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THE MERCHANT SHIPPING ACT,
(CAP. 165)

REGULATIONS

(Made under sections 123 and 427)

THE MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2022

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THE MERCHANT SHIPPING ACT
(CAP.165)

REGULATIONS

(Made under sections 123 and 427)

THE MERCHANT SHIPPING (MARITIME LABOUR) REGULATIONS, 2022

PART I
PRELIMINARY PROVISIONS

- | | |
|----------------|--|
| Citation | 1. These Regulations may be cited as the Merchant Shipping (Maritime Labour) Regulations, 2022. |
| Application | <p>2. Unless expressly provided otherwise, these Regulations shall give effect to the Maritime Labour Convention, 2006 as amended to which the United Republic is a party and shall apply to-</p> <ul style="list-style-type: none">(a) all seafarers except those seafarers as may be exempted by the Registrar in consultation with the shipowners and seafarers' organizations;(b) seafarer's recruitment and placement services licenced by the Registrar;(c) Tanzanian ships of 200 gross tonnage or over, whether owned by the Government or private sector engaged in commercial activities and international voyages; and(d) non-Tanzanian ships of 200 gross tonnage or over with MLC documentation when in a Tanzanian port. <p>3. Notwithstanding the provisions of subregulation (1), these Regulations shall not apply to-</p> <ul style="list-style-type: none">(a) pleasure vessel;(b) fishing vessel;(c) ship of traditional build such as dhow and junk; and(d) warship or naval auxiliary. |
| Interpretation | 3. In these Regulations, unless the context otherwise requires |

- Cap. 165 "Act" means the Merchant Shipping Act;
- "anniversary date" means the day and month of each year which corresponds to the date of expiry of the Maritime Labour Certificate;
- "approved training provider" means a training institution accredited by the Corporation to provide or secure the provision of seafarer training;
- GN. No. 244 of 2016 "approved medical practitioner" means a medical practitioner appointed by the Corporation in pursuant to the Merchant Shipping (Medical Examination), Regulations;
- "basic wages" means the pay, composed, for normal hours of work which does not include payments for overtime worked, bonuses, allowances, paid leave or any other additional remuneration;
- "catering department" means the galley, mess room and any other area on board ship intended or used for the storage or preparation of food for seafarers or the service of meals to seafarers;
- "catering staff" means a seafarer including a cook, cook assistant and steward or stewardess whose normal duties include:
- (a) the preparation and storage of food; or
 - (b) the service of meals to seafarers on board ship; or
 - (c) other work in the galley or in areas where food is stored or handled;
- "competent authority" means the Ministry, Government department or other authority having power to issue and enforce regulations, orders or other instructions having the force of law in respect of the subject matter of the provision concerned;
- "complaint" means information submitted by a seafarer, professional body, association, trade union or any person with an interest in the safety of the ship or health hazards to seafarers on board;
- "consolidated wage" means a wage or salary which includes the basic pay and other pay-related benefits which may include compensation for all overtime hours which are worked and all other pay-related benefits, or it may include only certain benefits in a partial consolidation;
- "Convention" means the Maritime Labour Convention, 2006 or in its acronym MLC;
- Cap. 415 "Corporation" means the Tanzania Shipping Agencies Corporation established in pursuant to section 4 of the

	Tanzania Shipping Agencies Act;
	"crew accommodation" means accommodation including the construction, machinery, fittings and equipment of that accommodation, intended for or used by seafarers;
	"Declaration of Maritime Labour Compliance" means documents drawn up and issued in accordance with these Regulations, in the Form corresponding to the relevant models given and having the contents, duration and validity specified in regulation 64 and Annexes B and C of the Third Schedule;
	"employer" in relation to a seafarer, means the person who has entered into an employment agreement with a seafarer for the employment on board a ship;
GN. No. 196of2005	"gross tonnage" means the measure of the overall size of a ship determined in accordance with the provisions of the Merchant Shipping (Tonnage) Regulations and Annex I of the International Convention on Tonnage Measurement of Ships, 1969;
	"hours of rest" means time outside hours of work which does not include short breaks;
	"hours of work" means time during which a seafarer is required to work on account of the ship;
Cap. 165	"inspector" means any of the persons mentioned in section 383(1) of the Act;
	"international voyage" means a voyage from a country to a port outside such a country;
	"ILO" means the International Labour Organization;
	"Maritime Labour Certificate" and "Interim Maritime Labour Certificate" means a certificate of that name issued in accordance with these Regulations, in a Form corresponding to the relevant model given and having the contents, duration and validity specified in the Third Schedule of these Regulations;
	"medical practitioner" has the meaning ascribed to it under the Medical, Dental
	and Allied Health Professionals Act;
Cap. 152.	"Member State" means a State which is a party to the Convention; "Minister" means the Minister responsible for maritime transport; "new ship" means a ship-
	(a) the keel of which was laid or which is at a similar stage of construction; or
	(b) that has been substantially altered or reconstructed from the date of coming into operation of these Regulations;

- "proper officer" means any officer appointed to perform a certain duty or function when engaged on the performance of that duty or function and includes a consular officer;
- "property of a seafarer" means any monies due to a seafarer, his personal effects, the proceeds of the sale of such effects and the balance of any wages due to a seafarer;
- "qualified medical doctor" means a person who is legally qualified and recognised by the State whose flag the ship is entitled to fly;
- "Recognised Organisation" means an organisation that has been assessed by the Corporation and found to comply with the Code for Recognised Organisations (RO Code) in pursuant to IMO Resolution MSC.349 (92);
- Cap.415 "Registrar" means the Registrar appointed in pursuant to section 31 of the Tanzania Shipping Agencies Act;
- GN. No. 143 of 2011 "seafarer recruitment and placement services" means any person, company, institution, agency or other organization, in public or the private sector, which is engaged in recruiting seafarers on behalf of shipowners or placing seafarers with shipowners in accordance with the Merchant Shipping (Licencing of Seafarers Recruitment and Placement Service) Regulations;
- "seafarer" means any person, including the master of a ship, who is employed or engaged or works in any capacity on board a ship and whose normal place of work is on board a ship;
- "seafarer employment agreement" means a written agreement between a seafarer and another person in respect of the seafarer's work on board a ship;
- "sea-going" in relation to a vessel, means a vessel proceeding to a sea beyond internal waters or beyond waters declared to be smooth or partially smooth waters by the Government by notification in the *Gazette*;
- "ship" means a floating vessel which is self-propelled and capable of carrying passengers or cargo and includes every description of vessel used in navigation;
- "shipowner" means in respect of a registered ship, the registered owner and includes a demise charterer and a managing owner or a managing agent;
- "similar stage of construction" means the stage at which-
- (a) construction identifiable with a specific ship begins; and
 - (b) assembly of that ship has commenced comprising

at least 50 tonnes or one per cent of the estimated mass of all structural material, whichever is less;

"SOLAS Convention" means the International Convention for the Safety of Life at Sea, 1974, as amended;

STCW Convention" means the International Convention for Standards of Training, Certification and Watchkeeping for Seafarers, 1978 as amended; and

"victimization" means any adverse action taken or threatened by any person with respect to a seafarer for lodging a complaint which is not manifestly vexatious or maliciously made.

PART II

MINIMUM REQUIREMENTS FOR SEAFARERS TO WORK ON A SHIP

Minimum age of
seafarer

Cap. 366

4.-(1) A person shall not employ, engage or let a person under the age of eighteen to work on board a ship.

(2) Notwithstanding the provisions of sub regulation (1), a person under the age of eighteen and not below the age of sixteen may be engaged as part of his training or in accordance with the provisions of the Employment and Labour Relations Act.

(3) A seafarer under the age of eighteen shall not be employed, engaged or work as a ship's cook.

(4) A person who contravenes this regulation commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian Shillings of the United States Dollars one thousand or to imprisonment for a term not exceeding six months or to both.

Young persons
on night duty

5.-(1) A person shall not employ, engage or let a seafarer under the age of eighteen to work on board a ship at night, except where the-

(a) effective training of the seafarer, in accordance with established programmes and schedules, would be impaired by its application; or

(b) specific nature of the duty or of a recognised training programme requires that the seafarer performs duties at night and the work to be carried out is not being detrimental to the health and well-being of seafarer.

(2) In this regulation, "night" means a period which

(a) is not less than nine consecutive hours; and

(b) starts no later than midnight and ends no earlier than 5 a.m. (local time).

(3) Subject to subregulation (1)(b), the work which are not detrimental to the health and well-being of seafarers include any training of-

- (a) Deck Officer under STCW Regulations II/1, II/2 and II/3;
- (b) Engineer Officer under STCW Regulations III/1, III/2 and III/3;
- (c) Navigational Watch Rating under STCW Regulation II/4;
- (d) Engine Room Watch Rating under STCW Regulation III/4; (e) Able Seafarer Deck under STCW Regulation II/5;
- (e) Able Seafarer Engine under STCW Regulation III/5;
- (f) Electro-Technical Officers under STCW Regulation III/6; (h) Electro-Technical Ratings under STCW Regulation III/7; (i) Radio Personnel under STCW Regulation IV/; and
- (g) alternative certification under STCW Regulation VII.

(4) A person who contravenes this regulation commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian Shillings of the United States Dollars one thousand or to imprisonment for a term not exceeding six months or to both.

Medical
certificate
GN. No.
244 of 2016

6.-(1) A shipowner shall not permit a seafarer to work on board a ship except where the seafarer holds a valid medical certificate issued in pursuant to the provisions of the Merchant Shipping (Medical Examinations) Regulations.

(2) A seafarer who has been issued with a medical certificate shall carry that certificate on board during his employment.

GN. No.
244 of 2016

(3) A seafarer who has been refused a certificate or has had a limitation imposed on his ability to work, in particular with respect to time, field of work or trading area, shall have the right to a further examination by another independent medical practitioner or by an independent medical referee as provided under the provisions of the Merchant Shipping (Medical Examinations) Regulations.

GN. No.
244 of 2016

(4) A person who contravenes this regulation shall be deemed to have committed an offence under the Merchant Shipping (Medical Examinations) Regulations.

Training and
qualifications of
seafarer
GN. No.
243 of 2016

7.-(1) A shipowner or a seafarer recruitment and placement services shall not employ, engage or let a seafarer work on board a ship, unless the seafarer is trained, certified and qualified as competent to perform his duties in accordance with the Merchant Shipping (Training, Certification and Manning) Regulations.

GN. No.
243 of 2016

(2) A person who contravenes this regulation shall be deemed to have committed an offence under the Merchant Shipping (Training, Certification and Manning) Regulations.

Requirements to
operate seafarer
recruitment and
placement
services

8.-(1) The Corporation shall monitor the operations of seafarer recruitment and placement services for the purpose of ensuring that a seafarer has access to an efficient, adequate and accountable system for finding employment on board a ship without charge to the seafarer.

GN. No.
143 of 2011

(2) A seafarer recruitment and placement services operating in the United Republic shall be operated in conformity with the requirements of these Regulations and the Merchant Shipping (Licencing of Seafarers Recruitment and Placement Service) Regulations.

(3) A shipowner shall not use recruitment and placement services to recruit a person as a seafarer to work on board a ship unless the services is licensed in-

- (a) the United Republic;
- (b) a country which has ratified the Convention;
- (c) a country to which another country's ratification of the Convention has been extended; or
- (d) another country which conforms to the minimum requirements relating to recruitment and placement services as follows-
 - (i) prohibits seafarer recruitment and placement services from using means, mechanisms or lists intended to prevent or deter any seafarer from gaining employment for which he is qualified;
 - (ii) requires that no fees or other charges for seafarer recruitment or placement or for providing employment to a seafarer is borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining a medical certificate, the national seafarer's book and a passport or other similar personal travel documents, provided that the cost of visa shall be borne

- by the shipowner; and
- (iii) ensures that seafarer recruitment and placement services operating in the United Republic-
 - (aa) maintain an up-to-date register of all seafarers recruited or placed through it, to be available for inspection by the Registrar;
 - (bb) are informative of the seafarers rights and duties under their employment agreements prior to or in the process of engagement and that proper arrangements are made for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;
 - (cc) verify that seafarers recruited or placed by them are qualified and hold the documents necessary for the job concerned, and that the seafarers' employment agreements are in accordance with applicable laws, regulations and any collective bargaining agreement that forms part of the employment agreement;
 - (dd) as far as practicable, the shipowner has the means to protect seafarers from being stranded in a foreign port; (ee) provides for means to examine and respond to any complaint concerning the seafarers activities and advise the competent authority of any unresolved complaint;
 - (ff) establish a system of protection, by way of insurance or an equivalent appropriate measure, to compensate a seafarer for monetary loss that he may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.

(4) The Registrar shall supervise and control all seafarer recruitment and placement services.

(5) A licence, certificate or similar authorization for the operation of a Investigation of activities of seafarer recruitment and placement services Seafarer recruitment and placement services recruitment and placement services may be granted or renewed only after verification that the seafarer recruitment and placement service concerned meets the requirements of these Regulations and Merchant Shipping (Licencing of Seafarers Recruitment and Placement Service) Regulations.

(6) A person who contravenes the provisions of this regulation commits an offence and upon conviction, shall be liable to a fine of the equivalent in Tanzanian shillings of the United States Dollars two thousand or to imprisonment for a

term not exceeding six months or to both.

9. The Corporation shall put in place adequate machinery and procedures for the investigation of complaints concerning activities of seafarer recruitment and placement services involving representatives of shipowners and seafarers.

