

*Tanzania Shipping Agencies (Cargo Security and Safety of Terminal Operations)
Regulations*

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THE TANZANIA SHIPPING AGENCIES ACT,
(CAP. 415)

REGULATIONS

(Made under sections 61(2)(g) and (j))

THE TANZANIA SHIPPING AGENCIES (CARGO SECURITY AND SAFETY OF TERMINAL
OPERATIONS) REGULATIONS, 2023

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(CAP. 415)

REGULATIONS

(Made under sections 61(2)(g) and (j))

THE TANZANIA SHIPPING AGENCIES (CARGO SECURITY AND
SAFETY OF TERMINAL OPERATIONS) REGULATIONS, 2023

PART I
PRELIMINARY PROVISIONS

Citation	1. These Regulations may be cited as the Tanzania Shipping Agencies (Cargo Security and Safety of Terminal Operations) Regulations, 2023.
Application	2. These Regulations shall apply to a terminal operator of seaports, inland waterways ports and dry ports in Mainland Tanzania.
Interpretation	3. In these Regulations, unless the context requires otherwise- “accident” means an incident which has occurred directly by or in connection with the operations in a terminal that caused death of, or injury to, a person or damage to, or loss of, a property and it includes near-miss or incident; “berth” means quayside area or space where a ship docks;
G.N.No. 340 of 2018	“cargo” has the meaning ascribed to it under the Tanzania Shipping Agencies (Clearing and Forwarding Agents) Regulations; “container” means an article of transport equipment- (a) of a permanent character and accordingly strong enough to be suitable for repeated use; (b) specially designed to facilitate the transport of goods,

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- by one or more modes of transport, without intermediate reloading;
- (c) designed to be secured or readily handled, having corner fittings for these purposes; and
- (d) of a size such that the area enclosed by the four outer bottom corners is either:
 - (i) at least 14 m² (150 sq. ft.); or
 - (ii) at least 7 m² (75 sq. ft.) if it is fitted with top corner fittings;

G.N No.
358 of 2012

- “dangerous goods” has the meaning ascribed to it under the Merchant Shipping (Dangerous Goods and Marine Pollutants) Regulations;
- “equipment” means a machine, appliance, apparatus and includes crane, reach stacker, forklift, sling, shackle and power tool used to handle cargo;
- “fire fighting equipment” means an equipment designed to extinguish, control or stop fire outbreak or protect the user, property and environment;
- “flammable material” means any material which may be either in solid form, liquid or gas which may easily burn when subjected to a source of ignition or has a nature of spontaneous ignition;
- “gate pass” means a document or electronic device which is permanently or temporarily used to permit entry or exit of a person or property to or from a terminal including a statement of permit in case of a person;
- “high value cargo” means goods and material handled or stored in terminal with a ready determined market thereby rendering such goods vulnerable to insecurity incidence;
- “hot works” means a process that can be a source of ignition which includes riveting, welding, flame cutting or burning and any other work involving the use or generation of heat or production of sparks;
- “material safety data sheet” means safety document that is provided by the manufacturer or supplier about a particular product to give details on physical properties, chemical properties or instruction for safe handling, healthy information and emergency control

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- measures;
- “near-miss” means a narrowly avoided collision or other accident;
- “operational area” means a berth, container yard, storage yard, warehouse, gate, entry or exit point, workshop and other areas within a terminal where activities relating cargo handling, storage, transfer, receipt or delivery are conducted;
- “person with disability” means a person with physical, intellectual, sensory or mental impairment and whose functional capacity is limited by encountering attitudinal, environment and institutional barriers;
- Cap.166 “port operator” means the Tanzania Ports Authority established under section 4 of the Ports Act;
- “port terminal” means a link in the transport chain administered by a port terminal operator where cargo interchange operations exist amongst different mode of transport and facilitates embarkation and disembarkation of passengers on board ship;
- “port terminal operator” means a company which for the purpose of these Regulations performs any duty as a landing contractor, agent or lessee carrying out the functions of port operations in the port terminal;
- G.N No. 08 of 2020 “port terminal operations” has the meaning ascribed to it under the Tanzania Shipping Agencies (Port Terminal Operators) Regulations;
- “qualified security officer” means an officer who has undergone special security training in an accredited institution and received at least a certificate of such training;
- Cap. 415 “regulated service provider” has the meaning ascribed to it under the Tanzania Shipping Agencies Act;
- Cap. 415 “shipper” has the meaning ascribed to it under the Tanzania Shipping Agencies Act;
- “terminal” means sea port, inland waterways port or dry port;
- “terminal operator” means an operator of seaport, inland waterways port or dry port; and
- “vessel” includes any ship, boat, sailing vessel, ferry or other

vessel of any description used in navigation.

PART II

ENTRY AND EXIT OF PERSONS AND PROPERTY AT
TERMINAL

Permission
to enter or
exit
terminal

4.-(1) A terminal operator shall not permit any person to enter a terminal before obtaining a gate pass from the terminal operator in the manner provided for in Form No.1 prescribed in the First Schedule.

(2) A terminal operator shall not permit any property, cargo or any other item to enter or exit a terminal unless a person intending to cause entry or exit of such property, cargo or item has obtained a gate pass from the terminal operator in Form No. 1. prescribed in the First Schedule to these Regulations.

