

GOVERNMENT NOTICE No. 382 published on 2/6/2023

TANZANIA SHIPPING AGENCIES ACT

(CAP. 415)

REGULATIONS

(Made under sections 12(1)(k) and 61)

THE TANZANIA SHIPPING AGENCIES (SHIPPERS REGISTRATION) REGULATIONS,
2023

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TANZANIA SHIPPING AGENCIES ACT

CAP. 415

REGULATIONS

Made under sections 12(1) (k) and 61

THE TANZANIA SHIPPING AGENCIES (SHIPPERS REGISTRATION)
REGULATIONS, 2023

PART I

PRELIMINARY PROVISIONS

- | | |
|----------------|---|
| Citation | 1. These Regulations may be as the Tanzania Shipping Agencies (Shippers Registration) Regulations, 2023. |
| Application | 2. These Regulations shall apply to shipper in Mainland Tanzania other than shipper of personal effect, diplomatic cargo, Government cargo, missionary cargo, and cargo specially exported as a result of Government assignment. |
| Interpretation | 3. In these Regulations unless the context otherwise requires— |
| Cap. 415 | “Act” means the Tanzania Shipping Agencies Act;
“authorised officer” means an employee of the Corporation assigned to work and attend any matter relating to implementation of these Regulations;
“cargo” means goods or merchandise designated for clearing and forwarding through a custom point of entry or exit;
“certificate” means shipper’s registration certificate issued |

	to a shipper registered by the Corporation in accordance with these Regulations;
Cap. 415	“Corporation” has the meaning ascribed to it under the Act;
G. N. No. 358 of 2012	“dangerous goods” has the meaning ascribed to it under the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations;
G. N. No. 197 of 2016	“gross mass” has the meaning ascribed to it under the Merchant Shipping (Verified Gross Mass of a Container Carrying Cargo) Regulations;
G. N. No.197 of 2016	“package” has the meaning ascribed to it under the Merchant Shipping (Verified Gross Mass of a Container Carrying Cargo) Regulations;
Cap. 415	“regulated service” has the meaning ascribed to it under the Act;
Cap. 415	“regulated service provider” has the meaning ascribed to it under the Act;
Cap. 415	“shipper” has the meaning ascribed to it under the Act;
G.N. No. 197 of 2016	“verified gross mass” has the meaning ascribed to it under the Merchant Shipping (Verified Gross Mass of a Container Carrying Cargo) Regulations.

PART II

REGISTRATION OF SHIPPERS

Eligibility and requirements for registration

4- (1) A person shall be eligible to apply for registration if is a shipper in accordance with these Regulations.

(2) A shipper who applies for registration shall-

- (a) in case of a body corporate or partnership, enclose with an application a certified copy of-
 - (i) business licence;
 - (ii) Taxpayer Identification Number Certificate;
 - (iii) certificate of incorporation, certificate of compliance or certificate of registration; and
 - (iv) any other documents as may be required by the Corporation.

(b) in case of an individual, enclose with an

application a certified copy of-

- (i) business licence;
- (ii) Taxpayer Identification Number Certificate;
- (iii) National Identification or Passport; and
- (iv) Any other documents as may be required by the Corporation.

Application for
registration

4. An application for registration shall be made to the Corporation in the form prescribed in the First Schedule, accompanied with the proof of payment of prescribed fee as prescribed in the Second Schedule..

Determination of
application

5. The Corporation shall, upon receipt of the application submitted in accordance with regulation 5, determine the application.

Determination and
issuance or refusal
to issue Certificate

6. - (1) The Corporation shall, upon receipt of the application determine whether to grant or refuse the application.

(2) Without prejudice to subregulation (1), where the Corporation is satisfied that the applicant has met all requirements of application, it may, within seven working days from the date of the application, issue a certificate in the form prescribed in the Third Schedule.

(3) Where the Corporation is satisfied that an applicant has failed to comply with application requirements prescribed under these Regulations, it shall issue a notice of refusal in the form prescribed in the Fourth Schedule.