10.-(1) Without prejudice to the foregoing provisions, a private seafarer recruitment and placement services shall-

- (a) prohibit seafarer recruitment services from using any means, mechanisms or lists intended to prevent or deter a seafarer from gaining employment for which he is qualified;
- (b) not charge fees or other charges for seafarer recruitment or placement or for providing employment to a seafarer borne directly or indirectly, in whole or in part, by the seafarer, other than the cost of the seafarer obtaining medical certificate, Seafarers' Identity Document and Continuous Discharge Certificate issued by the Corporation and passport or other similar personal travel documents, not including the cost of visas, which shall be borne by the shipowner;
- (c) adopt procedures to prevent opportunities for exploitation of a seafarer arising from the issue of joining advances or any other financial transaction between the shipowner and the seafarer which is handled by the seafarer recruitment and placement services and for clearly publicizing costs, if any, which the seafarer may be expected to bear in the recruitment process;
- (d) maintain an up-to-date register of all seafarers recruited or placed through them and make available for inspection by the Registrar; in particular
 - (i) information regarding the medical examinations, Seafarers' Identity Document and such other items as may be required for the seafarer to gain employment;
 - (ii) with due regard to the right to privacy and the need to protect confidentiality, full and complete records of the seafarers covered by their recruitment and placement system, which shall include

- (aa) the seafarers' qualifications;
- (bb) record of employment;
- (cc) personal data relevant to employment; and
- (dd) medical data relevant to employment;
- (e) inform the seafarer on their rights and duties under their employment agreements prior to or in the process of engagement and make proper arrangements for seafarers to examine their employment agreements before and after they are signed and for them to receive a copy of the agreements;
- (f) ensure that seafarers are advised of any particular conditions applicable to the job for which they are to be engaged and of the particular shipowner's policies relating to their employment;
- (g) recruit or placed seafarers qualified and holding the documents necessary for the job concerned, and the seafarers' employment agreements shall be in accordance with applicable laws and regulations and any collective bargaining agreement that forms part of the employment agreement;
- (h) provide for procedures to-
 - (i) ensure, as far as practicable, that all mandatory certificates and documents submitted for employment are up to date and have not been fraudulently obtained and that employment references are verified;
 - (ii) verify that labour conditions on ships where seafarers are placed are in conformity with applicable collective bargaining agreements concluded between a shipowner and a representative seafarers' organization; and
 - (iii) supply seafarers to shipowners who offer terms and conditions of employment to seafarers who comply with applicable laws, regulations or collective agreements;
- (i) make sure as far as practicable that shipowners have the means to protect seafarers from being stranded in a foreign port;
- (j) maintain up-to-date lists of the ships for which they

provide seafarers, ensuring that there is a means by which the service can be contacted in an emergency at all hours;

- (k) put procedures in place to ensure that requests for information or advice by families of seafarers while the seafarers are at sea are dealt with at no cost;
- (l) examine and respond to any complaint concerning their activities and advise the Corporation of any unresolved complaint;
- (m) have procedures which are in accordance with the principles of natural justice for dealing with cases of incompetence or indiscipline consistent with applicable laws and practice and, where applicable, with collective agreements;
- (n) assume obligations to ensure the proper fulfilment by shipowners of the terms of their employment agreements concluded with seafarers, including establishing a system of protection, by way of insurance or an equivalent appropriate measure, to compensate seafarers for monetary loss that they may incur as a result of the failure of a recruitment and placement service or the relevant shipowner under the seafarers' employment agreement to meet its obligations to them.

(2) A person who contravenes the provisions of this regulation commits an offence and upon conviction, shall be liable to a fine of the equivalent in Tanzanian shillings of the United States Dollars five hundred or to imprisonment for a term not exceeding six months or to both.

PART III

CONDITIONS AND REQUIREMENTS FOR EMPLOYING A SEAFARER

Duty to enter
into seafarer
employment
agreement

11.-(1) A person employed as a seafarer on board a ship and a person employing him shall enter into a seafarer employment agreement which complies with the Act and these Regulations and being signed by a seafarer and the shipowner or representative of a shipowner providing a seafarer with decent working and living conditions on-board a ship as required by these Regulations.

(2) Where the seafarer is an employee but is not an employee of the shipowner-

- (a) the employer of the seafarer shall be a party to the seafarer employment agreement; and
- (b) the seafarer employment agreement shall include provision under which the shipowner guarantees to the seafarer the performance of the employer's obligations.

Content of
seafarer
employment
agreement

12.-(1) Subject to the provisions of subregulation (2) (b), the seafarer's employment agreement shall in all cases contain the following particulars

- (a) seafarer's full name, date of birth or age and birthplace;
 - (b) shipowner's name and address;
 - (c) name of ship;
 - (d) place where and date when the seafarers' employment agreement is entered into;
 - (e) capacity in which the seafarer is to be employed;
 - (f) amount of the seafarer's wages or formula used for calculating them;
 - (g) amount of paid annual leave or formula used for calculating it;
 - (h) termination of the agreement and conditions thereof, if the agreement has been made for:
 - (i) an indefinite period, the conditions entitling either party to terminate it, as well as the required notice period, which shall not be less for the shipowner than for the seafarer;
 - (ii) a definite period, the date fixed for its expiry; and
 - (iii) a voyage, the port of destination and the time which has to expire after arrival before the seafarer should be discharged;
 - (i) the health and social security protection benefits to be provided to the seafarer by the shipowner, including information on any mandatory social security contributions;
 - (j) the seafarer's entitlement to repatriation;
 - (k) a reference to the collective bargaining agreement, if applicable; and
 - (l) any other particulars which the Corporation may, after consultation with the shipowners' and seafarers' organizations, require to be included.
- (2) Where the seafarer is an employee of the

shipowner, the provisions of the seafarer's employment agreement shall include-

- (a) wages which shall include either the amount or the formula to be used in determining them;
- (b) manner in which wages shall be paid, including payment dates, the first of which shall be no more than one month after the date on which the agreement is entered into, with all subsequent dates being no more than one month apart, and the circumstances, if any, in which wages may or shall be paid in a different currency;
- (c) hours of work;
- (d) paid leave, either the amount or the formula to be used in determining it; and
- (e) any pension arrangements, including any entitlement to participate in a pension scheme

(3) The provisions of subregulations (1) and (2) shall not apply to-

- (a) a seafarer who is on board the ship for the principal purpose of receiving training; and
- (b) an approved training provider.

(4) Where a ship goes to sea or attempts to go to sea in contravention of the requirements of the Act and these Regulations, the master or the person employing the crew shall be liable on summary conviction to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars ten thousand or to imprisonment for a term not exceeding three years or to both and if the ship is in the United Republic may be detained.

Availability and
accessibility of
information

13. A shipowner shall ensure that information as to the conditions of employment is-

- (a) obtained on board by a seafarer concerned, and that such information includes a copy of the seafarer's employment agreement; and
- (b) accessible for review by an authorized officer of the Corporation, including information in ports to be visited.

Seafarers'
employment
agreement to
include
collective
bargaining
agreement

14.-(1) A shipowner shall ensure that collective bargaining agreement, where applicable, is incorporated in a seafarer's employment agreement.

(2) Where a collective bargaining agreement forms all or part of a seafarers' employment agreement, a copy of that

agreement shall be available on board a ship.

Language of
collective
bargaining
agreement
document

15. Where the language of the seafarers' employment agreement and any applicable collective bargaining agreement is not in English, the following shall be available in English-

- (a) a copy of a standard form of the agreement; and
- (b) the portions of the collective bargaining agreement that are subject to a Port State inspection under the Convention.

Minimum notice
period

16.-(1) Subject to subregulation (3), the shipowner or recruitment and placement agent shall ensure that a seafarer is issued with a minimum notice of seven days before terminating his employment agreement.

(2) Where a seafarer intends to terminate his employment agreement, he shall give a notice to the shipowner with a minimum period of notice which shall not be longer than the minimum period referred to in subregulation (1).

(3) Nothing in this regulation prevents the earlier termination of a seafarer employment agreement without notice where the termination is at the request of the seafarer on compassionate grounds or where the seafarer is dismissed for reasons of gross misconduct.

Seafarer
entitlement to
documents

17. -(1) A seafarer before signing a seafarer's employment agreement shall be given an opportunity to examine a seek advice on the agreement, as well as, such other facilities as are necessary to ensure that he has freely entered into an agreement with a sufficient understanding of his rights and responsibilities.

(2) Upon signing a seafarer employment agreement, the shipowner shall, within seven days, provide to the seafarer an original agreement signed by each party and a copy of any document referred to in that agreement.

(3) Notwithstanding the provisions of subregulation (2), the shipowner shall-

- (a) ensure that a copy of seafarer employment agreement and a copy of any document referred to in that agreement for each seafarer on a ship is held on board; and
- (b) allow each seafarer to see the copy of the seafarer employment agreement to which the seafarer is a party and a copy of any document referred to in that agreement on request.

(4) Where a work of a seafarer on board a ship comes to an end, the shipowner shall provide to the seafarer a written record of the seafarer's work on that ship.

(5) For the purposes of sub regulation (4), the record shall-

(c) contain the following provision to be included in a written record of work on a ship:

- (i) name, port of registry, gross tonnage, engine horsepower and official number of the ship;
- (ii) description of voyage;
- (iii) capacity in which seafarer worked on the ship;
- (iv) date on which seafarer started work on the ship; and (v) date and location of seafarer's discharge from the ship.

(d) not contain provision about the quality of the seafarer's work; and

(e) not contain provision about the seafarer's wages.

(6) The records required pursuant to subregulation (4) shall be in English or translated into English language.

(7) Notwithstanding the provisions of subregulation (5), a Continuous Discharge Certificate may satisfy the requirements for a written record of the seafarer's work under this regulation.

(8) A person who contravenes the requirements of this regulation shall be liable on summary conviction to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars ten thousand or to imprisonment for a term not exceeding three years or to both and if the ship is in the United Republic may be detained.

Duty to produce
seafarer
employment
agreement

18.-(1) A master of a ship shall, upon demand, produce to the Registrar, the Commissioner for Customs and Excise or any person acting on their behalf copies of seafarer employment agreements or such other relevant documents held on board.

(2) A person who, without reasonable excuse, fails to produce copies of documents required in terms of subregulation (1), commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars two thousand or to imprisonment for a term not exceeding six months or to both.

Payment of
wages

19.-(1) A shipowner shall pay wages to the seafarer account at not more than monthly intervals and in accordance with seafarer' employment agreement and any applicable collective agreement.

(2) A seafarer shall be given a monthly account of the payment due and the amount paid, including wages, additional payment and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to.

(3) Where any amount in respect of wages or other remuneration payable to a seafarer under a seafarer employment agreement is not paid on the due date, interest shall be paid on the unpaid amount at the rate of ten per cent compounded monthly or part thereof, on the principal amount from the date on which the amount was due until the date of payment.

(4) The provisions of subregulation (3) shall not apply to the shipowner if a failure to make payment on the required date was due to-

- (a) a mistake;
- (b) a reasonable dispute as to liability;
- (c) the act or default of the seafarer; or
- (d) any other cause not being the wrongful act or default of the persons liable to make the payment or of his servant or agent.

(5) A shipowner shall establish a system for enabling a seafarer, at the time of his entering employment or during it, to allot, if he so desire, a proportion of his wages for remittance at regular intervals to his families by bank transfer or similar means.

(6) Subject to the provisions of subregulation (5), an allotment shall be remitted in due time and directly to a person nominated by the seafarer.

(7) A person who contravenes the requirements of this regulations shall be liable on summary conviction to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars ten thousand or to imprisonment for a term not exceeding three years or to both and if the ship is in the United Republic may be detained.

Calculation of
wages

20. -(1) For the purpose of calculating-

- (a) a wage payment of a seafarer, the normal hours of work at sea and in port should not exceed eight hours per day;

- (b) an overtime of a seafarer, the number of normal hours per week covered by the basic pay or wages should not exceed forty eight hours per week;
 - (c) the rate or rates of compensation for overtime, which should be not less than one and one-quarter times the basic pay or wages per hour; and
 - (d) records of all overtime worked should be maintained by the master, or a person assigned by the master, and endorsed by the seafarer at no greater than monthly intervals.
- (2) For a seafarer whose wages is fully or partially consolidated-
- (a) the seafarers' employment agreement shall specify the number of hours of work expected of the seafarer in return for this remuneration, and any additional allowances which might be due in addition to the consolidated wage, and in which circumstances; and
 - (b) where hourly overtime is payable for hours worked in excess of those covered by the consolidated wage, the hourly rate should be not less than one and on equarter times the basic rate corresponding to the normal hours of work as defined in subregulation (1);
 - (c) remuneration for that portion of the fully or partially consolidated wage representing the normal hours of work as defined in paragraph 1(a) of this regulation shall be not less than the applicable minimum wage;
 - (d) for seafarers whose wages are partially consolidated, records of all overtime worked should be maintained and endorsed as provided for in subregulation (1)(d) of this regulation.
- (3) The principle referred to under subregulation (2)(b) shall be applied to the calculation of overtime hours included in the consolidated wage under tis regulation.

Account of
seafarer's wages

21.-(1) A shipowner shall ensure that an account of the seafarer's wages or other remuneration under a seafarer employment agreement is prepared and delivered to the seafarer-

- (a) periodically during the term of the seafarer employment agreement, at intervals not exceeding one month; and

- (b) within one month of the agreement terminating.
- (2) Where the seafarer is an employee, such account shall include the following information-
 - (a) name of the seafarer;
 - (b) date of birth of the seafarer;
 - (c) number of the seafarer's current continuous discharge certificate; (d) capacity in which the seafarer worked on board the ship;
 - (d) period covered by the account;
 - (e) amounts payable for the period covered by the account;
 - (f) type and amount of any deductions made during the period covered by the account; and
- (3) Where the account includes information of amounts which have been determined by reference to a currency exchange rate, details of the relevant exchange rate and any commission paid.
- (4) Where the seafarer is not an employee, such account shall include the following information-
 - (a) payments due;
 - (b) payments made including any amount not falling within subparagraph (a); and
 - (c) any rates of exchange and any commissions paid which are relevant to those payments.

Hours of work
and hours of rest

- 22.-(1) A shipowner, master or seafarer's employer, where the seafarer is an employed seafarer, shall ensure that a schedule of duties provides a minimum period of-
- (a) ten hours of rest in any twenty four hour period; and
 - (b) seventy seven hours in any seven day period.
- (2) The ten hours of rest mentioned in subregulation (1)(a) may be divided into no more than two periods, one of which shall be at least six hours in length, and the intervals between consecutive periods of rest shall not exceed fourteen hours.
- (3) The minimum period of ten hours may be reduced to not less than six consecutive hours on condition that any reduction shall not extend beyond two days and not less than seventy hours of rest are provided in each seven day period.
- (4) A shipowner or master shall ensure that musters, fire-fighting and lifeboat drills, and mandatory drills are conducted in a manner that minimize the disturbance of rest

periods and does not induce fatigue.

(5) A shipowner or master shall ensure that when a seafarer is on call, such as when a machinery space is unattended, have an adequate compensatory rest period if the normal period of rest is disturbed by call-outs to work.

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(6) A person who fails to comply to the provisions of this regulation shall be deemed to have committed an offence under regulation 91 of the Merchant Shipping (Training, Certification and Manning) Regulations.

Posting up of
tables

23.-(1) The master of a ship or a person authorized by the master shall ensure that the following tables are posted up in a prominent and easily accessible place in the ship-

- (a) a table of scheduled watchkeeping; and
- (b) a table of scheduled hours of rest.