(3) Without prejudice to the provisions of subregulation (2), a terminal operator shall not permit a bicycle, tricycle, motorcycle or motor vehicle to enter a terminal unless the person causing such entry has secured a permit from the terminal operator.

Refusal to
enter or
leave
terminal

5.-(1) Notwithstanding the provisions of regulation 4, a terminal operator may refuse to issue a gate pass to any person or property to enter or exit a terminal where the terminal operator has reasons to restrict entry of a person or entry or exit of property or any other item as prescribed in Form No.1 of the First Schedule.

(2) A gate pass for regulated service provider shall not be withheld by a terminal operator without justifiable and documented reasons.

Provided that, a justifiable reason is a matter of fact and where there is misunderstanding over what is justifiable, the Regulator shall make the determination.

Entry or
exit by
crew

6.-Where a crew intends to enter or exit a port terminal for joining or leaving a vessel or for shore leave, a port terminal operator shall ensure compliance with health and immigration rules and procedures before permitting entry to, or exit from port terminal.

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Recogniti
on of
shore pass

7.-(1) A port terminal operator shall recognize a shore pass possessed by a crew as equivalent to a gate pass and sufficient document to permit entry to, or exit from a port terminal.

(2) Notwithstanding the provisions of sub regulation (1), a crew shall display a passport or show-pass to a terminal operator before entry or exit.

Permissi
on to
berth
vessel

8.-(1) A port operator shall not permit a vessel to berth without prior written approval.

(2) An application for approval shall be made by a shipping agent in a Form No.2 prescribed in the First Schedule.

(3) An approval under sub regulation (1) may be made and granted electronically, manually or by any other approved mode upon receipt of an application from a shipping agent.

(4) An application to berth a ship for emergency on medical first aid relevant to incident or accident or due to apparent or potential risk caused by dangerous goods on board shall be submitted by an agent to port authority and other public authorities depending on the nature of the accident or risk.

(5) Where an application to berth a ship is made in accordance with subregulation (4), the port authority shall give priority to berth such ship including shifting already berthed ship as necessary in order to give space to the ship at the cost and expense of the applicant.

(6) A port authority shall not delay in any way to berth a ship for which an application to berth is made in accordance with sub-regulation (4) for any reason except for reasons relating to protection of life and safety of persons and property in the port terminal as may be determined and communicated in writings by relevant public authority.

PART III

COMPLIANCE WITH SAFETY AND SECURITY REQUIREMENTS

Complian
ce with

9. A terminal operator shall ensure that a person

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safety and
security
requireme
nts

permitted to enter a terminal for any activity shall comply with and observes applicable written laws, regulations, rules, order, guidelines and directives relating to safety of terminal operations and security of cargo.

Observan
ce of
safety and
security
measures

10.-(1) A terminal operator shall ensure that any person who brings or delivers cargo into a terminal takes appropriate precautionary measures in relation to:

- (a) security of cargo in a terminal;
- (b) safety of dangerous or inflammable cargo or liable to become so; and
- (c) safety of toxic cargo or liable to give off any injurious dust, gas, fumes, liquid or radiation.

(2) Subject to the provisions of subregulation (1), the appropriate precautionary safety and security measures to be observed shall include ensuring the cargo is-

- (a) properly and sufficiently packed in accordance with the relevant written laws and directions as may be issued by relevant authorities;
- (b) properly and sufficiently marked, accurately documented and labelled for shipping, cargo handling, dispatch, customs and other purposes;
- (c) properly marked with warning as to the hazardous nature of any content and precaution to be taken in handling the same in accordance with relevant laws;
- (d) appropriately lashed, tied or fasten for safe movement;
- (e) in a fit and proper condition to be handled; and
- (f) in case of dangerous goods, segregated from other cargo.

(3) Notwithstanding the requirements provided under subregulations (1) and (2), terminal operator shall ensure that appropriate precautionary safety measures of dangerous goods follow the requirements provided in the material safety data sheet.

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Cargo
informati
on

11. A shipping agent shall submit to a terminal operator safety information in relation to:

- (a) description of cargo, nature, weight, condition, quantity and quality, loading and discharging port;
- (b) time of arrival of cargo; or
- (c) any other information as may be required by terminal operator or any other relevant authority.

Prohibited
cargo in
terminal

12. A terminal operator in consultation with competent authority shall ensure no person delivers a cargo into a terminal if such cargo is-

- (a) infested, verminous, rotten or subject to fungal attack and not liable to become so while in a terminal;
- (b) over-heated or liable to become so while in a terminal;
- (c) contaminated or likely to cause danger, injury, pollution or damage to any person, other goods or property while in a terminal; and
- (d) containing unauthorized controlled drugs, contraband, unauthorized arms and ammunition, narcotic drugs or other illegal matter:

Provided that, a terminal operator may permit delivery of cargo into a terminal whether cargo owner has taken precautionary safety measure to set standards in order to control the likelihood of cargo becoming over-heated, causing danger, injury, pollution or damage to persons or property.

Inaccurate
informatio
n

13. In the event of inaccuracy of safety information, a terminal operator-

- (a) may refuse to allow entry of cargo or handling of cargo;
- (b) shall be reimbursed any cost, held harmless and indemnified against any loss or damages, arising thereof;
- (c) may terminate the relevant contract free of cost to the terminal operator; or
- (d) may take necessary action as precaution against risk of safety and cargo security.

