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THE TANZANIA SHIPPING AGENCIES ACT,
(CAP. 415)

REGULATIONS

(Made under section 38)

THE TANZANIA SHIPPING AGENCIES (CLEARING AND FORWARDING OF
EXCLUSIVE ITEMS) REGULATIONS, 2024

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THE TANZANIA SHIPPING AGENCIES (CLEARING AND
FORWARDING OF EXCLUSIVE ITEMS) REGULATIONS, 2024

PART I
PRELIMINARY PROVISIONS

Citation	1. These Regulations may be cited as the Tanzania Shipping Agencies (Clearing and Forwarding of Exclusive Items) Regulations, 2024.
Application	2. These Regulations shall apply to the Corporation, customer or third party when carrying out or receiving clearing and forwarding services relating to import or export of an exclusive item in or from Mainland Tanzania.
Interpretation	3. In these Regulations unless the context otherwise requires:
Cap. 415	“Act” means the Tanzania Shipping Agencies Act;
Cap. 415	“Board” means the Board of Directors established under section 21 of the Act;
	“cargo document” includes bill of lading, airway bill, road consignment notes, manifest, packing list, invoice, material safety data sheet, import/export permit, bay plan, stowage plan, discharging list and loading list;
Cap. 182	“chemical” has a meaning ascribed to it under the Industrial and Consumer Chemicals (Management and Control) Act and for purposes of these Regulations, relates only to: (a) chemicals consigned to a mining company; or (b) chemicals used by mining companies, regardless of whether the consignee is a mining company or non-mining company;
	“Corporation” means the Tanzania Shipping Agencies Corporation established under section 4 of the Act;
	“customer” means a person who obtains or seeks to obtain services from the Corporation and includes the principal, shipping agent, shipper and consignee;
	“de-stuffing” means the process of removing cargo from a

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- container for transportation or delivery as loose cargo;
- “Director General” means the Director General appointed under section 30 of the Act;
- “general average” means the apportionment of financial liability to the shipper, consignee or interested party for the loss arising from the jettisoning of cargo;
- Cap. 383 “Government trophy” means a government trophy as referred to under the Wildlife Conservation Act;
- “internal operating procedures” means a set of procedures approved per section 22(2)(d) of the Act to guide the Corporation to perform its function;
- “live animal” means any kind of vertebrate and invertebrate animal and the young and egg thereof, other than domestic animals;
- “manifest” means a document providing a complete list of cargo on board, a named ship and includes information and details of each bill of lading covering all such cargo, the name of the master of the ship and the agent of the ship at a particular port of loading or discharge;
- “Minister” means the Minister responsible for maritime transport;
- Cap. 123 “mineral concentrates” has a meaning ascribed under the Mining Act;
- “one-time customer” refers to an importer or exporter who engages in a single consignment with the Corporation without any expectation or intention of transporting future consignments;
- “payment control number” means a reference number, with the tax invoice, generated from the Government for making online payments to the revenue collection account of the Corporation;
- “performance benchmarks” means a level of performance set by the Corporation to be complied with by a service provider;
- Cap. 166 “port” has a meaning ascribed to it under the Ports Act;
- “principal” means an ocean carrier for whom a shipping agent acts on behalf in the shipping business;
- “shipping agency documents” means documents produced by the ocean carrier or shipping agent to accompany the request for approval by customs or other authorities for the movement of ship, cargo, passenger and ship provisions and include the bill of lading, airway bill, manifest, delivery order, shipping order or any other document relevant in the shipping industry as may be prescribed by the relevant authority;
- “shipping document” means the appropriate transport document

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supporting clearance of cargo through customs, port and other authorities and includes a bill of lading, airway bill, manifest, invoice, packing list, delivery order, shipping order, insurance cover note or any other document relevant for cargo clearance as may be prescribed by the relevant authority;

“specific instruction” means the directive of a customer to the Corporation to undertake a particular action in the course of the provision of service;

“stuffing” means the process of loading cargo into a container and sealing the container for transportation by an ocean or inland waterways carrier;

Cap. 148 “tax invoice” has the meaning ascribed to it under the Value Added Tax Act; and

“third party” means a contractor, subcontractor, concessionaire, agent or their employees engaged by the Corporation to perform its mandate on its behalf as provided in the Act and regulation 4.