(2) A table under subregulation (1) shall-

- (a) contain at least the following information for every seafarer-
 - (i) the daily schedule of duties at sea and duties in port; and
 - (ii) the daily minimum hours of rest as required by the provisions of these Regulations or any collective or workforce agreements in force;
- (b) be in the format specified under the First Schedule; and
- (c) be in English and in the working language of the ship, if it is not English.

Records of hours
of rest

24.-(1) The master of a ship or a person authorized by the master shall maintain records of each seafarer's daily hours of rest in accordance with the requirements of these Regulations.

(2) The records under subregulation (1) shall be-

- (a) in a format which complies with the requirements specified in the Second Schedule; and
- (b) in English and in the working language of the ship, if it is not English;
- (c) endorsed by:
 - (i) the master or the person authorized by the master; and

(ii) the seafarer to whom the record relates.

(3) The master or a person authorized by the master shall give a copy of the endorsed record to the seafarer to whom the record relates.

(4) A relevant inspector shall examine and endorse, at appropriate intervals, records kept under subregulation (1).

Duty to provide information

25.-(1) A shipowner shall provide the Registrar with such information as the Registrar may specify on a watchkeeper and seafarer working at night.

(2) A person who fails to comply with the provisions of this regulation shall be deemed to have committed an offence under section 386(l)(b) of the Act.

Leave and holidays

26.-(1) Subject to the provisions of section 148 of the Act, a shipowner or, where a seafarer is not an employee, an employer shall ensure a seafarer enjoys a right to annual leave with pay, or a proportionate part of the annual leave with pay and holidays.

(2) A shipowner or employer shall not consider as part of annual leave, justified absence from work.

(3) For the purposes of this regulation, "justified absence from work" includes any absence authorized by

- (a) any written law;
- (b) any contract between the seafarer's employer and the seafarer;
- (c) any collective agreement or workplace agreement; or
- (d) custom and practice.

(4) A person who contravenes this regulation, commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian Shillings of the United States Dollars Two Thousands or to imprisonment for a term not exceeding six month or to both.

Shore leave

27. The shipowner and master of a ship shall ensure that shore leave is granted to a seafarer who works on the ship to benefit his health and well-being where consistent with the operational requirements of his position.

Entitlements under other provisions

28. Where during any period a seafarer is entitled to hours of rest or paid leave both under a provision of these Regulations and under a separate provision, including a

provision of the seafarer's contract, the seafarer may not exercise the two rights separately, but may, in taking hours of rest or paid leave during that period, take advantage of whichever right is, in any particular respect, the more favourable.

Financial
security in event
of their
abandonment

29.-(1) A ship owner shall ensure the provision of an expeditious and effective financial security system in the form of a social security scheme or insurance or a national fund or other similar arrangements to assist a seafarer in the event of his abandonment.

(2) For the purposes of this regulation, a seafarer shall be deemed to have been abandoned where, in violation of the requirements of these Regulations or the terms of the seafarers' employment agreement, the shipowner-

- (a) fails to cover the cost of the seafarer's repatriation;
- (b) has left the seafarer without the necessary maintenance and support; or
- (c) has otherwise unilaterally severed his ties with the seafarer including failure to pay contractual wages for a period of at least two months.

(3) For the purposes of sub regulation (2)(b), necessary maintenance and support of a seafarer shall include-

- (a) adequate food;
- (b) accommodation;
- (c) drinking water supplies;
- (d) essential fuel for survival on board the ship; and
- (e) necessary medical care.

Duty to carry on-
board proof of
financial security

30.-(1) A shipowner shall ensure a certificate or other documentary evidence of financial security issued by the financial security provider is-

- (a) carried on board;
- (b) posted in a conspicuous place on board where it is accessible to the seafarer; and
- (c) in English or accompanied by an English translation.

(2) The assistance provided by the financial security system referred to under these Regulations shall be sufficient to cover the following-

- (a) outstanding wages and other entitlements due from the shipowner to the seafarer under his employment agreement, the relevant collective bargaining

- agreement or other written laws, limited to four months of any such outstanding wages and four months of any such outstanding entitlements;
- (b) all expenses reasonably incurred by the seafarer, including the cost of repatriation; and
 - (c) the essential needs of the seafarer including such items as-
 - (i) adequate food;
 - (ii) clothing;
 - (iii) accommodation;
 - (iv) drinking water supplies;
 - (v) essential fuel for survival on board the ship,
 - (vi) necessary medical care; and
 - (vii) any other reasonable costs or charges from the act or omission constituting the abandonment until the seafarer's arrival at home.

(2) The cost of repatriation shall cover travel by appropriate and expeditious means, normally by air, and include provision for food and accommodation of the seafarer from the time of leaving the ship until arrival at the seafarer's home, necessary medical care, passage and transport of personal effects and any other reasonable costs or charges arising from the abandonment.

(3) The financial security shall not cease before the end of the period of validity of the financial security unless the financial security provider has given prior notification of at least 30 days to the Corporation.

(4) If the provider of insurance or other financial security has made any payment to any seafarer in accordance with this regulation, such provider shall, up to the amount it has paid and in accordance with the applicable written law, acquire by subrogation, assignment or otherwise, the rights which the seafarer would have enjoyed.

(5) Nothing in this regulation shall prejudice any right of recourse of the insurer or provider of financial security against third parties.

(6) The provisions in this regulation are not intended to be exclusive or to prejudice any other rights, claims or remedies that may be available to compensate a seafarer who is abandoned, provided that any amounts payable under this regulation can be offset against amounts received from other sources arising from any rights, claims or remedies that may be

the subject of compensation under these Regulations and other written laws.

Duty to
repatriate
seafarer

31.-(1) A shipowner shall make such provision as is necessary for repatriation of a seafarer where the-

- (a) seafarer employment agreement expires;
- (b) seafarer employment agreement is terminated by the shipowner;
- (c) seafarer employment agreement is terminated by the seafarer in accordance with the terms of the agreement;
- (d) seafarer is no longer able to carry out the seafarer's duties under the seafarer's employment agreement or cannot be expected to carry them out in the specific circumstances, including in the following circumstances:
 - (i) the seafarer has an illness, injury or medical condition which requires his repatriation when found medically fit to travel;
 - (ii) shipwreck;
 - (iii) the shipowner is not able to fulfil its legal or contractual obligations to the seafarer following insolvency, the sale of the ship or a change in the ship's registration; or
 - (iv) the ship is bound for a war zone to which the seafarer does not consent to go;
- (e) seafarer has completed the maximum period of service on board following which the seafarer is entitled to repatriation in accordance with the seafarer employment agreement; and
- (f) seafarer employment agreement is terminated pursuant to an order of a court or tribunal.

(2) A person who contravenes this regulation commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars one thousand or to imprisonment for a term not exceeding six months or to both.

Financial
security to cover
cost of
repatriation

32.-(1) A shipowner or master shall not operate a ship unless in the case of a sea going Tanzanian ship wherever it may be and a sea-going ship which is not a Tanzanian ship while that ship is in Tanzania waters, there is in force a contract of insurance or other financial security adequate to ensure that

the shipowner is able to meet his obligations to repatriate a seafarer in accordance with the requirements of these Regulations.

(2) A shipowner shall provide evidence of the financial security under this regulation and make it available on-board, in English, for inspection purposes.

Place for return

33.-(1) A shipowner required to provide for repatriation of a seafarer shall ensure that the seafarer is repatriated to the destination provided for in the seafarer employment agreement or to such other place as may be subsequently agreed between the shipowner and the seafarer.

(2) Where the seafarer employment agreement does not identify a destination, and there has been no agreement between the seafarer and the shipowner as to the destination, the shipowner shall repatriate the seafarer at the seafarer's choice of the following destinations-

- (a) the place at which the seafarer entered into the seafarer's employment agreement; or
- (b) the seafarer's country of residence.

(3) A person who contravenes this regulation commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars one thousand or to imprisonment for a term not exceeding six months or to both.

Scope of duty to repatriate

34. Where a shipowner is duty bound to provide the repatriation of a seafarer, that duty shall end when the-

- (a) seafarer is repatriated;
- (b) shipowner makes reasonable arrangements for repatriation which are unsuccessful because of the seafarer's unreasonable conduct;
- (c) shipowner has used reasonable endeavours to contact the seafarer for a period of three months or more, but has been unable to make such contact; or
- (d) seafarer confirms in writing to the shipowner that repatriation is not required.

Duty pending repatriation

35.-(1) A shipowner to which a duty to repatriate a seafarer applies shall make such provision as is necessary for the seafarer's relief and maintenance pending repatriation.

(2) The shipowner shall have regard to the seafarer's personal circumstances and requirements when determining what provision is required under subregulation (1).

- (3) Without prejudice to the generality of subregulation (1) the provision for relief and maintenance shall include-
 - (a) food;
 - (b) clothing;
 - (c) accommodation;
 - (d) toiletries and other personal necessities;
 - (e) surgical, medical, dental or optical treatment (including the repair or Prohibition on recovering costs from seafarer replacement of any appliance) for any condition requiring immediate care; and
 - (f) (f) in cases where legal aid is unavailable or insufficient, reasonable costs for the defence of the seafarer in any criminal proceedings in respect of any act or omission within the scope of the seafarer's employment, being proceedings where neither the shipowner nor an agent of the shipowner is the complainant.
- (4) The duty in subregulation (1) ends when the duty in regulation 36 of these Regulations ends.
- (5) A person who contravenes this regulation commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars one thousand or to imprisonment for a term not exceeding six months or to both.

Prohibition on
recovering costs
from seafarer

- 36.-(1) Subject to subregulation (2), a shipowner shall not enter into an agreement with a seafarer under which the seafarer shall make payment in respect of either-
- (a) repatriation costs; or
 - (b) relief and maintenance costs.
- (2) Where the agreement of the seafarer is terminated due to the seafarer's misconduct, a seafarer employment agreement may provide that the seafarer shall reimburse the shipowner for repatriation costs.
- (3) Where a seafarer employment agreement-
- (a) contains provision described in subregulation (2) and that obligation arises, a deduction equivalent to those costs may be made from the wages due to the seafarer under that agreement; or
 - (b) does not contain provision such as that described in subregulation (2), the shipowner may only recover the costs described in subregulation (1), or

damages in respect of such costs, where the agreement is terminated because of the seafarer's misconduct.

(4) For the purpose of this regulation, the term misconduct means any act referred to under the provisions of sections 172 and 173 of the Act.

(5) The agreement shall be void if it provides that a seafarer shall make a payment to the shipowner in respect of either repatriation costs or relief and maintenance costs in breach of subregulation (1).

(6) A person who contravenes subregulation (1) commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars one thousand or to imprisonment for a term not exceeding six months or to both such fine and imprisonment, and the court may in addition to a penalty require the shipowner to reimburse a seafarer cost for repatriation.

Seafarer
property

37.-(1) This regulation shall apply where a shipowner is under a duty to repatriate a seafarer under these Regulations and the property belonging to that seafarer has been left behind on board a ship.

(2) The master of the ship shall take charge of that property and enter a description of each item in the official log book.

(3) Subject to the provisions of subregulation (4), the master of the ship and the shipowner shall ensure that reasonable care is taken of the property pending its delivery in accordance with subregulation (7).

(4) The master of the ship may at any time-

- (a) sell any part of the property which is of a perishable or deteriorating nature; and
- (b) destroy or otherwise dispose of any part of the property considered a potential risk to the health or safety of any person.

(5) The proceeds of any sale under subregulation (4)(a) shall be the property of the seafarer and the master of the ship shall ensure that details of the sale are entered in the official log book.

(6) The master of the ship shall ensure that details of any destruction or disposal under subregulation (4) (b) are entered in the official log book.

(7) Subject to the provisions of subregulation (8), the

shipowner shall cause the property and a document containing the information entered in the log book pursuant to subregulations (5) and (6) to be delivered to the seafarer or to the seafarer's next of kin within a reasonable time.

(8) The duty in subregulation (7) is discharged if the shipowner causes the delivery to be made to the last known address of the seafarer or the next of kin, as the case may be.

(9) The seafarer or the next of kin, as the case may be, shall reimburse the shipowner for the delivery costs if demanded.

(10) A person who contravenes this regulation commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars one thousand or to imprisonment for a term not exceeding six months or to both and the court may in addition to a penalty, require the shipowner to reimburse a seafarer property.

Shipowners'
liability for
seafarer
unemployment
and losses

38.-(1) This regulation applies in relation to a seafarer working on board a ship which founders or is lost.

(2) Where the loss or foundering of the ship causes the seafarer to become unemployed, the shipowner shall pay to the seafarer an amount equivalent to the wages which would otherwise have been payable under the seafarer employment agreement for every day on which the seafarer is unemployed in the two month period commencing on the day following the day on which the loss or foundering occurred.

(3) Where the loss or foundering of the ship causes the seafarer to suffer injury or loss, other than the loss of wages referred to in subregulation (2), the shipowner shall pay compensation to the seafarer.

(4) In relation to loss other than personal injury or death, the duty in subregulation (3) is limited to the amount specified in the seafarer employment agreement.

(5) A seafarer may recover any sum due from the shipowner under subregulation (2) or (3) as a civil debt.

Shipowners'
liability for
wages following
sickness or
injury

39.-(1) This regulation shall apply to a seafarer who suffers sickness or injury which-

(a) first occurs during a period which starts-

- (i) on the date on which the seafarer's seafarer employment agreement commences and ends on the next date

on which the shipowner's duty to make provision for the repatriation of that seafarer under these Regulations ends; or

- (ii) after a period referred to in paragraph (i) but is caused by circumstances or events arising during that period;

- (b) does not first occur during a period of leave, other than shore leave; and
- (c) results in the seafarer's incapacity for work.

(2) Where a seafarer falling within subregulation (1)(a)(i) does not receive the wages payable under the seafarer employment agreement in respect of the period specified in subregulation (3), the shipowner shall pay to the seafarer a sum equal to the difference between-

- (a) any sums received by the seafarer in respect of wages for that period under that agreement; and
- (b) the wages which would have been payable to the seafarer under that agreement if the seafarer had remained fit for work throughout that period, and where the agreement would otherwise have terminated during that period if the agreement had continued on the same terms throughout that period.

(3) The period referred to in subregulation (2) is a period-

- (a) starting on the date of the injury or the first day of the sickness; and
- (b) ending on the date on which the duty to repatriate the seafarer under these Regulations ends (or, if such a duty does not arise, the date on which the seafarer leaves the ship).