PART V
HANDLING OF DANGEROUS GOODS

Handling
of
dangerou
s goods

14.-(1) Any dangerous goods received for exportation, importation or transhipment through a terminal shall-

- (a) be subject to prior approval by a terminal operator;
- (b) comply with written applicable laws and directives issued by relevant competent authority, except in the case of ship-to-ship transhipment operation of goods; and
- (c) be packed, marked, labelled, handled, stored and stowed in accordance with national and international requirements for transportation of dangerous goods.

(2) Notwithstanding the provisions of subregulation (1), a terminal operator shall ensure that all dangerous goods are stored in a designated area.

(3) A terminal operator shall not store dangerous goods at the operational areas.

(4) A port terminal operator shall not discharge dangerous goods from a ship unless it is arranged for direct delivery from ship to truck by the consignee, and shall not accept entry to its terminal unless it is for direct loading from truck to ship.

Action in
case of
spillage

15.-(1) Where there is spillage of any dangerous, hazardous or poisonous substance or any contaminant or pollutant in a terminal, the terminal operator or any person handling the cargo, shall-

- (a) inform a port operator or terminal operator through fastest means including telephone, facsimile or e-mail within one hour and in writing within twenty four hours after occurrence, as the case may be;
- (b) take necessary steps to limit the extent of spillage and effect; or
- (c) deal with such spillage including providing relevant information and expertise necessary to

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facilitate any party to control spillage and its effect.

(2) Without prejudice to the provisions of subregulation (1), the terminal operator or port operator shall inform the competent authority through fastest means including telephone, facsimile or e-mail within one hour and in writing within twenty-four hours from the time of occurrence of a spillage.

Loading
or
unloading
dangerous
goods in
port

16.-(1) Where a vessel in port is loading or unloading dangerous goods or has on board dangerous goods, a port terminal operator shall ensure no person is engaged in any operation that may-

- (a) cause an explosion or fire; or
- (b) endanger persons' lives or properties.

(2) A terminal operator shall take necessary measures to ensure dangerous goods are handled and stored safely as provided in the material safety datasheet.

Cargo
posing
threat to
safety

17.-(1) Where, after approval or receipt of the dangerous goods, a terminal operator is of the opinion that the goods or part of it pose threat to safety, the operator may-

- (a) take measures to destroy or dispose of the cargo as a whole or in part;
- (b) detain or refuse to handle the cargo or part of the cargo; and
- (c) take any steps to contain, prevent, limit or deal with any effects of the whole or any part of the dangerous goods,

at the sole risk and expense of the shipper, consignee or carrier.

(2) When taking measures in accordance with the provisions of subregulation (1), the terminal operator shall, in consultation with competent authority, comply with relevant written laws and inform the party responsible for any resulting costs due to terminal operator's action.

(3) Subject to subregulation (1), a terminal operator shall be indemnified against expenses, cost, loss, damage or claim arising from such loss, damage or claim.

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Compliance with requirements for handling and storage of dangerous goods

18. Notwithstanding the provisions of these Regulations, a terminal operator shall comply with other relevant laws and guidelines in handling and storage of dangerous goods.

Training in handling and storage of dangerous goods

19. A terminal operator shall ensure that employees engaged in handling, storage and transportation of dangerous goods are properly trained in accordance with the national and international guidelines on dangerous goods.

PART IV

USE OF SAFETY GEAR IN TERMINALS

Use of personal protective equipment

20.-(1) A terminal operator shall, depending on the nature of cargo or operation, ensure that a person working at wharf, on board vessel while at berth, container yard, or any other operational area in a terminal-

- (a) wears safety helmet with chin strap;
- (b) wears safety shoes;
- (c) wears safety jacket; and
- (d) does not wear sandals, slippers, flat shoes and high heels.

(2) A person who works at height on board a vessel while at berth or any other place in a terminal shall-

- (a) be equipped with a fall arrest system;
- (b) be provided with handhold and foothold;
- (c) wear safety belts or harness; and
- (d) ensure proper anchor to a secure anchorage point.

(3) A terminal operator shall ensure that a person who works in a terminal, where any process or work carried out is likely to give off any hazardous dust, fumes, gas, vapour, mist, fibre, or other contaminants and which may present a risk of injury to the eyes against flying particles or harmful rays-

- (a) wears eye protection such as safety glasses, or

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- welding shields;
- (b) wears respiratory mask; and
- (c) has any other specific gear or appliance required to protect the person depending on nature of the hazardous matter.

Safety
requireme
nts

21. Notwithstanding the provisions of regulation 20, a terminal operator shall ensure compliance with other safety requirements at workplace on personal protective equipment while carrying out operation at a terminal as provided for in other relevant laws.

PART VII

DEALING WITH FIRE INCIDENTS

Approval
to carry
out hot
works,
open fire
and
smoking

22.-(1) A terminal operator shall not allow a person to carry out hot works on board a vessel while at berth or in a terminal unless prior written approval is obtained from terminal operator.

- (2) A terminal operator shall not allow a person to-
 - (a) set open fire in a terminal except with a prior written approval from a terminal operator and mobilizing presence of fire control unit at the place of open fire; or
 - (b) smoke in a terminal.