(4) A successful applicant may collect a signed certificate from any office of the Corporation or print it online.

Non transferability
of certificate

7. A Certificate issued under these Regulations shall not be transferrable.

Register of
shippers

8. (1) The Corporation shall establish and maintain a Register of shippers in the form prescribed under Fifth Schedule.

(2) The Corporation shall ensure that a Register of Shippers is accessible online for the general public.

Validity of
registration

9. A certificate issued under these Regulations shall be valid for a period of three years from the date of issuance, and may be subject to renewal upon expiration.

Renewal of
registration

10. - (1) A shipper who intends to renew registration shall apply for renewal in the form prescribed in the First Schedule, accompanied with a proof of payment of renewal fee as prescribed in the Second Schedule..

(2) The provisions relating to application for first registration shall apply to an application for renewal of registration under this regulation.

Loss of
certificate

11. - (1) Where a certificate issued under these Regulations is lost, mutilated or destroyed, the shipper shall:

- (a) apply to the Corporation for a duplicate in the form prescribed in the First Schedule;
- (b) seek, obtain and attach in such application, a police loss report and any other relevant document as may be required by the Corporation; and
- (c) pay the fee as prescribed in the Second Schedule.

(2) Subject to sub regulation (1), the Corporation shall, upon receipt of application for duplicate certificate and satisfying itself with the application, issue a duplicate certificate in the form prescribed in the Third Schedule.

Change of
particulars

12. - (1) Where a shipper changes any material particulars submitted to the Corporation under these Regulations, he shall, within seven days from the date of such change, notify the Corporation in a manner set out in the Sixth Schedule.

(2) The Corporation shall, upon receipt of such notification for change of particulars, effect such changes to the Register of Shippers.

Submission of
documents

13. Any document which is required to be submitted to the Corporation under any of the provisions of these Regulations may be submitted in such format

and by such means including in electronic form
and by electronic communication as the
Corporation may consider appropriate.

PART III

DUTIES AND RIGHTS OF SHIPPER

Duties of shipper

14. A shipper has a duty to-
- (a) ensure that appropriate precautionary safety measures are taken in relation to cargo before shipment;
 - (b) properly and sufficiently pack and mark cargo in accordance with the safety standards as prescribed by relevant written laws;
 - (c) properly prepare, sufficiently mark, accurately document and label dangerous goods to render it safe for handling, storage and shipment in accordance with relevant written laws;
 - (d) ensure that perishable goods are packed, marked and handled in accordance with requirements of their preservation;
 - (e) ensure cargo to be shipped is in fit and proper condition to be handled;
 - (f) comply with administrative arrangement as specified by port terminal or dry port operator from time to time;
 - (g) obtain a verification certificate for gross mass of a packed container prior to its loading on board a ship for export;
 - (h) communicate and submit a verification certificate to shipping agent and port terminal operator to facilitate proper loading plan of a ship;
 - (i) provide cargo information including cargo description, nature, weight, condition, quantity and quality, loading port, discharging port or any other information as may be required by relevant authorities;
 - (j) refrain from using unauthorized persons in dealing with shipments; and
 - (k) provide information, produce a document or evidence as may be required by the Corporation.

Rights of shipper

15. -(1) A shipper shall have the right to be-
- (a) invited or involved directly or through representation in relevant capacity building programmes organised by the Corporation;
 - (b) introduced to other relevant parties with a view to facilitating shipping trade and movement of cargo;
 - (c) consulted for views on relevant matters in the maritime transport sector;
 - (d) provided with regulatory decisions and information on matters relevant to shippers; and
 - (e) provided with available information in respect of maritime transport laws, standards, applicable charges and fees.
- (2) Without prejudice to sub regulation (1), a shipper shall have the right to lodge to the Corporation any complaint against a regulated service provider in a manner prescribed under the Act.