(4) Subject to subregulations (5) to (7), where a seafarer falling within subregulation (1) is incapable of work after the date on which the duty to repatriate the seafarer under these Regulations ends, or if such a duty does not arise, the date on which the seafarer leaves the ship, and the seafarer does not receive the basic wages payable under the seafarer employment agreement for the period starting on that date and ending on the date on which the seafarer is again fit for work, the shipowner shall pay to the seafarer a sum equal to the difference between-

- (a) any sums received by the seafarer in respect of basic wages for that period under that agreement; and

- (b) the basic wages which would have been payable to the seafarer under that agreement if the seafarer had remained fit for work throughout that period, and (where the agreement would otherwise have terminated during that period) if the agreement had continued on the same terms throughout that period.

(5) The duty in subregulation (4) ends on the expiry of the period of 16 weeks commencing on the day following the date of the injury or the first day of the sickness referred to in subregulation (1).

(6) The duty in subregulation (4) is conditional upon the seafarer applying for all relevant social security benefits payable in consequence of:

- (a) the seafarer's incapacity for work; and
- (b) the sickness or injury which resulted in the incapacity for work, under the laws of the United Republic or the laws or arrangements in the country to which the seafarer is repatriated.

(7) Where the seafarer receives social security benefits of the kind described in subregulation (6) in respect of the period referred to in sub regulation (5) or any part of that period

- (a) the amount which the shipowner shall pay to the seafarer under sub regulation (4) is to be reduced by that amount; and
- (b) the shipowner may recover as a civil debt any payments already made to the seafarer to the extent that they exceed such reduced amounts.

(8) The seafarer shall on request, provide information to the shipowner as to the amounts received by the seafarer in social security benefits during the period referred to in subregulation (5).

(9) The sums payable to the seafarer under subregulations (2) and (4) shall be paid in the same manner and at the same frequency as wages are or, as the case may be, were payable under the seafarer employment agreement.

(10) The seafarer may recover any sum due from the shipowner under subregulations (2) or (4) as a civil debt.

(11) This regulation does not apply to a seafarer where-

- (a) the injury referred to in subregulation (1) was sustained while the seafarer was not at work;
- (b) the injury or sickness referred to in subregulation (1) was sustained or arose due to the seafarer's wilful misconduct; or

- (c) (c) the sickness or incapacity for work existed at the time when the seafarer entered the seafarer employment agreement, and the seafarer deliberately concealed the sickness or incapacity from the shipowner.

Manning levels
for ship
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40. When manning a ship, a shipowner shall comply with the safe manning document issued by the Registrar as provided under Part VI of the Merchant Shipping (Training, Certification and Manning) Regulations.

PART IV
ACCOMMODATION, RECREATIONAL FACILITIES, FOOD AND CATERING

Provision for
new and existing
ships

shall- 41.-(1) Unless otherwise expressly provided, this Part

- (a) apply to all new ships;
- (b) not apply to any existing ship, unless the-
 - (i) owner of the ship so requests; or
 - (ii) crew accommodation in such ship is substantially altered or reconstructed and such alteration or reconstruction takes place on or after the date of coming force of these Regulation;
- (c) not apply to-
 - (i) ship of less than 500 tons other than a new MLC ship;
 - (ii) ship primarily propelled by sail but having auxiliary engines, other than a new MLC ship;
 - (iii) ship engaged in fishing or similar pursuits;
 - (iv) tug other than a tug that is a new MLC ship; or
 - (v) ship, exclusively engaged on special limit voyages, other than a new MLC ship.

Crew
accommodation
and recreational
facilities
requirements

42.-(1) A shipowner of a Tanzanian ship shall provide and maintain accommodation and recreational facilities for seafarers working and living on board which complies with the requirements provided under the Third Schedule to these Regulations.

(2) The master of the ship, or an officer appointed by the master for that purpose, shall, at intervals not exceeding

seven days and accompanied by at least one member of the crew, inspect the crew accommodation and recreational facilities to ensure it is clean, decently habitable and maintained in a good state of repair.

(3) The master of the ship, or an officer appointed by the master for that purpose, shall record the findings of inspections undertaken pursuant to subregulation (2) in the official log book of the ship specifying-

- (a) the time and date of the inspection;
- (b) the name and rank of each person making the inspection; and
- (c) particulars of any respect in which the crew accommodation and recreational facilities was found by any of the persons making the inspection not to comply with these Regulations.

(4) A person who contravenes this regulation commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars Two Thousands or to imprisonment for a term not exceeding six months or to both.

Provision of
food and
drinking water

43.-(1) A shipowner or master of a ship shall ensure that food and drinking water is provided on board the ship which-

- (a) are suitable in respect of quantity, quality and, in relation to food, nutritional value and variety, taking account of-
 - (i) the number of seafarers on board and the character, nature and duration of the voyage; and
 - (ii) the different religious requirements and cultural practices in relation to food of the seafarers on board;
- (b) do not contain anything which is likely to cause sickness or injury to health or which renders any food or drinking water unpalatable; and
- (c) are otherwise fit for consumption.

(2) A shipowner or master of a ship shall ensure that food and drinking water provided in accordance with subregulation (1) is provided free of charge to all seafarers while on board.

(3) A shipowner or master shall ensure that safety report on food and drinking water is-

- (a) readily available to seafarers; and

(b) written in a language that can be clearly understood by the seafarer and in English.

(4) A person who contravenes this regulation commits an offence and upon conviction, shall be liable to a fine of not less than the equivalent in Tanzanian shillings of the United States dollars two thousand or to imprisonment for a term not exceeding six months or to both and the court may in addition to a penalty, require the shipowner to reimburse a seafarer.

Organisation and
equipment of
catering
department

44.-(1) A shipowner or master of a ship shall ensure that-

(a) food and drinking water which are provided for seafarers are stored and handled; and

(b) the catering department is organised and equipped, so as to permit the provision to seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions, in accordance with the requirements.

(2) A shipowner or master shall ensure that galleys, storerooms and sanitary rooms are in clean and habitable condition and all equipment and installations maintained in good working order.

Inspection of
food and
catering facilities

45.-(1) A master of a ship shall ensure that, not less than once a week the supplies of food, drinking water on board, catering department and its equipment are inspected to check compliance with these Regulations-

(2) An inspection under subregulation (1) shall be carried out by-

(a) the master of the ship; or

(b) a person authorized by the master, together with a member of the catering staff.

(2) A master of the ship shall ensure that the results of any inspection under subregulation (1) are recorded in the official logbook of the ship.

Crew
accommodation
plan

46.-(1) A person intending to construct a ship, shall prior to construction submit a plan showing the location and general arrangement of the crew accommodation to the Registrar or an authorized organisation for approval.

(2) Subject to the provision of subregulation (3), before-

(a) the construction of the crew accommodation in a new ship is begun; or

- (b) the crew accommodation in an existing ship is substantially altered or reconstructed, detailed plans of, and information concerning, the accommodation, showing-
 - (i) the allocation of each space;
 - (ii) the disposition of furniture and fittings;
 - (iii) the means and arrangement of ventilation;
 - (iv) lighting, heating and the sanitary arrangements,

shall be submitted to the Registrar or an authorized organisation for approval.

(3) Where-

- (a) permission is granted by the Registrar or an authorized organisation; or
- (b) an alteration or reconstruction of the crew accommodation in a ship is temporary or is being carried out as a consequence of an emergency or an accident,

the plans referred to in subregulations (1) and (2) may be submitted to the Registrar or an authorized organisation as soon as practicable.

Surveys and
certificates

47.-(1) The survey of ships, so far as regards the enforcement of the provisions of these Regulations, shall be carried out by a surveyor of ships or an authorized organisation.

(2) A ship shall be surveyed on every occasion when

- (a) it is registered;
- (b) its crew accommodation has been substantially altered or reconstructed; or
- (c) the Registrar has reason to believe that its crew accommodation does not comply with the provisions of these Regulations.

PART V

HEALTH PROTECTION, MEDICAL CARE, WELFARE AND SOCIAL SECURITY PROTECTION

Obligation to
provide medical
care and health
coverage

48.-(1) A shipowner shall ensure that a seafarer is covered by adequate measures for the protection of his health and that he has access to prompt and adequate medical care whilst working on board at no cost to the seafarer by-

- (a) providing the seafarer with medical care on board, so far as is practicable;
- (b) facilitating the provision of medical care ashore where circumstances necessitates; and

- (c) meeting any expenses falling within subregulation (3) which are reasonably incurred in connection with the seafarer's sickness or injury.
- (2) This regulation applies in relation to a seafarer who suffers sickness or injury where it-
 - (a) first occurs during a period-
 - (i) which starts on the date on which that seafarer's seafarer employment agreement commences and ends on the next date on which the shipowner's duty to make provision for the repatriation of that seafarer under these Regulations ends; or
 - (ii) which starts after a period referred to in paragraph (i) but is caused by circumstances or events arising during that period; and
 - (b) does not first occur during a period of leave, other than shore leave.
- (3) Expenses falling within the provisions of subregulation (1) (c) are-
 - (a) expenses of surgical, medical, dental or optical treatment, including the supply, repair or replacement of any appliance; and
 - (b) expenses for board and lodging.
- (4) The duty to meet expenses referred to in subregulation (3) shall not apply-
 - (a) to expenses which are met by a public authority; and
 - (b) in respect of any expenses met by the shipowner in accordance with these Regulations.
- (5) The duty to meet expenses referred to in subregulations (3)(b) shall be limited to expenses incurred during whichever of the following periods is the shorter-
 - (a) a period of 16 weeks beginning on the day on which the sickness or injury first occurs; or
 - (b) a period beginning on the day on which the sickness or injury first occurs and ending on the day on which an approved medical practitioner notifies the seafarer of a decision that the seafarer is-
 - (i) is not fit to carry out the duties which that seafarer is required to carry out under the terms of that seafarer's seafarer

employment agreement; and

- (ii) unlikely to be fit to carry out duties of that nature in the future.

(6) Where an approved medical practitioner has notified a seafarer of a decision in the terms described in subregulation (5)(b) and that or another such person subsequently notifies the seafarer that such a decision no longer applies in both or either respects, the duty to meet expenses referred to in subregulation (3)(b) shall be limited to expenses incurred during the period set out in subregulation (5)(a).

(7) The shipowner may recover from the seafarer as a civil debt any expenses he has met under the duty to meet expenses referred to in subregulation (3)(b) in connection with-

- (a) injury suffered otherwise than in the service of the ship;
- (b) injury or sickness arising from the wilful misconduct of the seafarer who is injured or sick; or
- (c) injury or sickness intentionally concealed by the seafarer prior to entering into the seafarer employment agreement.

(8) Where any expenses are incurred by a seafarer to which the duty in subregulation (3) applies, the seafarer may, other than in the circumstances referred to in paragraphs (a) to (c) of subregulation (7) recover those expenses from the shipowner as a civil debt.

(9) A person who fails to provide medical care on board ship commits an offence and upon conviction, shall be liable to a fine of less than the equivalent in Tanzanian shillings of the United States dollars two thousand or to imprisonment for a term not exceeding six months or to both.

Health and
safety protection
and accident
prevention
Cap. 297

49. A shipowner shall ensure that a seafarer on a ship that flies Tanzanian flag is provided with occupational health protection and live, work and train on board ship in a safe and hygienic environment in accordance with the Occupational Health and Safety Health Act and other written laws.

Duty to carry
medical
practitioner on
ship

50.-(1) A shipowner shall not operate a ship unless a medical practitioner is carried on board the ship.

(2) Subject to the provisions of subregulation (1), this regulation shall apply to a ship which-

- (a) has one hundred or more persons on board; and
- (b) is engaged on an international voyage lasting more

than seventy two hours.

(3) A person who contravenes this regulation commits an offence and upon conviction, shall be liable to a fine of less than the equivalent in Tanzanian shillings of the United States dollars two thousand or to imprisonment for a term not exceeding six months or to both.

Social security
benefits

51. A shipowner shall ensure that a seafarer is provided with social security benefits in accordance with written laws.

Protection of
seafarer from
financial
consequences of
sickness, injury
or death

52.-(1) A shipowner shall be liable to-

- (a) provide financial security to assure compensation in the event of the death or long-term disability of a seafarer due to an occupational injury, illness or hazard, as set out in the relevant written laws, the seafarers' employment agreement or collective agreement;
- (b) defray the expense of medical care, including medical treatment and the supply of the necessary medicines and therapeutic appliances, and board and lodging away from home until the sick or injured seafarer has recovered, or until the sickness or incapacity has been declared of a permanent character;
- (c) pay the cost of burial expenses in the case of death occurring on board or ashore during the period of engagement; and
- (d) defray the expense of medical care and board and lodging to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness.

(2) A shipowner shall take measures for safeguarding property left on board by sick, injured or deceased a seafarer and for returning it to him or his next of kin.

(3) Where the sickness or injury results in incapacity for work the shipowner shall be liable to pay-

- (a) full wages as long as the sick or injured seafarers remain on board or until the seafarers have been repatriated in accordance with this Convention; and
- (b) wages in whole or in part as prescribed by national laws or regulations or as provided for in collective agreements from the time when the seafarers are repatriated or landed until their recovery or, if earlier, until they are entitled to cash benefits under

the legislation of the Member concerned.

(4) The liability of the shipowner shall be limited to, in respect of-

- (a) a seafarer no longer on board, the payment of wages in whole or in part to a period which shall not be less than sixteen weeks from the day of the injury or the commencement of the sickness;
- (b) injury incurred otherwise than in the service of the ship;
- (c) injury or sickness due to the willful misconduct of the sick, injured or deceased seafarer;
- (d) sickness or infirmity intentionally concealed when the engagement is entered into; and
- (e) defray the expenses of medical care and board and lodging and burial expenses in so far as such liability is assumed by the public authority.

PART VI

REQUIREMENTS FOR NON-TANZANIAN SHIPS WITH MLC DOCUMENTATION

Medical Care

53.-(1) A shipowner of non-Tanzanian ship with MLC documentation shall give access or permit a seafarer to-

- (a) prompt and adequate medical care whilst working on board a ship at no cost to the seafarer; and
- (b) visit a qualified medical doctor or dentist without delay in port of call. (2) A ship shall not be operated unless it carries a qualified medical doctor who is responsible for providing medical care.

(3) Subject to the provisions of subregulation (2), this regulation shall apply to a ship which-

- (a) has one hundred or more persons on board; and
- (b) is engaged on an international voyage lasting more than seventy two hours.

