

GOVERNMENT NOTICE No. 380 published on 2/6/2023

THE TANZANIA SHIPPING AGENCIES ACT
CAP. 415

REGULATIONS

(Made under section 61(2)(g)(ii))

THE TANZANIA SHIPPING AGENCIES (SHIP TALLYING) REGULATIONS, 2023

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THE TANZANIA SHIPPING AGENCIES ACT,
CAP. 415

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(Made under section 61(2)(g)(ii))

THE TANZANIA SHIPPING AGENCIES (SHIP TALLYING)
REGULATIONS, 2023

PART 1
PRELIMINARY PROVISIONS

Citation	1. These Regulations may be cited as the Tanzania Shipping Agencies (Ship Tallying) Regulations, 2023.
Application	2. These Regulations shall apply to ship tallying services in terminals in Mainland Tanzania.
Interpretation	3. In these Regulations, unless the context otherwise requires:
Cap. 415	"Act" means the Tanzania Shipping Agencies Act; "approved charges and rates" means rates and charges approved by the Corporation; "assignment contract" means a contract entered into between the licence and shipping line, shipping agents, port operators, dry port operators or cargo owners to undertake ship tallying and related services; "Corporation" means the Tanzania Shipping Agencies Corporation established under section 4 of the Act; "cargo unit" means a piece or measure of cargo referred to in the shipping order or bill of lading that can be distinguished for the purpose of tallying;
Cap. 166	" in land waterways port" has the meaning ascribed to it under the Ports Act; "licence" means a ship tallying licence issued by the Corporation under these Regulations; "licensee" means a person licensed by the Corporation to provide ship tallying services on behalf of the carrier and does not include ship tallying service carried out by a terminal operator for its own use; "Minister" means the Minister responsible for maritime

- transport;
- “performance report” means a report submitted by the licensee to the Corporation in a format prescribed under these Regulations;
- Cap. 166 “port” has the meaning ascribed to it under the Ports Act.;
- Cap. 166 “sea port” has the meaning ascribed to it under the Ports Act;
- “ship tallying services” means commercial services for verifying and counting individual cargo units or items undertaken during loading or unloading onboard ship or during stuffing of cargo into or de-stuffing of cargo from a container in relation to general cargo, dry bulk cargo, liquid bulk cargo, break bulk cargo, roll-on roll-off unit, live animals, containerized cargo, or any cargo determined by the Corporation and includes preparations of statements of facts of a ship, submission of ship tallying reports to relevant parts and keep records of accidents and incidents;
- “statement of facts” means a report listing all events in a chronological order in port from the time a notice of readiness is tendered to the time of dropping a pilot at outer anchorage;
- “terminal” means a sea port, inland waterways port or dry port; and
- “terminal operator” means a body corporate which acts as a landing contractor, agent or lessee for the purpose of carrying out the functions of port operations at a port terminal or dry port.

PART II SHIP TALLYING LICENCE

- Categories of licence 4. -(1) Ship tallying licence shall be in the following categories:
- (a) ship tallying licence for sea port; and
 - (b) ship tallying licence for inland waterways port.
- (2) A person who holds the ship tallying licence shall be permitted to carry out tallying operations in a dry port serving the port to which the licence permits.
- Prohibition of operating without licence 5. -(1) A person shall not conduct ship tallying services in a terminal without a valid licence issued by the Corporation.

(2) A person who contravenes the provisions of this regulation commits an offence.

Eligibility for licence

6. A person is eligible to obtain a licence if such person:

- (a) is a body corporate in which sixty percent or more of share capital is held by a citizen of the United Republic;
- (b) has no record of violation of local or international security and safety regulations in the regulated sector; and
- (c) is not a shareholder in any other company engaged in shipping agency, clearing and forwarding agency and ship operations.

Requirements for application for licence

7. -(1) An application for ship tallying licence shall be made to the Corporation in the form prescribed in the First Schedule, accompanied with the certified copies of the following documents:

- (a) certificate of incorporation or registration;
- (b) memorandum and articles of association;
- (c) share certificate of the company's shareholder;
- (d) tax clearance certificate;
- (e) proof of availability of business premises;
- (f) proof of professional qualifications in ship tallying services;
- (g) affidavit that the company has not been declared bankrupt in the last two years;
- (h) proof of payment of application fee as prescribed in the Second Schedule; and
- (i) any other document as the Corporation may require.