Ensuring
availabilit
y of
firefightin
g system

23.-(1) A terminal operator shall ensure that firefighting equipment, facilities or systems are-

- (a) installed, in good working condition, equipped with requisite systems and available for firefighting purposes at all times; and
- (b) not removed from their assigned locations except for operational purposes in case of fire emergency, mock exercise or repair and maintenance;

(2) A terminal operator shall ensure that firefighting agents including water, foam or carbon dioxide is available at all times for firefighting purposes.

(3) Where there is defective or damaged firefighting equipment and facility, a terminal operator shall ensure that it

is repaired or replaced and rendered ready for immediate use.

(4) A terminal operator shall ensure block valves for fire mains are kept open at all times.

(5) A terminal operator shall ensure that there is no obstruction to the access of the firefighting equipment, systems, facilities, alarm call points or fire escape routes.

Record
keeping.

24. Subject to the provisions of regulation 23, a terminal operator shall keep record of removals of firefighting equipment and facilities from their assigned locations, along with reasons thereof, and submit quarterly reports of such removals to the regulator in a format determined by the regulator.

PART VIII

OBLIGATIONS OF TERMINAL OPERATOR

Obligations of
terminal
operator

25. A terminal operator shall ensure safety of employees, other persons and properties while in a terminal by-

- (a) providing and maintaining a safe working environment including ensuring proper layout plan and lighting;
- (b) maintaining safe and proper machinery and equipment for the type of operations in a workplace;
- (c) not undertaking any activity carelessly endangering safety in the terminal;
- (d) limiting exposure to hazardous environments in the course of carrying out work;
- (e) developing procedures for dealing with emergency;
- (f) not carrying out operational work during severe weather condition such as storm, heavy downfall, fog, haze, lightning, typhoon;
- (g) putting a mechanism to prohibit a person who is under influence of alcohol, narcotic drug or psychotropic substance from entering a terminal;
- (h) ensuring a person who is in a terminal does not

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	consume alcohol, narcotic drugs or any psychotropic substances at all times;
	(i) ensuring a truck picking cargo is equipped with lashing devices suitable to secure the type of cargo to be carried before entering the terminal;
	(j) directing safe movement of dangerous goods, bulky cargo and heavy or out of gauge cargo to its assigned location within the terminal;
	(k) displaying speed limit signs and other safety markings at appropriate locations;
	(l) deploying marshalling traffic guards or electronic devices to direct traffic in the terminal;
	(m) providing proper storage and demarcation of dangerous goods and other cargo in the terminal;
	(n) ensuring accidents and incidents and near miss are reported to the terminal operator; and
	(o) ensuring observance of traffic laws and rules given by the relevant authority.
Marking of terminal areas	26.A terminal operator shall mark terminal areas to indicate different uses including- (a) operational areas; (b) cargo storage areas showing necessary segregations; (c) passage for persons handling equipment, vehicles, motorcycles and tricycle; and (d) dedicated parking area showing respective space for equipment, vehicles, motorcycles and tricycle.
Driving and parking in terminal	27. A terminal operator shall ensure that a person using a vehicle, tricycle or motorcycle in the terminal drives or parks at permitted areas clearly marked for respective use.
Register of accidents and incidents	28. A terminal operator shall maintain a register of accidents and near-miss occurring in the terminal and furnish the Corporation with a quarterly report in a format as may be prescribed by the Corporation.

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Safety
training
to
employe
es

29.-(1) A terminal operator shall ensure that employee or any other person working in a terminal is given instruction or training on the-

- (a) potential risks attached to the work;
- (b) precautions to be taken against risks;
- (c) safe performance of the tasks to be undertaken; and
- (d) effective use of personal protective equipment.

(2) Notwithstanding the provisions of sub regulation (1), a terminal operator shall ensure an employee or any other person working in a terminal:

- (a) has requisite training or experience to perform work safely; and
- (b) is supervised by an experienced person.

Specialise
d training

30.- (1) A terminal operator shall ensure that an operator of lifting machine or other cargo-handling appliance is-

- (a) provided with proper and adequate training; and
 - (b) subjected to continuous supervision by a person experienced and competent in the operation of such machines and appliances until proved competent.
- (2) A terminal operator shall-

- (a) keep and maintain a record of employee training, together with copies of certificates from recognized training institution to prove their competence; and
- (b) ensure personnel operating equipment hold valid certificates or licenses for its operation.

Medical
examinatio
n for
fitness to
work

31. A terminal operator shall ensure crane and mobile plant operator is fit for work by undergoing yearly medical examination particularly on vision and hearing.

Involve

32.- (1) A terminal operator shall ensure employees

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nt of
employees
in safety
improvement

are involved in preparation of procedures for identifying hazards, dealing with significant hazards, safety drills or reacting to emergencies and imminent dangers.

(2) A terminal operator shall appoint safety representatives and establish a respective committee in accordance with relevant laws.

Welfare
facilities

33. A terminal operator shall provide welfare facilities for employees and terminal users including-

- (a) wash rooms;
- (b) hand-washing facilities;
- (c) changing room for employees, where the work is of such a nature that employees' clothing is reasonably likely to become contaminated, wet or restrictive to safe working;
- (d) facilities for employees to have meals during work hours in reasonable shelter and comfort, separate from any plant or materials used in the place of work;
- (e) bathroom, where the work is of such a nature that requires washing the body after working; and
- (f) any other facility as a terminal operator may consider necessary.