PART II PROVISION OF EXCLUSIVE CLEARING AND FORWARDING SERVICES

Exclusive
clearing and
forwarding
services

4.-(1) The Corporation shall provide exclusive clearing and forwarding services for the import or export of the following specified items:

- (a) arms and ammunition;
- (b) mineral concentrates;
- (c) chemical used by mining companies;
- (d) Government trophies; and
- (e) live animals under the Wildlife Conservation Act.

Cap. 283

(2) The customer shall ensure that, in one cargo document, items are not mixed with specified items falling under the exclusive mandate.

(3) Subject to subregulation (2), where a single cargo document has mixed another item with the specified items falling under the exclusive mandate of the Corporation, the Corporation shall clear the whole consignment.

(4) Subject to the provision of subregulation (3), the Corporation shall charge fees, charges or commission of the clearance.

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Services to be
rendered by
Corporation

5.-(1) When performing the exclusive mandate under regulation 4, the Corporation shall provide the following services:

- (a) customs clearance;
- (b) freight forwarding agency;
- (c) customs and freight logistics advisory; and
- (d) any other services as may be agreed between the Corporation and customer for each consignment.

(2) In providing services mentioned in subregulation (1), the Corporation shall adhere to the established performance benchmarks.

(3) Where the customer demands the services under the exclusive mandate of the Corporation as provided for in the Act, there shall be an implied request to the Corporation to undertake clearing and forwarding services.

Performing
function of
private shipping
agent

6.-(1) Where a private shipping agent fails to execute its function, the Corporation shall ensure that such function is performed and requires-

- (a) the private shipping agent, within three days, to hand over all necessary shipping documents and information to the Corporation to enable the service to be provided as planned; and
- (b) the principal to pay all fees for shipping agency services which will be performed.

(2) The Corporation shall determine and allot any share of such fee of the private shipping agent whose licence has been suspended or revoked for any service which might have been rendered before suspension or revocation of its licence.

PART III
AGREEMENTS WITH THIRD PARTY

Performing
Corporation
function

7.-(1) The Corporation may enter into contractual obligations with a third party, where it deems necessary, to provide-

- (a) forwarding services for exclusive items; and
- (b) shipping agency services where a private shipping agent has failed to execute its function.

(2) Subject to subregulation (1), the agreement may be entered through a contract, concession, joint venture, public-private partnership or other means deemed appropriate by the Corporation.

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Engagement of licenced or registered third party	8. The Corporation shall not arrange, outsource or engage a third party to provide any services on its behalf, unless the third party is licenced or registered by a relevant authority or institution to provide such services.
Procurement of third party Cap. 410	9. The Corporation when engaging a third party to perform its functions, shall comply with the provisions of the Public Procurement Act.
Terms of service	10.-(1) A third party shall comply with the terms and conditions of agreement of service entered into with the Corporation. (2) In the course of performing contracted functions by the Corporation, the third party shall- (a) exercise due diligence, professionalism and integrity; (b) adhere to performance benchmarks specified by the Corporation; and (c) act <i>bona fide</i>.
Commission payable to third party	11.-(1) The Corporation shall pay commission or such other payment to the engaged third party within seven days after the end of every calendar month. (2) The amount to be paid in subregulation (1) shall be set out in the agreement.
Liability of third party	12. A third party shall be liable for any loss, damage, injury or cost sustained by any person as a result of any default, negligence, breach or other wrongful act or omission in the course of performing its function of providing agency services on behalf of the Corporation.

PART IV
FEES, CHARGES AND COMMISSION

Applicable fees, charges and commission	13. Fees, charges or commissions payable by customers to the Corporation for service rendered under these Regulations shall be set by the Board as prescribed in the Act, and published in the <i>Gazzette</i> .
Customer's deposit account	14.-(1) The Corporation shall open the customer's deposit account in Tanzanian shillings, United States Dollars or any other currency denomination for safe custody and

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management of the customer's advance payments.

(2) Subject to subregulation (1), a customer may pay into the opened customers' deposit account of the Corporation, the amount of money to cover services costs chargeable to the customer, including agency fees, charges, commission and reimbursable.

(3) Subject to subregulation (2), the agency fees, charges, commission, and reimbursable shall be deducted from the deposited amount, and the Corporation shall, upon completion of the transaction, issue a customer with a statement.

