimensions such as length, breadth, depth to installing generators transmitters, generators, cranes, wireless or similar things".

Addition of new section 18A.

**14.** The Principal Act is amended by adding new section 18A immediately after section 18 as follow:

**"Regulation. 18A.** The Minister shall make Regulations specifying age limit for other ships other than passenger ships to be registered or licensed in Zanzibar".

Amendment of section 28.

**15.** Section 28(6) of the Principal Act, is amended by:-

- (a) deleting the words "upon conviction" appeared before the word "shall";
- (b) inserting the words "to a summary conviction" appeared after the word "liable".

Amendment of section 29.

**16.** Section 29(3) of the Principal Act is amended by:

- (a) deleting the words "upon conviction" appearing before the word "shall";
- (b) inserting the words "on a summary conviction" to be appeared after the word "liable".

Amendment of section 30

**17.** Section 30 of the Principal Act, is amended by:

- (a) inserting in subsection (1) the words "among other particulars as prescribed in registration regulation" after the word "registry";



- (b) inserting the words "upon completion of registration and issue provisional certificate of registration, the proper officer" appearing after the word "obtain" in paragraph c and before the word "shall forward";
- (c) in section 30(3) of the Principal Act, is amended by deleting in paragraph (a) the word "three" before the word "months" and substituting for it the words "not more than six" and inserting the words "of issue" appearing after the words "its date".

Amendment of section 43.

**18.** Section 43 of the Principal Act, and its Marginal note are amended by:-

- (a) inserting In the marginal note, the words "and parallel registration" after the word "registration";
- (b) deleting in subsection (1), the word "a" appearing before the word "circumstances" ;
- (c) adding new subsection immediately after subsection (3) as follows:-

(4) The Minister shall make Regulations for parallel registration and other matters related there to.

Amendment of section 55.

**19.** The marginal note of section 55 is amended by inserting, the words "and licensing of native vessels and small craft" after the word "Registration";

Amendment of section 57.

**20.** Section 57 of the Principal Act is amended by:

- (a) adding new sub section (2) as follows:

"(2) The Shipping Company shall have insurance cover or money deposit for death or personal injury for passengers, which shall not be less than ten million Tanzania Shillings for each passenger and event;

- (b) Substituting of sub section (2) to be sub section (3), sub section (3) to be sub section (4), sub section (4) to be sub section (5) and sub section (5) to be sub section (6).

Amendment of section 58.

**21.** Section 58(3) of the Principal Act, is amended by deleting the words "shall be guilty of an offence and upon conviction he " appearing after the word "section" and inserting the words "on a summary conviction" appearing after the word "liable"





Amendment of section 61.

**22.** Section 61(1) of the Principal Act, is amended by:

- (a) adding the new paragraph immediately after paragraph (b) as follows:-
- (c) "while passing a warship of any navy";
- (b) renumbering paragraph "c" as "d".

Amendment of Section 88.

**23.** Section 88 of the Principal Act, is amended by adding words "; and Claims for wreck removal shall be deemed to have accrued according to the terms and conditions of the contract" at the end of "paragraph c".

Amendment of section 92.

**24.** Section 92 of the Principal Act, is amended by adding new subsection (3) as follows:-

"(3) Subject to subsection 1 of this section, when order is issued to arrest a ship for forced sale the court shall inform the Registrar of Ship the time and place of such sale;"

Amendment of section 93.

**25.** Section 93 of the Principal Act, is amended by:-

- (a) inserting in subsection (1) the words "in Zanzibar" after the word "ship" and replacing the word "executing officer" by the word "Registrar of Ships" before the word "shall;"
- (b) deleting in subsection 1(d) the word "the Registrar of ship" and substituting by the following:  
"the registered owner of the Ships";
- (c) deleting in the subsection (2) the words "shall be gazetted in a daily news paper" after the words "the notice" and substituting by the following:  
"specified in subsection 1 shall be in writing and may be given through the registered mail or any electronic or other appropriate means which confirm the receipt by person as specified in subsection (1);"
- (d) adding the new subsection (3) immediately after subsection (2) as follows:-

(3) The notice specified in the subsection (2) above, may be given by press announcement if considered appropriate by the Authority".

Amendment of section 94.

**26.** Section 94 of the Principai Act, is amended by adding new subsection (3) immediately after subsection (2) as follows:





"(3) Where at the time of forced sale the vessel is in the possession of a ship builder or of a ship repair who under this Act enjoys a right of retention, such ship builder or ship repair shall surrender possession of the vessel to the purchaser, but shall be entitled to obtain satisfaction of his claim out of the proceeds of sale after the satisfaction of the claims of holders of maritime liens mentioned in section 86;"

Amendment of section 95.

27. Section 95 of the Principal Act, is amended by:

(a) renumbering as Section 95(1);

(b) adding new subsection 2 as follows:

"(2) Where at the time of forced sale of a stranded or sunken vessel following its removal by a public authority in the interest of safe navigation or the protection of the marine environment, the costs of such removal shall be paid out of the proceeds of the sale before all other claims secured by maritime lien on the vessel."

Amendment of section 97.

28. Section 97(1) of the Principal Act, is amended by adding the words "and seafarer" after and the word "crew", this applies wherever it appears the word crew in this Act.

Amendment of section 99.

29. Section 99 of the Principal Act, is amended by:

(a) renumbering as section 99 (1);

(b) adding new subsections 2, 3 and 4 as follows:-

"(2) The Authority may make regulations on disciplinary action and to impose penalty to seafarers in case of violation of safety of navigation in relation to safety, security and maritime environment and other matters relating thereto";

(3) No person shall, either as a principal or as an agent, engage or recruit a seafarer for employment on board a Tanzania Zanzibar Ship or foreign ship, without first obtaining a licence in the prescribed form from the Authority";

(4) Any person who contravenes subsection (3) commits an offence and upon conviction, shall be liable to a fine not less than six thousand dollars in shillings, or to imprisonment for a term not less than one year, or to both ;"

Amendment of section 99A.

30. The Principal Act is amended by adding new section 99A immediately after section 99 as follow:



“99A(1) Every ship owner of a Tanzania Zanzibar ship will provide a minimum of two berths for the purposes of practical sea training of Tanzania Zanzibar trainee seafarers on each registered vessel.

(2) Any practical sea training specified in the subsection(1) shall be at no cost to the seafarer.

(3) The duration of the practical sea training shall be as specified in the international convention on standards of training, certification and watch keeping for seafarers as amended”.

Amendment of section 122A.

31. The Principal Act is amended by adding new Section 122A as follows:

“122A (1) It shall be the responsibility of the Shipping Company administration to ensure that sufficient, skilled and qualified persons are employed for its shipping operations;

(2) In ensuring that there is good system of administration, Shipping Company shall:

- (a) employ persons who have sufficient education with skills and experience according to their respective position;
- (b) ensure that persons employed are skilled enough to carry out their responsibilities;
- (c) promote the employees by retaining them in their respective positions and to develop others with specialized expertise;
- (d) enhance education and qualification for the development of the employees;
- (e) keep sufficient records of the employees with their experience qualifications and trainings;
- (f) provide training requirements and standard of skills acquired and planned for the right training;

Repeal of Section 135 and 136 and Schedule.

32. Section 135 and 136 and their schedule are repealed.

**PASSED** in the House of Representatives on the 18<sup>th</sup> day of January 2013.

**YAHYA KHAMIS HAMAD**  
*Clerk of the House of Representatives of Zanzibar*