Safety
facilities

34. Notwithstanding the provisions of regulation 33, a terminal operator shall ensure provision of the following safety facilities:

- (a) proper lighting in a terminal for purposes of enabling employees to perform their work safely and to move safely around the place of work; and
- (b) accessible infrastructure for persons with disability.

Suitability
and
adequacy
of
facilities

35.- (1) Subject to the provisions of regulations 34 and 35, a terminal operator shall ensure that facilities are-

- (a) suitable for intended purposes; and
- (b) properly maintained, and are in good working

condition.

(2) When implementing the provisions of subregulation (1), a terminal operator shall comply with other relevant written laws.

Mechanism for ensuring compliance

36. For purposes of ensuring a terminal user comply with the obligations provided under these Regulations, a terminal operator shall lay down monitoring mechanisms for ensuring safety while in the terminal.

PART IX CERTIFICATION OF EQUIPMENT, SERVICING AND OPERATION

Certification of equipment

37.-(1) A terminal operator shall ensure equipment used in the terminal is fit for use, marked and certified by a competent authority in compliance with relevant laws.

(2) Subject to the provisions of subregulation (1), a terminal operator shall, when required, provide evidence of equipment certification to the Corporation.

Maintenance of equipment

38.-(1) A terminal operator shall prepare an equipment maintenance and service program for any equipment or facility used in terminal operation.

(2) Subject to the provisions of subregulation (1), a terminal operator shall maintain equipment service record in accordance with the maintenance and service program for operational safety.

Management of equipment

39.-(1) A terminal operator shall ensure equipment are:

- (a) not left unattended when turned on or when in operation;
- (b) not accessible to unauthorized persons;
- (c) not used for unintended purpose or contrary to its specifications; or
- (d) inspected by competent authority at least once every six months for those lifting goods, materials

and persons.

(2) A terminal operator shall cause an equipment operator to undertake periodical check of equipment and safety guards to determine if they are in good operational condition.

(3) A terminal operator shall ensure no person brings an equipment in a terminal without obtaining prior written approval from the terminal operator.

PART X BERTH AND YARD OPERATIONS

Supervision of
berth and
yard
operations

40.-(1) A terminal operator shall ensure-

- (a) supervision of berth crane's workstation during ship operations;
 - (b) the stacking and lifting areas are demarcated;
 - (c) the stacking and lifting areas are kept clear of unrequired items prior to loading or unloading operations;
 - (d) no vehicle, equipment or personnel are stationed along the handling equipment path;
 - (e) warning signals and siren are raised when equipment are traversing along the cranes' path as warning of a moving crane or during crane operations;
 - (f) every twist lock of a truck loading container is unlocked before offloading and locked before departure after loading;
 - (g) cargo is removed from the berth side immediately after discharge from the vessel so as not to cause obstruction and impair safety of other operations; and
 - (h) no unauthorized person is loitering at the berth area during loading and unloading operations.
- (2) A terminal operator shall not allow an operator of a

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truck or trailer to station or park at berth area except for the purpose of loading or unloading operation.

Supervision of yard operations

41.-(1) A terminal operator shall exercise necessary supervision of yard operations to ensure that-

- (a) no equipment, vehicle or personnel is stationed along handling equipment path within a yard;
- (b) the yard is organized in such a manner that cargo locations at all times facilitate safety of operations; and
- (c) cargo for storage is kept in the designated area on completion of any yard operation.

(2) A terminal operator shall ensure containers comply with weight limitations imposed or directed by the relevant laws, directives, regulations and weight limit indicated on the valid safety approval plate under the International Convention for Safe Container, 1972.

Cargo stacking in terminal yard

42.-(1) A terminal operator shall ensure-

- (a) cargo is stacked within safe height limits;
- (b) adequate clearance space between stacks and stacks, and between stacks and walls; and
- (c) cargo at storage area is stacked so as not to cause obstruction to the flow of traffic.

(2) A terminal operator shall ensure safe stacking height comply with yard designed capacity, strength of the infrastructure and other regulatory directives.

Segregation of cargo in terminal yard

43. A terminal operator shall ensure proper segregation of incompatible cargo or materials in the terminal yard including chemical, foodstuff, dangerous goods, radioactive materials and liquid materials during receipt or delivery operations and storage functions.

Cargo loading requirements in

44.-(1) A terminal operator shall cause terminal user to comply with loading requirement in terminal yard including:

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terminal
yard

- (a) in case of transportation of bulk cement, sulphur, debris, soil by bin truck ensuring-
 - (i) there is no overfilling; and
 - (ii) sideboards or tarpaulins are used properly to prevent spillage of such material;
- (b) not to overload delivery truck beyond its capacity;
- (c) ensuring cargo is secured properly before departure to prevent the cargo from falling off the truck during transportation; and
- (d) in case of a container trailer, all twist locks are engaged after being loaded onto the chassis.

Approval for
transporting out-
of-gauge

45. A terminal operator shall ensure, the terminal user has secured proper approval from relevant authority for transporting out-of-gauge cargo, prior to loading the cargo.