Breach of prohibition

54.-(1) Subject to any exceptions made by the State whose flag the ship is entitled to fly, a shipowner or master shall not operate a non-Tanzanian ship if-

- (a) employ or engage a person under the age of 16 to work on board a ship of any;
- (b) permits a seafarer under the age of eighteen to work at night.

(2) For the purposes of this regulation, "night" shall be defined in accordance with national law and practice of the flag State.

Seafarer
Employment
Agreement

55.-(1) A shipowner or master of a non-Tanzanian ship with MLC documentation shall ensure that-

- (a) an employment agreement is signed by a seafarer and shipowner or representative of the shipowner or, where he is not an employee, evidence of contractual or similar arrangement, providing him with decent working and living condition on board a ship as required by these Regulations;
- (b) a seafarer is given an opportunity to examine and seek advice before signing an employment agreement to ensure that he has freely entered into an agreement with a sufficient understanding of his rights and responsibilities;
- (c) the shipowner and seafarer concerned each has a signed original of the seafarer's employment agreement;
- (d) clear information as to the conditions of his employment can be easily obtained on board by a seafarer, including the ship's master, and that such information, including a copy of the seafarer's employment agreement, is also accessible for review by officers of a competent authority, including those in ports to be visited; and
- (e) a seafarer is given a document containing a record of his employment on board a ship;

(2) Subject to the provisions of subregulation (1), the seafarer's employment agreement shall in all cases contain the particulars specified under these Regulations.

(3) The provision of this regulation shall apply whether or not the State whose flag the ship is entitled to fly has implemented the Convention.

Accounts of
Seafarers Wages

56. A shipowner shall provide a seafarer with a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to.

Records

57. A master or a person authorized by the master of a ship shall maintain records of seafarers' daily hours of rest or work and provide copies of such records to seafarers in accordance with the provisions of these Regulations.

Annual leave

58. An employer shall ensure that a seafarer is given paid annual leave in accordance with the provisions of these Regulations and Convention.

On board accommodation and recreational facilities

59.-(1) Subject to subregulations (2), a ship shall not be operated unless it complies with the minimum standards for on-board accommodation and recreational facilities.

(2) The requirement in subregulation (1) is subject to-

- (a) implementing the requirements which relate to ship construction and equipment, to ships constructed on or after 31 December 2021; and
- (b) any permission, exemption or variation which have been granted or allowed by the State whose flag the ship is entitled to fly and which are permitted by the Convention provisions referred to in paragraph (1).

(3) The master of a ship shall comply with the requirements of these Regulations with regard to-

- (a) frequent inspections; and
- (b) the recording of the results of such inspections and making those results available for review whether or not the State whose flag the ship is entitled to fly has imposed those requirements in its national laws or otherwise.

Provision of food and drinking water

60.-(1) A ship owner shall not operate a ship unless-

- (a) food and drinking water of appropriate quality, nutritional value and quantity that adequately cover the requirements of the ship are carried and served on board and take into account the differing cultural and religious background; and
- (b) seafarers are provided with food free of charge during the period of engagement.

(2) The master of a ship shall ensure that frequent documented inspections are carried out on board the ship whether or not the State whose flag the ship is entitled to fly has imposed those requirements in its national laws or otherwise.

(3) A ship shall not be operated unless it meets the following minimum standards.

- (a) the organization and equipment of the catering department are such as to permit the provision to seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions; and

- (b) catering staff are properly trained or instructed for their positions.

Qualification of
ship's cook

61.-(1) Subject to any dispensation issued by the State whose flag the ship is entitled to fly a shipowner shall ensure that a seafarer who is engaged as ship's cook is trained, qualified and found competent for the position in accordance with requirements set out in the written laws of the flag State.

Contravention
under this Part

62. A person who contravene the provisions of this Part, shall be dealt with in a manner prescribed under these Regulations.

PART VII
COMPLIANCE AND ENFORCEMENT

(a) Compliance and Enforcement for Tanzanian ship

Power to inspect
ship

63.-(1) For the purpose of checking compliance with these Regulations, the Registrar or authorized officer may, at any reasonable time go on board and inspect a ship, its equipment, any article or document carried on board.

(2) The powers to inspect a ship under these Regulations shall be exercised in the manner conferred under section 385 of the Act.

Authorization to
implement
certain
undertakings

64.-(1) The Corporation may authorize a recognised organisation-

- (a) conduct an inspection of a ship;
- (b) issue or renew a Maritime Labour Certificate in respect of a ship;
- (c) make an endorsement for intermediate inspection on the Maritime Labour Certificate of a ship;
- (d) issue an interim Maritime Labour Certificate in respect of a ship;
- (e) issue a compliance report in respect of a ship in the manner set out under sub regulation (2);
- (f) consider measures proposed by a shipowner to ensure compliance with the requirements of these Regulations; and
- (g) require the rectification of any deficiency in complying with requirement of these Regulations identified from an inspection of the ship.

(2) The Corporation shall, for the purpose recognition of an authorised organisation under subregulation (1), assess the competency and independence of the organization concerned and determine whether the organization-

- (a) has the necessary expertise in the relevant aspects of these Regulations and an appropriate knowledge of ship operations, including the minimum requirements for seafarers to work on a ship, conditions of employment, accommodation, recreational facilities, food and catering, accident prevention, health protection, medical care, welfare and social security protection;
- (b) has the ability to maintain and update the expertise of its personnel;
- (c) has the necessary knowledge of the requirements of these Regulations as well as of applicable laws and regulations and relevant international instruments; and
- (d) is of the appropriate size, structure, experience and capability commensurate with the type and degree of authorization.

(3) A compliance reports referred to in subregulation (1) shall contain information regarding any recognized organization, the extent of authorizations given and the arrangements made by the Corporation to ensure that the authorized activities are carried out completely and effectively.

Monitoring of
authorised
activities

65. The Corporation shall establish-

- (a) a system to monitor the adequacy of work performed by recognized organizations, which includes information on written laws and relevant international instruments; and
- (b) procedures for communication with and oversight of authorised organizations.

Communication
of list of
authorised

66. The Corporation shall maintain and issue an updated list of authorized organization to the Ministry responsible for labour for purposes of submission to the International Labour Organisation Offices in the United Republic.

Issuance of
Maritime Labour
Certificate

67.-(1) The Corporation or authorised organisation dully authorised shall issue a Maritime Labour Certificate to a

ship for a period of :five years after satisfying itself through an inspection on the compliance of the requirements of these Regulations regarding the working and living conditions of seafarers in the format provided in the Fourth Schedule of these Regulations.

(2) The validity of the Maritime Labour Certificate shall be subject to an intermediate inspection by the Corporation, or by a recognized organization duly authorized for this purpose, to ensure continuing compliance with the requirements of these Regulations.

(3) The intermediate inspection shall take place between the second and third anniversary dates of the certificate.

(4) The scope and depth of the intermediate inspection shall not be less than that undertaken in the course of an inspection for renewal of the certificate. (5) The certificate shall be endorsed by the corporation or authorised organisation following satisfactory intermediate inspection.

(6) A valid Maritime Labour Certificate and Declaration of Maritime Labour Compliance report shall be carried on the ship and a copy shall be posted in a conspicuous place on board where it is available to the seafarers.

(7) A copy of the Maritime Labour Certificate and Declaration of Maritime Labour Compliance report shall be made available upon request, to-

- (a) seafarers or seafarers' representatives;
- (b) flag State inspectors;
- (c) authorized officers in port States; or
- (d) shipowners.

(8) Where a Tanzanian ship changes its flag, the Registrar shall transmit to the competent authority of the other Member State copies of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance carried by a Tanzanian ship before the change of flag and copies of the relevant inspection reports where the competent authority so requests within three months after the change of flag has taken place.

Issuance of
Interim Maritime
Labour
Certificate

68.-(1) The Corporation or authorised organisation may issue an Interim Maritime Labour Certificate in the format prescribed under the Fifth Schedule for a period not exceeding six months-

- (a) to a new ship on delivery;

- (b) when a ship changes flag; or
- (c) when a shipowner assumes responsibility for the operation of a ship which is new to that shipowner.

(2) An Interim Maritime Labour Certificate may only be issued following verification that-

- (a) the ship has been inspected, as far as reasonable and practicable, on the compliance of the requirements of these Regulations regarding the working and living conditions of seafarers;
- (b) the shipowner has demonstrated to the Corporation or recognized organization that the ship has adequate procedures to comply with these Regulations;
- (c) the master is familiar with the requirements of these Regulations and the responsibilities for implementation; and
- (d) relevant information has been submitted to the Corporation or recognized organization duly authorised for this purpose to produce a Declaration of Maritime Labour Compliance.

(3) A full inspection shall be carried out prior to expiry of the interim certificate to enable the issuance of the full-term Maritime Labour Certificate.

(4) No further interim certificate may be issued after the expiry of the interim period referred to in subregulation (1).

(5) A Declaration of Maritime Labour Compliance need not be issued for the period of validity of the interim certificate.

(6) The Maritime Labour Certificate, Interim Maritime Labour Certificate and the Declaration of Maritime Labour Compliance shall be drawn up in the format provided under the Fourth Schedule.

Renewal of
Maritime Labour
Certificate

69.-(1) The Maritime Labour Certificate may be renewed subject to a new inspection in accordance with these Regulations to ascertain that the ship concerned continues to meet the standards under these Regulations.

(2) When the renewal inspection has been completed within three months before the expiry of the existing Maritime Labour Certificate, the new Maritime Labour Certificate shall be valid from the date of completion of the renewal inspection for a period of five years.

(3) Notwithstanding subregulation (2), where, inspection for renewal of certificate is completed the ship is

found to continue to meet the requirements of these Regulations, but a new certificate cannot immediately be issued to and made available on board that ship, the Corporation, or the recognised organization, may extend the validity of the subsisting certificate for a further period not exceeding three months from the expiry date of the certificate, and endorse the certificate accordingly.

(4) A new certificate issued under subregulation (3), shall be valid for a period not exceeding five years commencing from the date of expiry of the certificate.

Inspection and
enforcement

Inspection
records

70.-(1) A person conducting inspection in terms of these Regulations shall prepare results of all subsequent inspections or other verifications carried out with respect to the ship concerned, and any significant deficiencies found during any such verification shall be recorded, together with the date when the deficiencies were found to have been remedied.

(2) The records shall be in English language, in accordance with these Regulations and be inscribed upon or appended to the Declaration of Maritime Labour Compliance or made available to seafarers, flag State inspectors, authorized officers in port States and shipowners' and seafarers' representatives.

Cessation of
certificate

71.-(1) A certificate issued under these Regulations shall cease to be valid in any of the following cases-

- (a) if the relevant inspections are not completed within the periods specified under these Regulations;
- (b) if the certificate is not endorsed in accordance with these Regulations;
- (c) when a ship changes flag;
- (d) when a shipowner ceases to assume the responsibility for the operation of a ship; and
- (e) when substantial changes have been made to the structure or equipment of a crew accommodation and recreational facilities of the ship.

(2) The Corporation or recognized organization shall, in the cases referred to in paragraph (c), (d) or (e) of subregulation (1), issue a new certificate after being satisfied that the ship is in compliance with the requirements under this Part.

Cancellation of
Maritime Labour
Certificate

72. (1) A Maritime Labour Certificate shall be cancelled by the Corporation or the recognized organization duly authorized for this purpose, if there is evidence that the ship concerned does not comply with the requirements of these Regulations and any required corrective action has not been taken.

(2) When considering whether a Maritime Labour Certificate should be cancelled in accordance with subregulation (1), the Corporation or the recognized organization duly authorised for this purpose shall consider the seriousness or the frequency of the deficiencies.

73.-(1) The Corporation shall maintain a system of inspection of the conditions for seafarers on Tanzanian ships which shall include verification that the measures relating to working and living conditions as set out in the Declaration of Maritime Labour Compliance, where applicable, are being complied with, and that the requirements of these Regulations are met.

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(2) The Corporation shall ensure that an inspector has the training, competence, terms of reference, powers, status and independence necessary or desirable to enable the inspector to carry out the verification and ensure the compliance referred to in subregulation (1).

(3) Notwithstanding subregulation (2), where the Corporation authorises a recognized organization to carry out an inspection, the Corporation shall require the recognized organization to ensure that the personnel carrying out the inspection is qualified to undertake the duties and shall provide him with the necessary legal authority to perform his duties.

(4) Inspections shall take place at the intervals required under these Regulations, where applicable and shall not exceed three years.

(5) Where the Corporation-

(a) receives a complaint which it does not consider manifestly unfounded;

(b) obtains evidence that a Tanzanian ship does not conform to the requirements of these Regulations;
or

(c) obtains evidence that there are serious deficiencies in the implementation of the measures set out in the Declaration of Maritime Labour Compliance,

it shall take the steps necessary to investigate the matter and ensure that action is taken to remedy any deficiencies found.

(6) An inspector shall treat as confidential the source of-

- (a) any grievance or complaint alleging a danger or deficiency in relation to a seafarer's working and living conditions;
- (b) a violation of laws and regulations; and
- (c) give no intimation to the shipowner, the shipowner's representative or the operator of the ship that an inspection was made as a consequence of such a grievance or complaint.

(7) An inspector shall not be entrusted with duties which might, because of their number or nature, interfere with effective inspection or prejudice in any way his authority or impartiality in his relations with a shipowner, seafarer or other interested party, and in particular, an inspector shall-

- (a) be prohibited from having any direct or indirect interest in any operation which he is called upon to inspect; and
- (b) subject to appropriate sanctions or disciplinary measures, not reveal, even after leaving service, any commercial secrets or confidential working processes or information of a personal nature which may come to his knowledge in the course of his duties.

(8) An inspector shall submit a report of each inspection to the Corporation or a recognized organization duly authorised where one copy of the report in English or in the working language of the ship shall be furnished to the master of the ship and another copy shall be posted on the ship's notice board for the information of the seafarers and, upon request, sent to their representatives.

(9) The Corporation shall maintain records of inspections of the conditions for seafarers on Tanzanian ships and publish an annual report on inspection activities within a period not exceeding six months, after the end of the year.

(10) In the case of an investigation pursuant to a major incident, the report shall be submitted to the Corporation within a period not exceeding one month after the completion of the investigation and in accordance to the provisions of the Merchant Shipping (Accident Reporting and Investigation) Rules.

(11) When an inspection is conducted or when measures are taken under this regulation, all reasonable efforts shall be made to avoid a ship being unreasonably detained or delayed.

(12) Compensation shall be payable in accordance with the requirements of the Act for any loss or damage suffered as a result of the wrongful exercise of the inspectors' powers.