(4) The customer statement issued under subregulation (3) shall indicate the-

- (a) deposited amount;
- (b) utilised amount;
- (c) any balance for the refund to the customer; or
- (d) any additional claim by the Corporation.

Utilisation of
balance fund of
customer

15. A balance fund remaining in the customer's deposit account after the completion of the transaction may be used for future transactions or refunded upon customer's instruction to the Corporation.

Mode and terms
of payment

16.-(1) The Corporation shall, through the issuance of tax invoice, notify the customer to pay the principal amount of agency fees, charges or commission with applicable tax for the services to be rendered.

(2) The customer shall make payment prescribed in the tax invoice direct to the revenue collection account of the Corporation by using the payment control number obtained from the Corporation.

(3) Notwithstanding the generality of subregulation (2), one-time customers and customers with consignments that pass through border posts shall make payment prescribed in the tax invoice within twenty-four hours from the date of the invoice.

Failure to effect
payment

17. Subject to regulation 16, where the customer fails to effect payment within the prescribed period-

- (a) Corporation shall not continue to render the services.
- (b) in addition to the sum prescribed in the tax invoice, the customer shall be required to pay interest at the rate of ten per cent compounded monthly or part thereof on the principal amount.

Commission
on

18.-(1) A customer shall be responsible for settling all

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- disbursement bills related to the services rendered.
- (2) Where the Corporation uses its own funds to pay-
- (a) value added tax upon customer's delay or failure to settle issued tax invoice within the prescribed time; or
- (b) any other charges ought to have been incurred by a customer,
- the Corporation shall charge a commission on disbursement at the rate of 2.5 percent compounded monthly, or part thereof, of the funds used.
- Remuneration on part performance 19.-(1) Where the Corporation has partly performed a transaction which cannot be completed due to the customer's fault, the Corporation shall be entitled to receive payment for the agency fees and cost incurred on the completed services before termination of the transaction.
- (2) Subject to subregulation (1), the customer shall be required to pay other associated costs, including taxes and other applicable duties or levies as may be required by other written laws.
- (3) For the purpose of this regulation, "the customer's fault" shall include the occurrence of any of the following:
- (a) failure to make a required payment when due;
- (b) insolvency or bankruptcy of a customer;
- (c) where any of the customer's property is subjected to any levy, seizure, general assignment for the benefit of creditors, application or sale for or by any creditor or Government agency;
- (d) deregistration, suspension or revocation of customer's licence;
- (e) failure to submit any required document requested by the Corporation; or
- (f) any other reason occasioned by the customer which may hinder the Corporation from performing its function under these Regulations.

PART V
TERMS AND CONDITIONS OF BUSINESS

- Insurance arrangement 20. The Corporation may, upon express instruction of the customer, arrange insurance cover when providing services

under these Regulations except where-

- (a) the customer pays for the insurance cover and associated processing cost incurred by the Corporation as may be agreed by the customer; and
- (b) the insurance is subject to the usual exceptions and conditions of the policies of the insurer or underwriter taking the risk.

Instructions of
customer

21.-(1) The Corporation shall provide services in line with instructions provided by a customer.

(2) The customer's instruction under subregulation (1) shall be accurate, complete or in accordance with the terms and conditions provided for under these Regulations.

(3) Where the customer provides inaccurate or incomplete instruction and causes loss or damage to the Corporation or a third party, the Corporation shall claim such loss from the customer and any other associated costs.

(4) Without prejudice to the provisions of subregulation (1), the Corporation may-

- (a) arrange the method of providing services and choose; or
- (b) substitute the means, route and procedure to be followed in handling, storage and transportation of the consignment.

Delivery of
consignment

22. -(1) The Corporation shall deliver the consignment to the customer within the timeframe determined by the consignment clearance plan.

(2) Subject to subregulation (1), after a lapse of one hundred and twenty consecutive days from the date when the consignment ought to have been delivered, and in the absence of evidence to the contrary, a customer may treat the consignment as lost and file a claim to the Corporation for compensation.

Receipt of
consignment

23.-(1) A customer shall acknowledge receipt of the consignment by signing a delivery note.

(2) Subject to subregulation (1) the delivery note shall be *prima facie* evidence that the consignment was delivered in good order and condition.