Refusal to
handle,
receive
and
deliver
cargo in
terminal
yard

46. Where there is breach of any condition related to weight limitation, lashing requirement, side or top protection of cargo on a truck, worthiness of truck or any other requirement necessary for safe movement of cargo, a terminal operator shall-

- (a) refuse to receive, handle or deliver cargo;
- (b) take any action necessary to ensure compliance; and
- (c) be held harmless and indemnified against any loss or damage arising from such loss or damage.

Engagement of
miscellaneous
port service
provider

47. A terminal operator shall ensure that miscellaneous port's services in a terminal are carried out by regulated service provider.

PART XI
ACCIDENT PREVENTION, PREPAREDNESS AND RESPONSE

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Emergency response plan 48.-(1) A terminal operator shall develop emergency response action plan for workplaces to cover incident or accident in the terminal and obtain approval from relevant authority.

(2) An emergence response action plan developed in accordance with provisions of subregulation (1) shall include-

- (a) training of employees on how to handle emergencies at workplace;
- (b) frequency of practical drills;
- (c) evacuation procedure and assembly point;
- (d) designated contact personnel in case of emergency; and
- (e) consideration of all persons including persons with disability at workplace and in the terminal.

Measures for unsafe workplace 49.-(1) Where there is an accident which led to loss of life, harm to a person, property or environment, a workplace shall be considered as unsafe, and a terminal operator or any other person shall not carry out any further work at the workplace until that workplace has been made safe.

(2) Subject to the provisions of subregulation (1), a terminal operator shall take interim measures to protect life and safety of employees and other persons and safeguard safety of properties including fencing, flagging or other suitable means which restrict access to the affected workplace until that place is made safe for operations.

First aid at workplace 50.-(1) A terminal operator shall provide first aid facility and personnel at a workplace for providing first aid in case of injury in accordance with the relevant guidelines issued by competent authority.

(2) Subject to the provisions of sub regulation (1), personnel offering first aid services at workplace shall-

- (a) undergo training on first aid treatment for injured persons; and
- (b) be available for twenty-four hours a day and seven days a week.

(2) A terminal operator shall ensure-

- (a) directions and instructions for first aid services are displayed in conspicuous places; and
- (b) where an accident occurs, emergency facilities and services for first aid are promptly directed to the scene of event.

Investiga
tion of
accident

51.-(1) Where an accident or incident occurs in a terminal, a terminal operator shall conduct preliminary investigation and produce investigation report to the Corporation within seven days.

(2) A report under sub regulation (1) shall be in a manner prescribed in the Second Schedule.

(3) Upon receipt of the preliminary investigation report, the Corporation may conduct detailed investigation to determine the cause of accident or incident and give guidance on the measures to be taken to avoid further occurrence of the accident or incident.

(4) Subject to sub regulation (3), where the Corporation decides to conduct detailed investigation, the Director General shall form a committee of not less than three experts to carry out such investigation of whom at least one shall not be an employee of the Corporation.

(5) The committee formed in accordance with subregulation (2) shall submit detailed investigation report to the Director General within twenty one days.

PART XII CARGO SECURITY IN TERMINALS

Cargo
security
in
terminal

52. A terminal operator shall ensure cargo security while in the terminal by-

- (a) establishing reliable electronic information system for control of operations and documentations;
- (b) deploying appropriate cargo handling equipment to minimize damage, breakage and consequential pilferage and spillage;
- (c) deploying security guards for twenty four hours a day and seven days a week at entrance, exit and

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- within a terminal yard;
- (d) installing Closed-Circuit Television and electronic fence around the terminal;
- (e) re-bagging and recording leaked cargo;
- (f) expediting cargo off take to the shortest time possible by adhering to cargo dwell time set by the Corporation;
- (g) ensuring cargo stacking or storing area is continuously provided with security system;
- (h) installing enough lighting system in the terminal;
- (i) segregating high value cargo and cargo which is susceptible to pilferage in the terminal to afford special security arrangements for such cargo;
- (j) restricting access to high value and vulnerable cargo stacks to approved personnel and take daily record of entries and exits by such personnel to the stacks of the cargo;
- (k) taking any necessary action as precaution against risk of cargo security; and
- (l) not undertaking any activity which undermines cargo security in the terminal.

Engagin
g
terminal
security
officer

53.-(1) A terminal operator shall engage a qualified security officer to administer cargo security in the terminal.

(2) Subject to sub regulation (1), dedicated terminal security officer shall be afforded refresher and continuous development training of one week or more in a year.

Entry or
exit of
high
value
goods

54. A terminal operator shall not allow entry or exit of high value goods unless the owner of such goods has issued information on the entry or exit of the goods in advance using contacts formally registered with the port operator and terminal operator.

Cargo
security
records
and

55.-(1) A terminal operator shall maintain records relating to cargo security including employees and other persons allowed access to stacking area of high value cargo.

reports

(2) A terminal operator shall submit to the Corporation a monthly report of security incidents in a terminal in a format prescribed by the Corporation.

(3) Where loss of cargo occurs in a terminal for reasons other than accident, a terminal operator shall notify the Corporation within forty eight hours and conduct preliminary investigation and produce investigation report to the Corporation within seven days.

(4) Subject to sub regulation (3), a terminal operator shall ensure the preliminary investigation team involves:

- (a) a member from Customs department;
- (b) representative of shippers;
- (c) representative of clearing and forwarding agents; and
- (d) a member representing State security organs.