(b) Compliance and Enforcement for Non-Tanzanian ship with MLC Documentation

Inspections in
Port

74.-(1) A foreign ship calling in a port in the United Republic may be the subject of inspection for the purpose of reviewing compliance with these Regulations.

(2) An inspector of the Corporation shall accept the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance required under these Regulations as prima facie evidence of compliance of these Regulations.

(3) Inspections shall be carried out in accordance with the provisions of these Regulations and other applicable international arrangements governing port State control inspections based on an effective port State inspection and monitoring system to ensure that the working and living conditions for seafarers on ships entering a port in the United Republic meet the requirements of these Regulations.

(4) Information about the system referred to in sub regulation 3, including the method used for assessing its effectiveness, shall be included in the United Republic's reports pursuant to Article 22 of the ILO Constitution.

Boarding foreign
ship

75.-(1) Where an authorized officer, having come on board to carry out an inspection and upon request of the Maritime Labour Certificate and the Declaration of Maritime Labour Compliance, finds that-

- (a) the required documents are not produced or maintained or are falsely maintained or that the documents produced do not contain the information required by the Convention or are otherwise invalid;
- (b) there are clear grounds for believing that the working and living conditions on the ship do not conform to the requirements of the Convention;
- (c) there are reasonable grounds to believe that the ship has changed flag for the purpose of avoiding compliance with the Convention; or

- (d) there is a complaint alleging that specific working and living conditions on the ship do not conform to the requirements of the Convention,
he may carry out a more detailed inspection to ascertain the working and living conditions on board the ship.
- (2) Subject to provisions of subregulation (1), a more detailed inspection shall be carried out where-
 - (a) the working and living conditions believed or alleged to be defective shall constitute a clear hazard to the safety, health or security of seafarers;
or
 - (b) the authorized officer has grounds to believe that any deficiencies constitute a serious breach of the requirements of the Convention.
- (3) In carrying out a more detailed inspection, an authorised officer shall take into account the following aspects-
 - (a) minimum age;
 - (b) medical certification;
 - (c) qualifications;
 - (d) employment agreement;
 - (e) information relating to private recruitment and placement service, where applicable;
 - (f) hours of work or rest;
 - (g) manning levels for the ship; (h) accommodation;
 - (h) on-board recreational facilities; G) food and catering;
 - (i) health and safety and accident prevention; (1) on-board complaint procedures;
 - (j) payment of wages;
 - (k) financial security for repatriation; and
 - (l) financial security relating to shipowners' liability.
- (4) Notwithstanding subregulation (3), an inspection to be conducted as a result of complaint under paragraph (d) of subregulation (1) shall be limited to matters within the scope of the complaint.
- (5) Where, the working and living conditions on the ship are not in conformity with the requirements of these Regulations,

the authorized officer shall forthwith bring the deficiencies to the attention of the master of the ship with required deadlines for their rectification.

(6) Where the deficiencies are considered by the authorized officer to be significant, or relate to a complaint made in accordance with subregulation (4), the authorized officer shall bring the deficiencies to the attention of the appropriate seafarers' and shipowners' organizations in the United Republic, and may-

(a) notify a representative of the flag State; and

(b) provide the competent authorities of the next port of call with the relevant information.

(7) The Corporation shall, for the purpose of transmission to the Director General of the International Labour Office at such prescribed time, submit to the Ministry responsible for labour a copy of the inspection report accompanied by any reply received from the competent authorities of the flag State.

(8) Where, the ship is found not to conform to the requirements of these Regulations following a more detailed inspection and-

(a) the conditions on board are clearly hazardous to the safety, health or security of seafarers; or

(b) the non-conformity constitutes a serious or repeated breach of the requirements of these Regulations,
the authorized officer shall take steps to ensure that the ship does not proceed to sea until the-

(a) non-conformities under paragraph (a) or (b) have been rectified; or

(b) authorized officer has accepted a plan of action to rectify such non-conformities and is satisfied that the plan will be implemented in an expeditious manner.

(9) Where the ship is prevented from sailing in terms of subregulation (8), the Corporation shall notify-

(a) the flag State and invite a representative of the flag State to be present, if possible, requesting the flag State to reply within a prescribed deadline; (b) the shipowners'; and

(c) seafarers' organizations in the port State in which the inspection was carried out.

(10) When carrying out an inspection under these Regulations, the Corporation shall make all possible efforts to avoid a ship being unduly detained or delayed.

Detention of ship

76.-(1) Where a ship is inspected in accordance with the provisions of these Regulations, the ship may be detained where an inspector or, as the case may be, proper officer has *elem* grounds for believing that-

(a) the ship does not comply with the provisions of these Regulations that apply to it; and

(b) either-

(i) the conditions on board are clearly hazardous to the safety, health or security of seafarers; or

(ii) the non-compliance mentioned in paragraph (a) presents a serious breach or the latest in a series of repeated breaches of these Regulations or the requirements of the Maritime Labour Convention.

(2) Subject to the provisions of subregulation (1), the powers of detention shall be in accordance with the power conferred to the inspector under section 385 of the Act.

(3) Where a ship is detained under subregulation (1), the person detaining the ship shall serve on the master of the ship a detention notices which states-

(a) the grounds of detention; and

(b) that the terms of the notice shall be complied with until the ship is released by the Registrar as provided under the provisions of section 268(5) of the Act.

(4) Where a ship other than a Tanzanian ship is detained under subregulation (1), the Registrar shall immediately inform in writing, including a copy of the detention notice, the consul or diplomatic representative of the state whose flag the ship is entitled to fly or the appropriate maritime authorities of that state, and invite them to send a representative to attend the ship.

PART VIII
ON-BOARD AND ON-SHORE COMPLAINT
PROCEDURES

On board
Complaint
procedures

77.-(1) A shipowner shall ensure that there is on-board complaint procedures for the fair, effective and expeditious handling of seafarer complaints alleging breaches of the requirements of these Regulations.

(2) Without limiting any wider scope that may be given in any applicable collective agreement or statutory provision, the ship's on-board complaint procedures shall at least-

(a) enable a seafarer to lodge complaints relating to any matter that is alleged to constitute a breach of the requirements of these Regulations;

(b) seek to resolve complaints at the lowest level possible;

(c) provide the seafarer with a right to complain directly to the master and, if the seafarer considers it necessary, to the Corporation;

(d) include the right of the seafarer to be accompanied or represented during the complaint's procedure, as well as safeguards against the possibility of victimization of the seafarer for filing a complaint; and

(e) include the name of a person or persons on-board the ship who can, on a confidential basis, provide the seafarer with impartial advice on the complaint and otherwise provide assistance in following the complaint procedures available on-board the ship.

Prohibition of
Victimization of
seafarer

78. A person shall not take any adverse action with respect to a seafarer for lodging a complaint that is not manifestly vexatious or maliciously made.

Copy of on –
board complaint
procedures

79. A shipowner shall provide all seafarers working on a ship with a copy of the on-board complaint procedures applicable on that ship.

Seafarer's right
To seek redress

80. The provisions of this Part do not limit a seafarer's right to seek redress through whatever legal means the seafarer considers appropriate.

On shore complaint handling

On shore
complaint
handling

81.-(1) A seafarer alleging a breach of the requirements of these Regulations or the Convention may report to an authorised officer of the Corporation in the port at which the seafarer has called.

(2) Upon receipt of the complaint the authorised officer of the Corporation shall undertake an initial investigation considering the nature of the complaint.

(3) Given the nature of the complaint, the initial investigation shall include consideration of whether the on-board complaint procedures provided under these Regulations or the Convention have been explored.

(4) The authorized officer-

(a) may conduct a more detailed inspection in accordance with these Regulations or in accordance with Standard A 5.2.1 of the Convention; and

(b) shall, where appropriate, seek to promote a resolution of the complaint at the shipboard level.

(5) Where the Complaint has not been resolved in accordance with the provisions of subregulation (4), the Corporation shall notify the flag State, seeking, within a prescribed deadline, advice and a corrective plan of action.

(6) In the event that the investigation or the inspection provided under the provisions of subregulation (3) reveals a non-conformity that falls within the scope of regulation 74, the provisions of regulation 76 shall apply.

(7) Where the complaint has not been resolved following action taken in accordance with this regulation, the Corporation shall transmit a copy of the report through the Ministry responsible for Labour to the Director-General of International Labour Organisation, the shipowner and the seafarers' organizations in the United Republic.

(8) The report under subregulation (7) shall be accompanied by any reply received within the prescribed deadline from the competent authority of the flag State.

(9) The Corporation shall take appropriate steps to safeguard the confidentiality of a complaint made by a seafarer.

Complaint
handling GN.
No. 338 of 2018

82. Any person who is aggrieved by the decision made under these Regulations may apply to the Corporation for review, in accordance with the Tanzania Shipping Agencies (Complaints Handling) Regulations.

PARTIX GENERAL PENAL TIES

General Penalty

83. Where a person commits an offence for which no specific penalty is provided shall on conviction, be liable to a fine of the equivalent in Tanzanian shillings of United States dollars five hundred or to imprisonment for a term of not less than six months but not exceeding two years or to both.

Compounding of
offences

84. Notwithstanding the provisions of these Regulations relating to penalties, where a person admits in writing that he has committed an offence under these Regulations, the Registrar of Ships may compound the offence in accordance with the provisions of the Act.

PART X GENERAL PROVISIONS

Accessibility of
Regulations and
other documents

85.-(1) The shipowner and the master shall ensure that a copy of these Regulations and any collective agreements or workforce agreements relevant to the ship are carried at all times on-board ship in an easily accessible place.

(2) The duty in subregulation (1) shall include the duty to hold on board the ship and make available to seafarers translated versions of those documents to ensure that seafarers on board the ship can understand.

No more
favourable
treatment

86. While implementing the provisions of these Regulations, the Corporation shall ensure that the ships that fly the flag of any State that has not ratified a Convention do not receive more favourable treatment than the ships that fly the flag of any State that has ratified the Convention.

FIRST SCHEDULE

(MADE UNDER REGULATION 22(2)(B))



MINISTRY OF WORKS AND TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION
TASAC

TABLE OF SHIPBOARD WORKING ARRANGEMENTS

Name of Ship: _____ Flag of Ship: _____
IMO number (if any): _____

Latest update of table : _____ () of () pages

The minimum hours of rest are applicable in accordance with the Merchant Shipping (Maritime Labour) Regulations 2020 issued in conformity with ILO's Maritime Labour Convention, 2006 with an applicable collective agreement registered or authorized in accordance with that Convention and with the International Convention on Standards of Training, Certification and Watch keeping for Seafarers 1978, as amended.

Minimum hours of rest: _____

Other requirements: _____

Position/ rank ⁽³⁾	Scheduled daily work hours at sea		Scheduled daily work hours in port		Com ments	Total daily rest hours	
	Watchk eeping (from – to)	Non- watchkee ping duties (from – to)	Watch keepin g (from – to)	Non- watchkee ping duties (from – to)		At sea	In ports

Merchant Shipping (Maritime Labour)

GN No. 228 (Contd)

Signature of Master: _____

Date.....

- (1) The terms used in this Table are to appear in the working language of the ship and in English.
- (2) See overleaf for selected extracts from the ILO Maritime Labour Convention, 2006 and the STCW Convention.
- (3) For those positions/ranks that are also listed in the ship's safe manning document, the terminology used should be the same as in the document.
- (4) For watchkeeping personnel, the comment section may be used to indicate the anticipated number of hours to be devoted to unscheduled work and any such hours should be included in the appropriated total daily work hours.

SECOND SCHEDULE



(Made Under Regulation 23(2)(A))

THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF WORKS AND TRANSPORT
TANZANIA SHIPPING AGENCIES CORPORATION
(TASAC)



RECORD OF HOURS OF REST OF SEAFARER

Name of Ship: _____ IMO number (if
any) _____ Flag _____ of
Ship: _____

Seafarer _____ (full
name): _____
_____ Position/rank: _____

Month _____ and
year: _____
_____ Watchkeeper (2) Yes: _____ No: _____

Record of hours of rest

Please mark periods of the rest, as applicable, with X, or using a continuous line or
arrow.

COMPLETE THE TABLE BELOW

The following National laws, Regulations and/or collective agreement limitation on
minimum rest periods apply to this ship:

- i).
ii).

Merchant Shipping (Maritime Labour)

GN No. 228 (Contd)

- iii).
- iv).

I agree that this record is an accurate reflection of the hours of rest of the seafarer concerned.

Name of master or personal authorized by master to sign this record:

Signature of master or authorized person: _____

Signature of seafarer: _____

A copy of this record is to be given to the seafarer

This form is subject to examination and endorsement under procedures established by the Tanzania Shipping Agencies Corporation

- (1) The terms used in this Table are to appear in the working language or languages of the ship and in English.
- (2) Tick as appropriate.

GN No. 228 (Contd)

[illegible]

- (1) For completion and use in accordance with the procedures established by the competent authority in compliance with the relevant requirements of the ILO Maritime Labour Convention, 2006 and the International Convention on the Standards of Training, Certification and Watchkeeping for Seafarer 1978 (as amended)
- (2) Additional calculations or verifications may be necessary to ensure compliance of the Maritime labour Convention, 2006 and the International Convention on Standards of Training, Certification and Watchkeeping, 1978 as amended.