PART IV

PROHIBITED CONDUCT AND ENFORCEMENT MECHANISM

Prohibited conduct

16. - (1) A shipper shall-
- (a) not provide false or misleading information in relation to shipment of cargo;
 - (b) refrain from fraudulent and corrupt practices and illegal dealings;
 - (c) not act in a manner which is detrimental to other parties or to the reputation of the maritime transport sector;
 - (d) not retain equipment belonging to other parties contrary to terms agreed between relevant parties;
 - (e) not temper with his own or others' cargo or cause shortage to the cargo in order to gain unfair advantage against other parties in

maritime transportation chain;

- (f) not collude with any party with an intention to contravene the provisions of these Regulations or any relevant law in the maritime transport sector;
- (g) not act dishonestly when dealing with other parties and when dealing with any matter of commercial or financial interest in maritime sector;
- (h) not treat other parties without dignity, respect and courtesy; and
- (i) not operate without a valid certificate of registration.

(2) A person who contravene the provision of subregulation (1) commits an offence and shall, upon conviction, be liable to a fine of not less than two hundred and fifty thousand shillings but not exceeding one million shillings or to imprisonment for a term of not less than six months but not exceeding one year or to both.

Monitoring

17. - (1) The Corporation may monitor a registered shipper for purposes of updating details of the Register of Shippers and collection of views on quality of regulated services.

(2) Without prejudice to subregulation (1), the Corporation may, when conducting monitoring, seek information from any authority or require a shipper to provide information, records, statements or documents relating to registration.

Notice of
rectification

18. Subject to regulation 19, the Corporation may issue a written notice requiring a shipper to rectify any observed anomaly within a specified time in the notice as prescribed in the Seventh Schedule.

Deregistration of
shipper

19. -(1) Where a shipper-

- (a) misappropriates or misuses equipment belonging to other parties;
- (b) provides false or misleading information in relation to shipment of cargo;
- (c) acts in a manner which is detrimental to other parties or to the reputation of the maritime transport sector;

or

(d) fails to rectify registration anomaly within the time specified in the notice of rectification,
the Corporation shall send to the shipper a notice, through his appropriate address in the form prescribed in the Seventh Schedule, requiring the shipper to rectify the misconduct within twenty-one days from the date of notice.

(2) Upon expiration of period of time specified in subregulation (1), the Corporation may send to the shipper a second notice that at the expiration of thirty days from the date of the notice, the name of the shipper mentioned in such notice shall, unless cause is shown to the contrary, be deregistered from the Register of Shippers.

(3) A notice shall be considered to have been duly served to the shipper by-

- (a) handing the notice by way of dispatch;
- (b) sending the notice by registered mail;
- (a) legibly and conspicuously affixing the notice at the registered premises of the shipper; or
- (b) sending the notice through a registered e-mail address of the registered shipper.

Complaint handling

G.N. No. 338 of
2018

20. A shipper who is aggrieved with a decision of the Corporation made under these Regulations or an act of a regulated service provider, may seek redress in accordance with the Tanzania Shipping Agencies (Complaints Handling) Regulations.



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS AND TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION
TASAC



FIRST SCHEDULE

(Made under regulation 5(1), 12(1) and 13(1)(a))

APPLICATION FOR A SHIPPER CERTIFICATE

Category of Shipper: Company ☐ Individual ☐ Partnership ☐

1. Name of the Applicant:
2. Postal Address:
Tel. No.:E-mail:
3. Number of Certificate of Incorporation/Compliance/Registration:.....
Date of issue:
4. Tax Identification Number.....
5. Business Licence Number.....
6. National Identification/Passport Number.....
7. Physical address:
Street:.....Plot No:.....
House/Building No:
District:.....
Region:
8. Type of Registration: New ☐ Renewal ☐ Duplicate ☐
9. Previous Shipper Registration Certificate No. Year of previous registration.....
10. Volume of Cargo exported or expected to be exported

Type of Exports	Volume of Cargo exported		Volume of Cargo expected to be exported	
	Metric Ton	Containers	Metric Ton	Containers

**You may insert additional row in case of additional type of exports*

I hereby declare to the best of my knowledge and belief that all statements contained in this application are true and correct. I undertake to notify any changes in any given information thereto.