(5) Upon receipt of the preliminary investigation report, the Corporation may conduct detailed investigation to determine the cause of the loss and give guidance on the measures to avoid further occurrence of the loss.

(6) Subject to subregulation (5), where the Corporation decides to conduct detailed investigation, the Director General shall form a committee of not less than three experts to carry out such investigation of whom at least one shall not be an employee of the Corporation.

(7) The Committee formed in accordance with subregulation (6) shall submit detailed investigation report to the Director General within fourteen days.

PART XIII OFFENCES AND PENALTIES

Offences
and
penalties

56. Any person who-

- (a) enters or brings properties in a terminal without prior permission of the terminal operator;
- (b) operates a terminal without furnishing employees

- with proper safety gears;
- (c) carries out hot works on board vessel while at berth or in a terminal without prior written approval from terminal operator;
- (d) sets open fire in a terminal without prior written approval from a terminal operator;
- (e) smokes in unauthorized areas within the terminal;
- (f) carries out hot works in the engine room of a vessel while at berth without prior written approval from a terminal operator;
- (g) handles dangerous goods without adhering to laid down procedures;
- (h) stores combustible or inflammable materials at the operational areas;
- (i) operates a terminal without fire fighting equipment and facilities;
- (j) obstructs access to the fire fighting equipment, systems, facilities, alarm call points or fire escape routes;
- (k) contravenes any terminal operator's obligations;
- (l) fails to establish speed limit signs and other safety markings in the appropriate locations;
- (m) engages an operator of a lifting machine or other cargo-handling appliance without requisite training and supervision;
- (n) allows operator to operate crane or mobile plant without undergone medical examination for vision and hearing within prescribed time;
- (o) does not to provide welfare and safety facilities for employees and any terminal users;
- (p) furnishes to the Corporations a records, statement, declaration, written information or explanation of any material particulars which to his knowledge is false or incorrect;
- (q) hinders or obstructs an officer of the Corporation or any other authorised officer to perform duties in accordance with the Act and these Regulations; or
- (r) fails to comply with any safety and security requirements while in a terminal,

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commits an offence and shall, on conviction, be liable -

- (i) in case of an offence under paragraphs (a),(e),(k) or (m), to a fine not exceeding two million shillings or to imprisonment for a term not exceeding one year or to both
- (ii) in case of an offence under paragraphs (b),(c),(d), (f),(g),(h),(i),(j),(p),(q) or (r), to a fine of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than one years but not exceeding two years or to both.

Commented [U1]: Not less than...?

General
Penalty

57. A person who contravenes any provisions of these Regulations for which no specific penalty is provided, commits an offence and shall, on conviction, be liable to a fine of not less than two million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than one year but not exceeding five years or to both.

**PART XIV
GENERAL PROVISIONS**

Complain
nt
handling
G.N. No.
338 of
2018

59. Any person who is aggrieved with the decision of the Corporation made under these Regulations may seek redress in accordance with the Tanzania Shipping Agencies (Complaints Handling) Regulations.

SCHEDULES

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



FIRST SCHEDULE

(Made under regulations 4(1) and (2), 5)

Form No. 1

APPLICATION FOR A GATE PASS TO ENTER OR EXIT TERMINAL

Please fill the information where applicable:

1. Gate Pass for: Entry ☐ Exit ☐
2. Person Particulars:
Name:
ID: Issuing Authority: End of Validity:
Postal & Physical Address:
Tel. No.: E-mail Address:
3. Cargo Details:
Description:
Quantity:
Weight:
Dimension:
Nature of the cargo (e.g. Dangerous/Fragile/Oversize):
Class of Dangerous Goods:
Purpose of entering/ exiting the cargo (import/ export/ storage/ stuffing/
destuffing/others [please specify]):
Shipping document covering the cargo (please attach):
.....
4. Details for: Vehicle ☐ Motorcycle ☐ tricycle ☐ Bicycle ☐

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- Registration number:
5. Property Details:
- Name of Owner or operator:
- Evidence of ownership (pleaseattach):
- Description:
- Quantity:
- Weight/ Capacity:
- Dimension:
6. Purpose cargo or property to Inter/Exit Terminal:

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/Stamp:Date:

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ACTION OF TERMINAL MANAGEMENT

1. Application is approved

☐

2. Application is Disapproved

☐

Reasons for Disapproval:

.....

Name:.....

Designation:

Signature:

Date:

(Stamp or seal)



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



Form No. 2

APPLICATION FOR A PERMISSION OF A VESSEL TO BERTH IN
A PORT TERMINAL

(Made under regulation 8(1))

APPLICATION FOR A PERMISSION OF A VESSEL TO BERTH IN
A PORT TERMINAL

1. Name of the Shipping Agent:
2. Postal Address:
Tel. No.:E-mail:
3. Vessel Particulars:
 - (a) Vessel Name
 - (b) Registration Number:
 - (c) Length Overall:
 - (d) Beam:
 - (e) Draft:
 - (f) Call Sign:
4. Nature of call: (Normal trade/ emergency due to dangerous goods peril/
emergency due to medical situation/ emergency due to other reasons[Please
specify]):
5. If nature of call is emergency due to dangerous peril-
 - (a) state the nature of IMDG Code involved:
 - (b) state the impact and required assistance:
6. Expected Time of Arrival of a Vessel:
7. Cargo Details:.....
 - (a) Description:
 - (b) Quantity:

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(c) Weight:

(d) Dimension:

8. Nature of the cargo:

Dangerous Goods ☐ Oversize ☐ Overlength ☐

Heavy Lifts ☐ Others: Specify.....