(2) An application for licence shall be submitted electronically or otherwise as may be directed by the Corporation.

Determination and issuance of licence

8. -(1) An application for a licence shall be determined by the Corporation within fourteen days from the date of receipt of such application.

(2) The Director General shall communicate the decision of the Corporation to the applicant by using the address indicated in the application form, within the period

specified in subregulation (1).

(3) Where the Corporation-

- (a) is satisfied that the eligibility and requirements for application are complied with, it shall issue the applicant with a licence as prescribed in the Third Schedule;
- (b) is not satisfied with the application, it shall issue the applicant with the notice of refusal as prescribed the Fourth Schedule.

Licence fee

9. A successful applicant shall, before being issued with a licence, pay to the Corporation licence fees of an amount prescribed in the Second Schedule.

Validity and renewal of licence

10. -(1). A licence issued under these Regulations shall be valid for a period of one year from the date of its issuance, and renewable annually.

(2) An application for renewal of licence shall be made in the form prescribed under the First Schedule and submitted to the Corporation thirty days before expiry of the subsisting licence.

(3) Any application for renewal submitted contrary to subregulation (2) shall be surcharged twenty percent of prescribed fee.

Licence not transferable

11. A licence issued under these Regulations shall not be transferable or assigned to any other person.

PART III SHIP TALLYING SERVICES

Place and time of tallying

12. -(1) Ship tallying services shall be conducted within the premises of a terminal or any other place approved or directed by the Commissioner for Customs.

(2) A shipping agent, cargo consolidator and de-consolidator, shipper or consignee shall notify in writing a respective ship tallying services provider a place and time where ship tallying services are to be conducted.

(3) Ship tallying services shall be conducted-

- (a) during operations of cargo discharge or loading, while a ship is alongside;
- (b) in case of stuffing and de-stuffing tallies, at such times and within a terminal or any other place approved or directed by the Commissioner for

Customs.

Payment for
tallying
services

13. -(1). Tallying services for loading or unloading on board ship or stuffing or de-stuffing tallies on less than container load arrangements shall be paid by ship owner or carrier.

(2) Where the stuffing tally is conducted on full container load arrangement, tallying fee shall be paid by cargo owner.

Verification
and recording
of ship
tallying

14. A licensee undertaking ship tallying services shall verify cargo units against manifest, shipping order or customs declarations and keep record in respect of-

- (a) cargo description;
- (b) marks and numbers;
- (c) tonnage;
- (d) container number, size and type;
- (e) quantity;
- (f) seal number;
- (g) packages;
- (h) condition of the container or cargo units; and
- (i) any other description as may be determined by the Corporation.

Categories of
cargo for
tallying
purposes

15. Tallying services shall be undertaken with respect to the following categories of cargo:

- (a) break bulk;
- (b) dry bulk;
- (c) roll-on, roll-off units;
- (d) live animals;
- (e) containerized cargo; and
- (f) any other cargo as the Corporation may determine.

Functions of
licensee

16. -(1). A licensee under these Regulation shall perform the following functions:

- (a) conduct tallying operations;
- (b) prepare and submit to a shipping agent a report of statement of facts of the service assigned and liaising with ship master for signing of such statements with minimum information as prescribed in the Fifth Schedule;
- (c) make timely submission of ship tallying reports to a shipping agent, customs department upon

instructions and any other relevant authority as the Corporation may direct;

(d) keep records of accidents and incidents of damaged or lost cargo during tallying operations; and

(e) carry out any other functions as may be stipulated in the assignment contract, except that such assignment is within common practice in the shipping industry for a ship tallying services.

(2). The ship tallying reports prepared in accordance with subregulation (1)(b) shall be submitted electronically or otherwise as may be prescribed by the Corporation.