Name in full:

Position/Designation:

Signature:Date:

(Stamp or seal)

FOR OFFICIAL USE ONLY

<u>Recommendation for Approval/Disapproval</u>	
Recommended for:	Reasons:
1. Approval ☐	
2. Disapproval ☐	
Name:.....	Designation:
Signature:	Date:



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS AND TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION
TASAC



SECOND SCHEDULE

(Made under regulation 5(2), 12(2) and 13(1)(c))

FEES FOR REGISTRATION/RENEWAL/DUPPLICATE OF SHIPPER
REGISTRATION CERTIFICATE

DESCRIPTION	AMOUNT (USD)
Application fees:	
Individual	5.00
Partnership	10.00
Company	10.00
Fees for Duplicate Certificate	5.00



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS AND TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION
TASAC



THIRD SCHEDULE

(Made under regulation 8(1) and 13(2))

Reg. No:

SHIPPER REGISTRATION CERTIFICATE

This is to certify that

M/s.: having
complied with requirements of registration under the Tanzania Shipping Agencies
(Shippers Registration) Regulations, 2021 is hereby registered as a shipper.

Dated at this..... day of 20.....

Valid up to

.....

DIRECTOR GENERAL
TANZANIA SHIPPING AGENCIES CORPORATION



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS AND TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION
TASAC



FOURTH SCHEDULE

(Made under Regulation 8(2))

NOTICE OF REFUSAL OF APPLICATION FOR SHIPPER REGISTRATION

To M/S

1. You are hereby notified that your application for registration as a shipper under the Tanzania Shipping Agencies (Shippers Registration) Regulations, 2021 has been refused.
2. Reasons for the refusal are as follows:
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)
3. However, your application may be reconsidered under the following conditions -
 - (a)
 - (b)
 - (c)
 - (d)
 - (e)

Dated at this..... day of 20.....

.....

DIRECTOR GENERAL
TANZANIA SHIPPING AGENCIES CORPORATION



(Made under regulation 10(1))

[illegible]



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MINISTRY OF WORKS AND TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION
TASAC



SIXTH SCHEDULE

(Made under Regulation 14(1))

NOTICE OF CHANGE OF SHIPPER REGISTRATION PARTICULARS

To: Director General,
Tanzania Shipping Agencies Corporation (TASAC),
P.O. Box 989,
DAR ES SALAAM.

I, with Shipper Registration Certificate
Number registered pursuant to the provisions under the
Tanzania Shipping Agencies (Shippers Registration) Regulations, 2021.

I hereby give you a notice that, on the date of..... day of.....
202...., the following change occurred or was made, in respect of particulars
registered in the Shippers Register to read as follows-

- (1)
- (2)
- (3)
- (4)
- (5)

Dated at this.....day of 20.....

Name : Title: Signature:



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS AND TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION
TASAC



SEVENTH SCHEDULE

(Made under regulation 20 and 21(1))

NOTICE OF RECTIFICATION OF ANOMALY OR MISCONDUCT

To: M/s with Registration No.....

Pursuant to the provisions of the Tanzania Shipping Agencies Act, Cap. 415 and Tanzania Shipping Agencies (Shippers Registration) Regulations, 2023, I hereby notify you to rectify the following anomaly/ misconduct within.....days:

- (1)
- (2)
- (3)

Failure to rectify the anomaly/misconduct observed within specified period, the Corporation shall

Dated at this..... day of 20.....

.....

DIRECTOR GENERAL
TANZANIA SHIPPING AGENCIES CORPORATION

Dodoma
18th May, 2023

MAKAME M. MBARAWA
Minister for Works and Transport