(3) Notwithstanding the provisions of subregulation (1) and (2), where the customer has not signed the delivery note, but furnish the Corporation with a written notice at the time of delivery, specifying the general nature of loss or damage to the consignment, it shall be *prima facie* evidence that the consignment was not delivered in good order and condition.

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Security of consignment	24. The Corporation may hold a customer's consignment and any property or document relating thereto as a security for any amount due to the Corporation and enforce such security in accordance to the law.
Guarantee of accurate information	25.-(1) A customer shall submit to the Corporation all documents related to consignment, and such documents shall be presumed to contain accurate information related to the consignment, including particulars relating to the general nature of the consignment, description of the cargo, marks and numbers, weight, volume and quantity and dangerous character of the consignment, as furnished by him or on his behalf. (2) Where a customer fails to furnish accurate information under subregulation (1), the Corporation shall not be liable for any offence, loss or damage related to such consignment.
Indemnity	26.-(1) The liability of the Corporation shall be to the extent of the provisions of these Regulations. (2) Subject to the provisions of subregulation (1), a customer shall indemnify the Corporation for any liability incurred in the performance of the clearing and forwarding services on behalf of the customer.
General average	27. The Corporation shall be indemnified in respect of any claims of a general average which may be made on the customer, and the customer shall provide security as may be required by the Corporation.

PART VI
GENERAL PROVISIONS

Limitation on claim of loss or damage	28. The Corporation shall not be liable for any loss or damage arising from any limitation or fault which is beyond the control of the Corporation.
Corporation's duty of care	29. The Corporation shall exercise duty of care including undertaking due diligence and reasonable measures to ensure safety and security of the consignment.
Assessment of compensation	30.-(1) The Corporation shall, within reasonable time, compensate a customer for loss or damage of consignment or direct financial loss resulting from a breach of duty of care. (2) Where the Corporation is required to make

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compensation in relation to any consignment or part thereof, the assessment shall be determined by reference to normal value of the consignment of similar type and quality or any other means as the Corporation may deem fit.

Compensation
limit

31.-(1) The Corporation shall not be liable for any loss or damage to the consignment of an amount exceeding Two Thousand United States Dollars or its equivalent in Tanzania Shillings per consignment lost or damaged unless a larger amount is recovered by a person for whom the Corporation is responsible.

(2) Subject to the provisions of subregulation (1), the Corporation's liability for any type of loss not mentioned under these Regulations, shall not exceed the total amount of Three Thousand United States Dollars or its equivalent in Tanzania Shillings for each incident unless a larger amount is received from a person for whom the Corporation is responsible.

Limitation of
liability for
delay

32.-(1) The Corporation shall be liable for charges arising from the delay in rendering services where it is proved that, such delay was caused solely by the Corporation.

(2) Subject to subregulation (1), where it is proved that, the Corporation is liable in respect of charges for delay in rendering services, such liability shall be limited to an amount not exceeding the charges relating to the service caused the delay.

Duty of
confidentiality

33.-(1) An employee, agent or representative of the Corporation shall not at any time or in any manner either directly or indirectly, use for personal benefit, divulge, disclose, or communicate in any manner, any information that is proprietary to the customer.

(2) Notwithstanding subregulation (1), the Corporation shall be required to protect any information of the customer and treat it as confidential, unless required to disclose such information according to the law.

Compliance
with established
practices of
conducting
business

34. In the discharge of its activities, the Corporation shall, in addition to the relevant law and regulations, have regard to the practices of providing services, include-

- (a) carrying out operations twenty-four hours daily for seven days of a week including weekends and public holidays;
- (b) disclosing applicable fees, charges and commission payable by customer;

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- (c) establishing a system of handling complaints;
- (d) collecting delivery order;
- (e) collecting storing order; and
- (f) updating customer on movement of cargo.

Complaints
handling
procedure

35. Where the party has any dispute relating to any matter arising from the-

- (a) performance of the Corporation function; or
- (b) implementation of the Act and these Regulations,

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338 of 2018

may lodge his complaint in accordance with Tanzania Shipping Agencies (Complaints Handling) Regulations.

Revocation
GN. No.
386 of 2020

36. The Tanzania Shipping Agencies (Shipping Business) Regulations, 2020 is hereby revoked.

Dodoma
5th March, 2025

MAKAME M. MBARAWA
Minister for Transport