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



THIRD SCHEDULE

(Made under regulations 42(1))

STANDARDS AND REQUIREMENTS FOR DECENT ACCOMMODATION AND
RECREATIONAL FACILITIES

Purpose: To ensure that seafarers have decent accommodation and recreational facilities on board

Standard and Requirements for Accommodation and Recreational Facilities

1. The Corporation shall, in conducting inspection, pay particular attention to:
 - (a) the size of rooms and other accommodation spaces;
 - (b) heating and ventilation;
 - (c) noise and vibration and other ambient factors;
 - (d) sanitary facilities;
 - (e) lighting; and
 - (f) hospital accommodation.
2. The Corporation shall require that ships that fly its flag meet the minimum standards for on-board accommodation and recreational facilities with respect to:
 - (a) general requirements for accommodation:
 - (i) there shall be adequate headroom in all seafarer accommodation;
 - (ii) the minimum permitted headroom in all seafarer accommodation where full and free movement is necessary shall be not less than 203 centimetres;
 - (iii) the Corporation may permit some limited reduction in headroom in any space, or part of any space, in such accommodation where it is satisfied that such reduction:
 - (aa) is reasonable; and
 - (bb) will not result in discomfort to the seafarers;
 - (iv) the accommodation shall be adequately insulated;
 - (v) in ships other than passenger ships, as defined in Regulation 2(e) and (f) of the International Convention for the Safety of Life at Sea, 1974, as amended (the "SOLAS Convention"), sleeping rooms shall be situated above the load line amidships or aft, except that in exceptional cases, where the size, type or intended service of the ship renders any other location impracticable, sleeping rooms may be located in the fore part of the ship, but in no case forward of the collision bulkhead;

- (vi) in passenger ships, and in special ships constructed in compliance with the JMO Code of Safety for Special Purpose Ships, 1983, and subsequent versions (hereinafter called "special purpose ships"), the Corporation may, on condition that satisfactory arrangements are made for lighting and ventilation, permit the location of sleeping rooms below the load line, but in no case shall they be located immediately beneath working alleyways;

- (vii) (vii) there shall be no direct openings into sleeping rooms from cargo and machinery spaces or from galleys, storerooms, drying rooms or communal sanitary areas;
 - (viii) (viii) that part of a bulkhead separating such places from sleeping rooms and external bulkheads shall be efficiently constructed of steel or other approved substance and be watertight and gas-tight;
 - (ix) the materials used to construct internal bulkheads, panelling and sheeting, floors and joining shall be suitable for the purpose and conducive to ensuring a healthy environment;
 - (x) proper lighting and sufficient drainage shall be provided; and
 - (xi) accommodation and recreational and catering facilities shall meet the requirements under these Regulations on health and safety protection and accident prevention, with respect to preventing the risk of exposure to hazardous levels of noise and vibration and other ambient factors;
- (b) requirements for ventilation and heating:
- (i) sleeping rooms and mess rooms shall be adequately ventilated;
 - (ii) ships, except those regularly engaged in trade where temperate climatic conditions do not require this, shall be equipped with air conditioning for seafarer accommodation, for any separate radio room and for any centralized machinery control room;
 - (iii) all sanitary spaces shall have ventilation to the open air, independently of any other part of the accommodation; and
 - (iv) adequate heat through an appropriate heating system shall be provided, except in ships exclusively on voyages in tropical climates;
- (c) requirements for lighting, subject to such special arrangements as may be permitted in passenger ships, sleeping rooms and mess rooms shall be lit by natural light and provided with adequate artificial light.
3. When sleeping accommodation on board ships is required, the following requirements for sleeping rooms shall apply:
- (a) in ships other than passenger ships, an individual sleeping room shall be provided for each seafarer; in the case of ships of less than 3,000 gross tonnage or special purpose ships, exemptions from this requirement may be granted by the Corporation after consultation with the shipowners' and seafarers' organizations concerned;
 - (b) separate sleeping rooms shall be provided for men and for women;
 - (c) sleeping rooms shall be of adequate size and properly equipped so as to ensure reasonable comfort and to facilitate tidiness;
 - (d) a separate berth for each seafarer shall in all circumstances be provided;
 - (e) the minimum inside dimensions of a berth shall be at least 198 centimetres by 80 centimetres;
 - (f) in single berth seafarers' sleeping rooms the floor area shall not be less than:
 - (i) 4.5 square meters in ships of less than 3,000 gross tonnage;
 - (ii) 5.5 square meters in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage; and
 - (iii) 7 square meters in ships of 10,000 gross tonnage or over;

- (g) in order to provide single berth sleeping rooms on ships of less than 3,000 gross tonnage, passenger ships and special purpose ships, the Corporation may allow a reduced floor area;
- (h) in ships of less than 3,000 gross tonnage other than passenger ships and special purpose ships, sleeping rooms may be occupied by a maximum of two seafarers the floor area of such sleeping rooms shall not be less than 7 square metres;
- (i) on passenger ships and special purpose ships the floor area of sleeping rooms for seafarers not performing the duties of ships' officers shall not be less than:
 - (i) 7.5 square meters in rooms accommodating two persons;

- (ii) 1.5 square metres in rooms accommodating three persons; and
 - (iii) 14.5 square meters in rooms accommodating four persons;
 - (j) on special purpose ships sleeping rooms may accommodate more than four persons; the floor area of such sleeping rooms shall not be less than 3.6 square meters per person;
 - (k) on ships other than passenger ships and special purpose ships, sleeping rooms for seafarers who perform the duties of ships' officers, where no private sitting room or day room is provided, the floor area per person shall not be less than:
 - (i) 7.5 square meters in ships of less than 3,000 gross tonnage;
 - (ii) 8.5 square meters in ships of 3,000 gross tonnage or over but less than 10,000 gross tonnage;
 - (iii) 10 square meters in ships of 10,000 gross tonnage or over;
 - (l) on passenger ships and special purpose ships the floor area for seafarers performing the duties of ships' officers where no private sitting room or day room is provided, the floor area per person for junior officers shall not be less than 7.5 square meters and for senior officers not less than 8.5 square meters; junior officers are understood to be at the operational level, and senior officers at the management level;
 - (m) the master, the chief engineer and the chief navigating officer shall have, in addition to their sleeping rooms, an adjoining sitting room, day room or equivalent additional space; ships of less than 3,000 gross tonnage may be exempted by the Corporation from this requirement after consultation with the shipowners' and seafarers' organizations concerned;
 - (n) for each occupant, the furniture shall include a clothes locker of ample space, minimum 475 litres, and a drawer or equivalent space of not less than 56 litres; if the drawer is incorporated in the clothes locker then the combined minimum volume of the clothes locker shall be 500 litres; it shall be fitted with a shelf and be able to be locked by the occupant so as to ensure privacy;
 - (o) each sleeping room shall be provided with a table or desk, which may be of the fixed, drop-leaf or slide-out type, and with comfortable seating accommodation as necessary.
4. With respect to requirements for mess rooms:
- (a) mess rooms shall be located apart from the sleeping rooms and as close as practicable to the galley; ships of less than 3,000 gross tonnage may be exempted by the Corporation from this requirement after consultation with the shipowners' and seafarers' organizations concerned; and
 - (b) mess rooms shall be of adequate size and comfort and properly furnished and equipped, including ongoing facilities for refreshment, taking account of the number of seafarers likely to use them at any one time; provision shall be made for separate or common mess room facilities as appropriate.
5. With respect to requirements for sanitary facilities:
- (a) all seafarers shall have convenient access on the ship to sanitary facilities meeting minimum standards of health and hygiene and reasonable standards of comfort, with separate sanitary facilities being provided for men and for women;
 - (b) there shall be sanitary facilities within easy access of the navigating bridge and the machinery space or near the engine room control centre; ships of less than 3,000 gross tonnage may be exempted by the Corporation from this requirement

after consultation with the shipowners' and seafarers' organizations concerned;
Accommodation, recreational facilities, food and catering;

- (c) in all ships a minimum of one toilet, one wash basin and one tub or shower or both for every six persons or less who do not have personal facilities shall be provided at a convenient location;
- (d) with the exception of passenger ships, each sleeping room shall be provided with a washbasin having hot and cold running fresh water, except where such a washbasin is situated in the private bathroom provided;
- (e) in passenger ships normally engaged on voyages of not more than four hours' duration, consideration may be given by the Corporation to special arrangements or to a reduction in the number of facilities required; and

(f) hot and cold running fresh water shall be available in all wash places.

6. With respect to requirements for hospital accommodation, ships carrying 15 or more seafarers and engaged in a voyage of more than three days' duration shall provide separate hospital accommodation to be used exclusively for medical purposes; the competent authority may relax this requirement for ships engaged in coastal trade; in approving on-board hospital accommodation, the competent authority shall ensure that the accommodation will, in all weathers, be easy of access, provide comfortable housing for the occupants and be conducive to their receiving prompt and proper attention.

7. Appropriately situated and furnished laundry facilities shall be available.

8. All ships shall have a space or spaces on open deck to which the seafarers can have access when off duty, which are of adequate area having regard to the size of the ship and the number of seafarers on board.

9. All ships shall be provided with separate offices or a common ship's office for use by deck and engine departments; ships of less than 3,000 gross tonnage may be exempted by the Corporation from this requirement after consultation with the shipowners' and seafarers' organizations concerned.

10. Ships regularly trading to mosquito-infested ports shall be fitted with appropriate devices as required by the Corporation.

11. Appropriate seafarers' recreational facilities, amenities and services, as adapted to meet the special needs of seafarers who shall live and work on ships, shall be provided on board for the benefit of all seafarers, taking into account provisions of these Regulations relating to health and safety protection and accident prevention.

12. In the case of ships where there is need to take account, without discrimination, of the interests of seafarers having differing and distinctive religious and social practices, the Corporation may, after consultation with the shipowners' and seafarers' organizations concerned, permit fairly applied variations in respect of this Schedule on condition that such variations do not result in overall facilities less favourable than those which would result from the application of this Schedule.

13. The Corporation may, after consultation with the shipowners' and seafarers' organizations concerned, exempt ships of less than 200 gross tonnage where it is reasonable to do so, taking account of the size of the ship and the number of persons on board in relation to the requirements of the following provisions of this Schedule:

(a) paragraphs 2(b)(ii), (5)(d) and (7); and

(b) paragraph 3(£) and (h) to (I) inclusive, with respect to floor area only.

14. Any exemptions with respect to the requirements of this Schedule may be made only where they are expressly permitted in this Schedule and only for particular circumstances in which such exemptions can be clearly justified on strong grounds and subject to protecting the seafarers' health and safety.

FOURTH SCHEDULE

(Made Under Regulation 66)



ANNEX A

MARITIME LABOUR CERTIFICATE

(NOTE: THIS CERTIFICATE SHALL HAVE A DECLARATION OF MARITIME LABOUR COMPLIANCE ATTACHED)

ISSUED IN COMPLIANCE WITH ARTICLE V AND TITLE 5 OF THE MARITIME LABOUR CONVENTION, 2006 UNDER THE AUTHORITY OF THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA
BY THE TANZANIA SHIPPING AGENCIES CORPORATION

PARTICULARS OF THE SHIP

NAME OF SHIP:.....
DISTINCTIVE NUMBER OR LETTERS:.....
PORT OF
REGISTRY:.....
DATE OF
REGISTRY:.....
GROSS TONNAGE:.....
IMO NUMBER:.....
TYPE OF SHIP:.....
NAME AND ADDRESS OF THE SHIPOWNER:
.....
.....
.....
.....

THIS IS TO CERTIFY:

1. That this ship has been inspected and verified to be in compliance with the requirements of the Convention, and the provisions of the attached Declaration of Maritime Labour Compliance.
2. That the seafarers' working and living conditions specified in Appendix A5-I of the Convention were found to correspond to the above mentioned country's national requirements implementing the Convention. These national requirements are summarized in the Declaration of Maritime Labour Compliance, Part I.

THIS CERTIFICATE IS VALID UNTIL SUBJECT TO INSPECTIONS IN ACCORDANCE WITH STANDARDS A5.1.3 AND A5.1.4 OF THE CONVENTION.

THIS CERTIFICATE IS VALID ONLY WHEN THE DECLARATION OF MARITIME LABOUR COMPLIANCE ISSUED

AT ON IS ATTACHED.

COMPLETION DATE OF THE INSPECTION ON WHICH THIS CERTIFICATE IS BASED WAS

ISSUED AT ON

SIGNATURE OF THE DULY AUTHORIZED OFFICIAL ISSUING THE CERTIFICATE
(SEAL OR STAMP OF ISSUING AUTHORITY, AS APPROPRIATE)

ENDORSEMENTS FOR MANDATORY INTERMEDIATE INSPECTION AND, IF REQUIRED, ANY ADDITIONAL INSPECTION

THIS IS TO CERTIFY THAT THE SHIP WAS INSPECTED IN ACCORDANCE WITH STANDARDS A5.1.3 AND A5.1.4 OF THE CONVENTION AND THAT THE SEAFARERS' WORKING AND LIVING CONDITIONS SPECIFIED IN APPENDIX A5-I OF THE CONVENTION WERE FOUND TO CORRESPOND TO THE ABOVEMENTIONED COUNTRY'S NATIONAL REQUIREMENTS IMPLEMENTING THE CONVENTION.

INTERMEDIATE INSPECTION:

(TO BE COMPLETED BETWEEN THE SECOND
AND THIRD ANNIVERSARY DATES)

SIGNED

(SIGNATURE OF AUTHORIZED OFFICIAL)

PLACE:.....

DATE:.....

AUTHORITY, AS APPROPRIATE)

(SEAL OR STAMP OF THE

ADDITIONAL ENDORSEMENTS (IF REQUIRED)

THIS IS TO CERTIFY THAT THE SHIP WAS THE SUBJECT OF AN ADDITIONAL INSPECTION FOR THE PURPOSE OF VERIFYING THAT THE SHIP CONTINUED TO BE IN COMPLIANCE WITH THE NATIONAL REQUIREMENTS IMPLEMENTING THE CONVENTION, AS REQUIRED BY STANDARD A3.1, PARAGRAPH 3, OF THE CONVENTION (RE-REGISTRATION OR SUBSTANTIAL ALTERATION OF ACCOMMODATION) OR FOR OTHER REASONS.

Merchant Shipping (Maritime Labour)

GN No. 228 (Contd)

ADDITIONAL INSPECTION:
(IF REQUIRED)

SIGNED
(SIGNATURE OF AUTHORIZED OFFICIAL)
PLACE
DATE
(SEAL OR STAMP OF THE AUTHORITY, AS

APPROPRIATE)

ADDITIONAL INSPECTION:
(IF REQUIRED)

SIGNED
(SIGNATURE OF AUTHORIZED OFFICIAL)
PLACE
DATE
(SEAL OR STAMP OF THE

AUTHORITY, AS APPROPRIATE)

ADDITIONAL INSPECTION:
(IF REQUIRED)

SIGNED
(SIGNATURE OF AUTHORIZED OFFICIAL)
PLACE
DATE
(SEAL OR STAMP OF THE AUTHORITY, AS APPROPRIATE)



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



ANNEX B

DECLARATION OF MARITIME LABOUR COMPLIANCE – PART I

(NOTE: THIS DECLARATION SHALL BE ATTACHED TO THE SHIP'S MARITIME LABOUR
CERTIFICATE)

ISSUED UNDER THE AUTHORITY OF THE GOVERNMENT OF THE UNITED REPUBLIC OF
TANZANIA BY TANZANIA SHIPPING AGENCIES CORPORATION (TASAC) WITH RESPECT
TO THE PROVISIONS OF THE MARITIME LABOUR CONVENTION, 2006 AS HEREUNDER:

NAME OF SHIP	IMO NUMBER	GROSS TONNAGE

IS MAINTAINED IN ACCORDANCE WITH REGULATION 4 OF THESE REGULATIONS.