Conditions of
licence

17. –(1) A licensee under these Regulations shall-

- (a) apply approved charges and rates;
- (b) not engage in shipping agency, ship operations, clearing and forwarding agency;
- (c) maintain a level of solvency of 2:1;
- (d) employ at least two qualified personnel;
- (e) establish a system of attending and resolving customer complaints or disputes;
- (f) furnish the Corporation with performance reports every three months as prescribed in the Sixth Schedule;
- (g) abide by practices of fair competition under the Fair Competition Act,
- (h) comply with safety and security requirements as provided by relevant legislation;
- (i) maintain books of accounts;
- (j) wear appropriate uniform and an identity card as may be directed by a port operator;
- (k) maintain a register of incidents, and accidents related to its services and action taken;
- (l) comply with laws and regulations relevant to ship tallying;
- (m) abstain from corrupt and fraudulent practices;
- (n) observe any other professional conduct as may be directed by the Corporation; and
- (o) notify the Corporation of any change of business premises or address.

(2) For the purpose of this regulation, “qualified personnel” means a person who holds at least basic certificate in ship tallying, port or shipping operations.

PART IV
SUSPENSION, REVOCATION AND MEASURES FOR VIOLATING
LICENCE CONDITIONS

Regulatory
measures for
violating
conditions of
licence

18. - (1) The Corporation shall, when satisfied that a licensee has violated conditions of licence under these Regulations, take any of the following regulatory measures depending on the gravity of violation:

- (a) imposition of fine;
- (b) suspension of licence; or
- (c) revocation of licence.

Suspension of
licence

19. -(1) The Corporation may suspend a licence on the ground of non compliance with conditions of licence under these Regulations.

(2) For the purpose of sub regulation (1), non compliance with conditions of licence under regulation 17 (b), (c), (d), (e), (f), (g), (i), (j), (k), (l), (n), or (o), shall warrant suspension of licence.

(3) A suspension of a licence shall not be effected without a prior notice requiring a licensee to-

- (a) show cause within twenty-one days as to why the licence should not be suspended in a manner as prescribed in the Seventh Schedule ; or
- (b) take specific measures to remedy any contravention or non compliance of licence conditions.

(4) Where a licensee fails to show cause or take specific measures to remedy non compliance, the Corporation shall issue suspend the licence for a period of not exceeding six months and give reasons for such suspension.

(5) The notice of suspension shall be in the form prescribed in the Eighth Schedule.

(6) The suspension under subregulation (4) shall cease to have effect on expiry of the period specified in the notice of suspension or upon fulfillment of the requirement stipulated in the notice of suspension.

(7) Notwithstanding the provisions of this regulation, the Corporation may, *in lieu* of suspension, impose a fine to a licensee for non compliance with any condition under subregulation (2) as follows:

- (a) Tanzanian Shillings Five Hundred Thousand for a person holding Ship tallying licence for sea port; and

- (b) Tanzanian Shillings Two Hundred Thousand for a person holding Ship tallying licence for inland waterways port.

Revocation of licence

20. -(1). The Corporation may revoke a licence on the ground of non compliance with specified conditions of licence under regulation 17(a), (h) and (m), subsequent loss of eligibility or failure to fulfill the requirements under these Regulations.

(2) Subject to the provisions of these Regulations, where a licensee violates similar condition leading to suspension of a licence at least three times during the period of validity of a licence, the Corporation may revoke the licence.

(3) The Corporation shall not revoke a licence unless a licensee is given opportunity of not less than thirty days to show cause as to why the licence should not be revoked in a manner as prescribed in the Seventh Schedule.

(4) Notwithstanding the provisions under this regulation, a licensee whose licence is revoked may apply for a licence after the expiry of three years.

Consequence of suspension or revocation

21. -(1) Where a licence is suspended, a licensee shall cease to operate from the date of receipt of notice of suspension until its expiry.

(2). Where a licence is revoked, a licensee shall within a period of fourteen days-

- (a) surrender a licence of ship tallying service to the Corporation; and
- (b) cease to operate from the date of receipt of notice of revocation.

(3) A notice of suspension or revocation under this regulation shall be in form as prescribed in the Eighth Schedule.

Communication of notices

22. A notice to show cause, suspension or revocation of a licence shall be considered to have been duly served to a licensee upon being-

- (a) served to the licensee or his authorized representative;
- (b) legibly and conspicuously affixed at the registered premises of business of a licensee; or
- (c) e-mailed to the official registered e-mail address

of the licensee.