9. Transit Dangerous Goods on Board: ☐ Yes ☐ No

If Yes: Specify the Class:

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)

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ACTION OF PORT TERMINAL MANAGEMENT

1. Application is approved	☐
2. Application is Disapproved	☐
Reasons for Disapproval:	
Name:.....	
Signature:	Designation:
Date:	
(Stamp or seal)	

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SECOND SCHEDULE

(Made under regulation 52(1))

INVESTIGATION REPORT CONTENT

OBJECTIVE

The sole objective of the undertaking leading to the report under this regulation is safety investigation. Hence, a safety recommendation in the report shall in no case create a presumption of liability or blame and that the report is not written, in terms of content and style, with the intention of it being used in legal proceedings.

The report should make no reference to neither witness evidence nor link anyone who is referred to in the report to a person who has given evidence during the course of the safety investigation. Structural contents of the investigation report should include the information shown below as minimum requirement.

1.0 SUMMARY

This part outlines the basic facts of the incident: what happened, when, where and how it happened; it also states whether any deaths, injuries, damage to the ship, cargo, third parties or environment occurred as a result and whether ship owner/ cargo owner/ property owner affected by the incident is informed. Documentary evidences, testimonies, pictures/ photos should be enclosed as necessary or applicable.

2.0 DETAILS OF TERMINAL INVOLVED IN THE INCIDENT

This part should provide name of the terminal, operational licence number issued by the Corporation and validity, necessary permits to handle by relevant public authorities including GCLA, TAEC, Fire, as applicable in accordance with these Regulations. This part should also specify names and qualifications of operations staff (for both the terminal and clients) involved in the work when the incident occurred with evidence of the qualifications attached, their experience, their working schedules for the last 7 days before the incident and results of alcohol tests for the staff.

This part shall also state status of terminal's consistent compliance with safety requirements by relevant authorities for the past 1 year to-date.

3.0 FACTUAL INFORMATION

This part may be skipped if the incident did not occur on board a ship. This part includes a number of discrete sections, including, in particular, the following information:

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3.1. Ship particulars Flag/register, Identification,

- (a) Ownership and management,
- (b) Construction details,
- (c) Authorised cargo.

3.2. Voyage particulars

- (a) Ports of call,
- (b) Type of voyage,
- (c) Cargo information,
- (d) Manning.

3.3. Marine casualty or incident information

- (a) Type of marine casualty or incident,
- (b) Date and time,
- (c) Position and location of the marine casualty or incident,
- (d) External and internal environment,
- (f) Human factors data,
- (g) Consequences (for people, ship, cargo, environment, other)

3.4. Shore authority involvement and emergency response

- (a) Who was involved, Means used,
- (b) Speed of response, Actions taken, Results achieved.

4.0 NARRATIVE

This part reconstructs the casualty or incident through a sequence of events, in a chronological order leading upto, during and following the casualty or incident and the involvement of each actor.

Specific responses actions by date and time (in hours and minutes) of the terminal; relevant public authorities, the port operator, port users and consumer of port services and the general public should be given.

This part also includes any relevant details of the safety investigation conducted, including the results of examinations or tests.

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5.0 ANALYSIS

This part includes a number of discrete sections, providing an analysis of each accident, with comments relating to the results of any relevant examinations or tests conducted during the course of the safety investigation and to any safety action that might already have been taken to prevent accident and casualties. It should also account for experience from other ports or the same port in the past.

These sections should cover issues such as:

- (a) accidental event context and environment,
- (b) human erroneous actions and omissions, events involving hazardous material, environmental effects, equipment failures, and external influences,
- (c) contributing factors involving person-related functions, shipboard operations, shore management, documentation and information correctness and communication timeliness or regulatory influence.

The analysis and comment enable the report to reach logical conclusions, establishing all of the contributing factors, including those with risks for which existing defences aimed at preventing an accidental event, and/or those aimed at eliminating or reducing its consequences, are assessed to be either inadequate or missing.

This part should state policy implications, if any.

6.0 CONCLUSIONS

This part consolidates the established contributing factors and missing or inadequate defences (material, functional, symbolic or procedural) for which safety actions should be developed to prevent marine casualties.

7.0 SAFETY RECOMMENDATIONS

When appropriate, this part of the report contains safety recommendations derived from the analysis and conclusions and related to particular subject areas, such as legislation, design, procedures, inspection, management, health and safety at work, training, repair work, maintenance, shore assistance and emergency response.

The safety recommendations are addressed to those that are best placed to implement them, such as ship owners, managers, recognized Organisations, maritime authorities, vessel traffic services, emergency bodies, international maritime organizations and European institutions, with the aim of preventing marine casualties.

This part also includes any interim safety recommendations that may have been made or any safety actions taken during the course of the safety investigation.

Dodoma
18th May, 2023

MAKAME M. MBARAWA
Minister for Works and Transport

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