THE UNDERSIGNED DECLARES, ON BEHALF OF THE ABOVE MENTIONED CORPORATION,
THAT:

- (a) the provisions of the MLC 2006 are fully embodied in these Regulations as referred to below;
- (b) these national requirements are contained in the provisions of these Regulations referenced below; explanations concerning the content of those provisions where they differ from the MLC 2006 are provided where necessary;
- (c) the details of any substantial equivalencies under Article VI, paragraphs 3 and 4 of the Convention, are provided under the corresponding provisions of these Regulations listed below;
- (d) any exemptions granted by the Corporation in accordance with Title 3 of the Convention are clearly indicated in the section provided for this purpose below; and
- (e) any ship-type specific requirements under these Regulations are also referenced under the requirements concerned.

1. Minimum age (Regulation 1.1 of MLC 2006)
2. Medical Certification (Regulation 1.2 of MLC 2006)
3. Qualifications of Seafarers (Regulation 1.3 of MLC 2006)
4. Seafarers' Employment Agreements (Regulation 2.1 of MLC 2006)
5. Use of any Licensed or Certified or Regulated Private Recruitment and Placement Service (Regulation 1.4 of MLC 2006)
6. Hours of Work and Hours of Rest (Regulation 2.3 of MLC)
7. Manning Levels for the Ship (Regulation 2.7 of MLC)
8. Accommodation (Regulation 3.1 of MLC)

The provisions of regulation 38 of the Merchant Shipping (Maritime Labour) Regulations, 2020 provide that:

1. Ships the keel of which was laid after the commencement of these Regulations shall meet the standards set out in these Regulations.
2. The standards set out in these Regulations shall not apply to any existing ship, unless:
 - (a) the owner of the ship so requests; or
 - (b) the crew accommodation in such ship is substantially altered or reconstructed and such alteration or reconstruction takes place on or after the commencement of these Regulations
3. New builds are subject to plan approval.
4. Shipowners shall ensure that Tanzania flagged vessels are provided with decent accommodations for seafarers working or living on board, or both, and maintained consistent with promoting the seafarers' health and well-being.
5. The master or the person designated by him shall conduct frequent inspections on board ships to ensure that the accommodation of seafarers is clean, decently habitable and maintained in a good state of repair. The results of each inspection shall be recorded and available for review.

On-board recreational facilities (Regulation 3.1 of MLC 2006)

The provisions of regulation 38 of the Merchant Shipping (Maritime Labour) Regulations, 2020 provides that Shipowners shall ensure that Tanzania flagged vessels are provided with recreational facilities for seafarers working or living on board, or both, and maintained consistent with promoting the seafarers' health and well-being.

Food and Catering (Regulation 3.2 of MLC 2006)

The provisions of regulation 41 of the Merchant Shipping (Maritime Labour) Regulations, 2020 provides that:

1. Shipowners shall maintain on board the following minimum standards food and drinking water supplies, having regard to the number of seafarers on board, their religious requirements and cultural practices as they pertain to food, and duration and nature of the voyage, shall be suitable in respect of quantity, nutritive value, quality and variety:
2. The organization and equipment of the catering department shall be such as to permit the provision to the seafarers of adequate, varied and nutritious meals prepared and served in hygienic conditions; and catering staff shall be properly trained or instructed for their positions.
3. Seafarers living on board a vessel shall be provided with food free of charge during the period of engagement.

Health, Safety and Accident Prevention (Regulation 4.3 of MLC)

The provisions of regulation 50 of the Merchant Shipping (Maritime Labour) Regulations, 2020, regulation 5 of the Merchant Shipping (Accident Reporting and Investigation) Rules, 2019 and Occupational Health and Safety No. 5/2003 provides that:

1. Shipowners have the obligation to:
 - (a) adopt policies and programmes relating to occupational safety and health management that includes risk assessment as well as training and instruction of seafarers with the purpose to prevent occupational accidents, injuries and diseases, including measures to reduce and prevent the risk of exposure to harmful levels of environmental factors and chemicals substances, as well as the risk of injuries or diseases that may arise from the use of equipment and machinery on board ships;
 - (b) provide seafarers with protective equipment or other accident prevention devices accompanied by provisions on the use of such equipment or protection devices;
 - (c) ensure that the machineries used on board are properly guarded and that its use without appropriate safety guards is prevented; and
 - (d) ensure that a Safety Committee is established on board a ship that has five or more seafarers.

On-board Medical Care (Regulation 4.1 of MLC)

The provisions of regulation 50 and regulation 66 of the Merchant Shipping (Maritime Labour) Regulations, 2020 and regulation 21 of the Merchant Shipping (Training, Certification and Manning) Regulations, GN. No. 243/2016 provide that:

1. Shipowners shall meet the cost of medical and dental treatment for seafarers for illness or injury arising while the seafarer is on board their ships, or arising from their work on board; and to allow seafarers to go ashore for medical treatment which is not available on board.
2. The shipowner's liability for medical care is limited to a period of 16 weeks or until the seafarer is repatriated.
3. Ships with 100 or more persons on board and operating on voyages of more than three days duration shall carry a qualified ship's doctor,
4. Seafarer or master designated to take charge of medical care or provide medical first aid on board ship shall meet the standard of competence in medical first aid specified in the STCW Code.

On-board Complaint Procedures (Regulation 5.1.5 of MLC)

The provisions of regulation 66 of the Merchant Shipping (Maritime Labour) Regulations, 2020 provides that:

1. There shall be on board complaint procedures that allow for the fair and effective handling of seafarer complaints alleging violations of the provisions of MLC 2006.
2. Seafarers shall be provided, together with a copy of their seafarers' employment agreement, a copy of the on board complaint procedures applicable to the ship as prescribed under these Regulations.
3. Utilization of on board complaint procedures shall not prejudice a seafarer's right to seek redress through conciliation and mediation, arbitration or legal means.
4. Any victimization of a seafarer for filing a complaint is strictly prohibited.

Payment of Wages (Regulation 2.2 of MLC):

The provisions of Part VII (b) of the Merchant Shipping Act, Cap. 165 and regulations 19 and 20 of the Merchant Shipping (Maritime Labour) Regulations, 2020 provides that:

1. Shipowners shall ensure that a seafarer is:
 - (a) paid at no greater than monthly intervals and in accordance with their seafarers' employment agreement and any applicable collective agreement;
 - (b) given a monthly account of the payments due and the amounts paid, including wages, additional payments and the rate of exchange used where payment has been made in a currency or at a rate different from the one agreed to; and
 - (c) allowed to, at the time of their entering employment or during it, to allot, if they so desire, a proportion of their wages for remittance at regular intervals to their families by bank transfers or similar means.
 - (d) Allotments shall be remitted in due time and directly to the person or persons nominated by the seafarers.

Financial Security for Repatriation (Regulation 2.5 of MLC)

The provisions of section 11 of the Merchant Shipping Act, Cap. 165, regulation 5 of the Merchant Shipping (Compulsory Insurance for Third Party Liabilities) Regulations, 2011 and regulation 29 of the Merchant Shipping (Maritime Labour) Regulations, 2020 provides that:

1. A shipowner shall provide:
 - (a) financial security sufficient to meet his obligations to repatriate seafarers in accordance with the requirements of these Regulations.
 - (b) evidence of the financial security under paragraph (a) and make it available on-board, in English, for inspection purposes.

Financial Security Relating to Shipowners' Liability (Regulation 4.2 of MLC)

The provisions of section 11 of the Merchant Shipping Act, Cap. 165, regulation 5 of the Merchant Shipping (Compulsory Insurance for Third Party Liabilities) Regulations, 2011 and regulation 35 and 36 of the Merchant Shipping (Maritime Labour) Regulations, 2020 provides that:

1. A ship shall not be operated unless shipowners' liability financial security is in force in relation to the ship to assure provision of compensation in the event of death or long term disability of seafarers due to occupational injury or hazard and the certificate displayed.
2. A shipowner shall provide evidence of the financial security under paragraph (1) and make it available on-board, in English, for inspection purposes.

NAME:.....

TITLE:.....

SIGNATURE.....

PLACE.....

DATE:.....

(SEAL OR STAMP OF THE CORPORATION)

SUBSTANTIAL EQUIVALENCIES

(NOTE: STRIKE OUT THE STATEMENT WHICH IS NOT APPLICABLE)

THE FOLLOWING SUBSTANTIAL EQUIVALENCIES, AS PROVIDED UNDER ARTICLE VII, PARAGRAPHS 3 AND 4, OF THE CONVENTION, EXCEPT WHERE STATED ABOVE, ARE NOTED (INSERT DESCRIPTION IF APPLICABLE):

.....
.....

NO EQUIVALENCY HAS BEEN GRANTED.

NAME:.....
TITLE:.....
SIGNATURE.....
PLACE.....
DATE:.....
(SEAL OR STAMP OF THE CORPORATION)

EXEMPTIONS

(NOTE: STRIKE OUT THE STATEMENT WHICH IS NOT APPLICABLE)

THE FOLLOWING EXEMPTIONS GRANTED BY THE COMPETENT AUTHORITY AS PROVIDED IN TITLE 3 OF THE CONVENTION ARE NOTED:

.....
.....

NO EXEMPTION HAS BEEN GRANTED.

NAME:.....
TITLE:.....
SIGNATURE.....
PLACE.....
DATE:.....
(SEAL OR STAMP OF THE CORPORATION)



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



ANNEX C (III)

DECLARATION OF MARITIME LABOUR COMPLIANCE – PART II

MEASURES ADOPTED TO ENSURE ONGOING COMPLIANCE BETWEEN INSPECTIONS

THE FOLLOWING MEASURES HAVE BEEN DRAWN UP BY THE SHIPOWNER, NAMED IN THE MARITIME LABOUR CERTIFICATE TO WHICH THIS DECLARATION IS ATTACHED, TO ENSURE ONGOING COMPLIANCE BETWEEN INSPECTIONS:

(STATE BELOW THE MEASURES DRAWN UP TO ENSURE COMPLIANCE WITH EACH OF THE ITEMS IN PART I – PLEASE ATTACH ADDITIONAL SHEETS OF PAPER IF SPACE BELOW IS INSUFFICIENT)

- | | |
|---|--------------------------|
| 1. Minimum Age (regulation 4) | ☐ |
| 2. Medical Certification (regulation 6) | ☐ |
| 3. Qualifications of Seafarers (regulation 7) | ☐ |
| 4. Seafarers' Employment Agreements (regulation 11 and 12) | ☐ |
| 5. Use of any Licensed or Certified or Regulated Private Recruitment and Placement Service (regulation 8) | ☐ |
| 6. Hours of Work or Rest (regulation 21) | ☐ |
| 7. Manning levels for the ship (regulation 37) | ☐ |
| 8. Accommodation (regulation 38) | ☐ |
| 9. On-board recreational facilities (regulation 38) | ☐ |
| 10. Food and catering (regulation 41) | ☐ |
| 11. Health and safety and accident prevention (regulation 50) | ☐ |
| 12. On-board medical care (regulation 50) | ☐ |
| 13. On-board complaint procedures (regulation 76) | ☐ |

14. Payment of Wages (regulation 19 and 20)

☐

15. Financial Security Relating to Shipowners' Liability (regulation 35 and 36)

☐

16. Financial Security for Repatriation (regulation 29)

☐

I HEREBY CERTIFY THAT THE ABOVE MEASURES HAVE BEEN DRAWN UP TO ENSURE ONGOING COMPLIANCE, BETWEEN INSPECTIONS, WITH THE REQUIREMENTS LISTED IN PART I

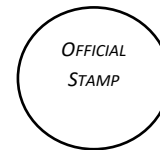
NAME OF SHIPOWNER

COMPANY ADDRESS

NAME OF THE AUTHORIZED SIGNATORY
TITLE

SIGNATURE OF THE AUTHORISED SIGNATORY

DATE



THE ABOVE MEASURES HAVE BEEN REVIEWED BY THE TANZANIA SHIPPING AGENCIES CORPORATION FOLLOWING INSPECTION OF THE SHIP, HAVE BEEN DETERMINED AS UNDER THE PROVISIONS OF REGULATION 74 AND STANDARD A5.1.3, PARAGRAPH 10(B), REGARDING MEASURES TO ENSURE INITIAL AND ONGOING COMPLIANCE WITH THE REQUIREMENTS SET OUT IN PART I OF THIS DECLARATION.

NAME

TITLE

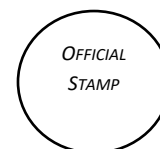
ADDRESS

SIGNATURE

PLACE

DATE

MARINE OFFICE





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



INTERIM MARITIME LABOUR CERTIFICATE

ISSUED UNDER THE PROVISIONS OF ARTICLE V AND TITLE 5 OF THE
MARITIME LABOUR CONVENTION, 2006
UNDER THE AUTHORITY OF THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA

.....
BY TANZANIA SHIPING AGENCIES CORPORATION
(FULL DESIGNATION AND ADDRESS OF THE COMPETENT AUTHORITY OR RECOGNIZED
ORGANIZATION DULY AUTHORIZED UNDER THE PROVISIONS OF THE CONVENTION)

PARTICULARS OF THE SHIP

NAME OF SHIP:
DISTINCTIVE
NUMBER
OR LETTERS:
PORT OF
REGISTRY:
DATE OF
REGISTRY:
GROSS
TONNAGE¹:
IMO NUMBER:
TYPE OF SHIP:
NAME AND
ADDRESS
OF THE
SHIPOWNER²

THIS IS TO CERTIFY, FOR THE PURPOSES OF STANDARD A5.1.3, PARAGRAPH 7, OF THE CONVENTION, THAT:

- (a) this ship has been inspected, as far as reasonable and practicable, for the matters listed in Appendix A5-I to the Convention, taking into account verification of items under (b), (c) and (d) below;
- (b) the shipowner has demonstrated to the competent authority or recognized organization that the ship has adequate procedures to comply with the Convention;
- (c) the master is familiar with the requirements of the Convention and the responsibilities for implementation; and
- (d) relevant information has been submitted to the competent authority or recognized organization to produce a Declaration of Maritime Labour Compliance.

This Certificate is valid until subject to inspections in accordance with Standards A5.1.3 and A5.1.4.

Completion date of the inspection referred to under (a) above was

Issued at on

Signature of the duly authorized official

issuing the interim certificate

(Seal or stamp of the Corporation)

Dodoma

1st February, 2022

MAKAME M. MBARAWA

Minister for Works and Transport