PART V
GENERAL PROVISIONS

Offences

23. Any person who:
- (a) carries on business of ship tallying without a valid licence;
 - (b) in relation to application for a licence, makes any statement which is false in material particular;
 - (c) furnishes to the Corporation a record, statement, declaration, written information or explanation containing particulars which, to his knowledge, are false or incorrect;
 - (d) fails to exhibit at business premises a licence granted to him;
 - (e) fails to produce a licence upon being required to do so;
 - (f) hinders or obstructs an officer of the Corporation, or any other authorized officer in the performance of their duties under the Act and these Regulations;
 - (g) fails to surrender the licence granted to him when required;
 - (h) fails to submit performance report;
 - (i) fails to comply with any conditions of a licence;
 - (j) fails to notify in writing a place and time of conducting ship tallying service contrary to regulation 13(2),

commits an offence and shall be liable upon conviction, to a fine of five hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of not less than five months and not exceeding one year or to both.

PART VI
MISCELLANEOUS PROVISIONS

Complaint
handling
GN. No. 338 of
2018

24. A person who is aggrieved with the decision of the Corporation under these Regulations may seek redress in accordance with the Tanzania Shipping Agencies (Complaint Handling) Regulations.

SCHEDULES

(Made under regulations 7 and 10(1))

Clearing and Forwarding Agency

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Port Operations

10 Particulars of Current Management and other Staff:

	FULL NAME	DESIGNATION/ POSITION	CITIZENSHIP	AGE	QUALIFICATION		YEARS OF EXPER- IENCE	DATE OF APPOINTMENT TO PRESENT POSITION
					ACADEMIC	PROFESS IONAL		
1.								
2.								
3.								
4.								

Please attach the following documents during application:

- (a) a certificate of incorporation or registration;
- (b) memorandum and articles of association;
- (c) tax clearance certificate;
- (d) proof or availability of business premises;
- (e) proof of professional qualifications in ship tallying services;and
- (f) affidavit that the company has not been declared bankrupt in the last two years.

Ido hereby declare to the best of my knowledge and belief that all the statements and information contained in this application are true and correct.

I..... undertake to notify the Corporation in case of any changes in the shareholding and location of business premises.

Name in full.....

Position/Designation:

Signature: Date:

(Stamp or Seal)

FOR OFFICIAL USE ONLY

Comments	Approval	Disapproval
Start Date:		Expiry Date:
Licence No.....		
Name:.....		Designation:.....
Signature:.....		Date:.....



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



SECOND SCHEDULE

(Made under regulation 8)

APPLICATION AND LICENCE FEE

Description	Amount (USD)	
	Sea Port	Inland Waterways Port
Application Fee	40	10
Licence Fee	500	150



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



THIRD SCHEDULE

(Made under regulation 9(3)(a))

SHIP TALLYING LICENCE

LICENCE NO.....

Licence category

M/S:.....
.....is hereby authorized to carry out ship tallying business in
Tanzania Mainland.

This Licence shall be valid from
.....to.....

Licence Fee USD..... paid vide Receipt No.
.....of.....

Late application surcharge USD..... paid vide Receipt No.
.....of.....

.....
Director General
(Signature and Seal)

Date of issue.....

Important: This licence is not transferrable

Serial No.....



**THE UNITED REPUBLIC OF TANZANIA
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TANZANIA SHIPPING AGENCIES CORPORATION
TASAC**



FOURTH SCHEDULE

(Made under regulation 9(3)(b))

**NOTICE OF REFUSAL OF APPLICATION FOR SHIP TALLYING SERVICES
LICENCE**

To M/S

1. The Corporation is hereby notifying you that your application for a Ship Tallying Services Licence under the *Tanzania Shipping Agencies (Ship Tallying) Regulations, 2022* has been refused.
2. The reasons for the refusal are:
 - (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
(Signature and Seal)



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



FIFTH SCHEDULE

(Made under regulation 16(1)(b))

MINIMUM INFORMATION FOR A REPORT OF STATEMENT OF FACTS

1. Vessel name.
2. Voyage number.
3. Port of loading and discharge.
4. Shipping agent/line.
5. Date and time of vessel berthing.
6. Date and time of vessel arrival.
7. Time of tendering notice of readiness.
8. Delays in hours emerging during operations with reasons.
9. Accidents and incidents during operations.
10. Date and time of discharge commencement.
11. Date and time of discharge completion.
12. Date and time of loading commencement.
13. Date and time of loading completion.
14. Cargo on Board (by date and shift).
15. Total container/tonnage/package to be discharged and loaded (by date and shift).
16. Date and time of sailing.
17. Name, title, signature of tallying officer who prepared the report and date of report preparation.
18. Name, title, signature of designated ship officer who received the report and date of report receipt.



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



SIXTH SCHEDULE

(Made under regulation 17(f))

QUARTERLY PERFORMANCE REPORT FOR SHIP TALLYING SERVICES

PART I: COMPANY PARTICULARS

Name of the Company:

Category: Licence No:

PART II: REPORTING PERIOD

Reporting quarterly (tick as appropriate)

Jan-Mar ☐ Apr-Jun ☐ Jul-Sept ☐ Oct-Dec ☐

Total number of Ships and Cargo handled

S/N	Place of Services (Name of Port /Dry Port)	Name of Customer (Shipping Agent)	Number of Ships Attended	Total Tonnage Tallied		Total Number of Boxes Tallied		Ro-Ro Units	
				Impo rt	Expo rt	Impo rt	Expo rt	Impo rt	Expo rt

PART III. GENERAL OBSERVATIONS, COMMENTS OR REMARKS

i.

ii.

iii.

Name of company declarant:

Title:

Date:

.....

Signature and Seal



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



SEVENTH SCHEDULE

(Made under regulation 19(3)(a) and 20(3))

NOTICE TO SHOW CAUSE

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

Pursuant to the provision of these Regulations, the Corporation is hereby notifying you that on expiry ofdays from the date of issuance of this notice. The licence issued under these Regulations shall be suspended/revoked unless, before the expiration of such period stated herein above, a cause shown to the satisfaction of the Corporation why such licence should not be suspended/revoked.

Grounds for suspension/revocation of your licence:

1.
2.
3.
4.

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

.....
Director General
(Signature and Seal)



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



EIGHT SCHEDULE

(Made under regulation 19(4) and 21(3))

SUSPENSION/ REVOCATION

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

The Corporation is hereby notifying you that your licence for ship tallying service issued under *the Tanzania Shipping Agencies (Ship Tallying) Regulations, 2023*, is hereby suspended/revoked.

Grounds for suspension/revocation:

1.
2.
3.
4.

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

.....
Director General
(Signature and Seal)



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



NINTH SCHEDULE

(Made under regulation 24(1))

FORM OF COMPOUNDING OFFENCES

PART I: COMPANY INFORMATION

1. Name of the Company.....
2. Category of Licence:.....
3. Licence No.....issued on.....expiring on.....

PART II: COMPANY DECLARATIONS

1. I acknowledge receipt of notice to show cause issued at.....on.....in respect of offence enumerated herein below:
2.
3.
4.

PART III: COMPANY CONSENT TO COMPOUND AN OFFENCE

1. I do hereby admit to having committed the offence contrary to regulation of the *Tanzania Shipping Agencies (Ship Tallying) Regulations, 2023*.
2. I understand that the offence/offences committed may be brought before a court of law for determination.
3. I request the aforementioned offence(s) to be compounded as per regulation of the *Tanzania Shipping Agencies (Ship Tallying) Regulations, 2023*. I shall pay a fine of Tshs.....within fourteen days (14) days from the date of this admission being the compounded amount of the offence(s). The compounded amount shall be paid to the Corporation bank account number.....

Name:
Signature
Identity No.

**PART IV:IF YOU DO NOT ADMIT TO HAVE COMMITTED THE OFFENCE(S)
FILL THIS SECTION**

1. Ido not here by admit
to have committed the offence contrary to regulation..... of the
Tanzania Shipping Agencies (Ship Tallying) Regulations, 2023.
2. I a licensee of ship tallying service intend to
answer in Court the charge for the commission of
offence.....
.....contrary to regulation
..... of the *Tanzania Shipping Agencies (Ship Tallying) Regulations,*
2023.

Name:
Title.....
Signature.....
Identity No.

Dodoma
18th May, 2023

MAKAME M. MBARAWA
Minister of Work and Transport