

**THE EAST AFRICAN HARBOURS  
REGULATIONS 1970**

**EAST AFRICAN COMMUNITY**

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***LEGAL NOTICE NO.9***

**THE EAST AFRICAN HARBOURS CORPORATION ACT 1967**

**THE EAST AFRICAN HARBOURS REGULATIONS 1970**

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**SCHEDULES**

***THE EAST AFRICAN HARBOURS CORPORATION ACT 1967***

*IN EXERCISE* of the powers conferred by section 76 of the East African Harbours Corporation Act 1967, the Authority hereby makes the following Regulations:-

***THE EAST AFRICAN HARBOURS REGULATIONS 1970***

***PART 1-PRELIMINARY***

- |                                     |   |
|-------------------------------------|---|
| <b><i>Title and application</i></b> | <p>1. (1) These Regulations may be cited as the East African Harbour Regulations 1970.</p> <p>(2) These Regulations shall apply to harbours specified in parts I and II of the second schedule to the East African Harbours Corporation Act 1967.</p>   |
| <b><i>Interpretation</i></b>        | <p>2. In these Regulations, unless the context otherwise requires- “accepted by the Corporation” means accepted by the Corporation as defined in section 2 (2) (d) of the Act;</p> <p>“the Corporation” means the East African harbours Corporation;</p> <p>“animals” means animate things of every kind except human beings;</p> <p>“approved magazine” means a magazine constructed in accordance with the British Board of Trade Regulations governing the carriage of dangerous goods and explosives in ships;</p> <p>“authorized employee” means an employee authorized by the Director-General to exercise the powers or perform the duties in respect of which the expression is used;</p> <p>“authorized place” means any slipway, boat repair or lighterage repair workshop, slipway or yard approved by the management for the purposes of these Regulations;</p> <p>“Certificate of competency” means a certificate issued under and in accordance with the provisions of these Regulations;</p> <p>“charges” means all sums received or receivable, charged or chargeable for, or in respect of any ship or harbour or the handling or warehousing of goods by the Corporation or for, or in respect of any other service performed or facilities provided by the Corporation;</p> <p>“coasting ship” of “coasting steamship” means respectively a ship or steamship trading anywhere between the limits of Mogadishu in the north and Ibo in the south; all other ships or steamships shall be deemed to be foreign-going ships or steamships;</p> |

“compulsory pilotage harbour” means a harbour specified in Part II of the Second Schedule to the Act.

“documents” includes the shipping documents in respect of the cargo concerned, completed and stamped by the Customs; the Customs Entry; the release bill of lading or shipping company’s delivery order; the shipping order; the declaration and disposal order or delivery order; together with such other documents as management may require;

“Director –General” means the person for the time being performing the duties of Director-General of the Corporation;

“dhow” includes traditional vessels schooners, whether fitted with auxiliary engines or otherwise, and self-propelled vessels of not more than 125 net registered tons or of 125 feet overall length, which ever is the greater, which trade exclusively within the limits of Mogadishu in the north and Ibo in the south and not more than fifty miles seaward of the mainland shore;

**“excepted ship’ means-**

- (a) any ship excepted from compulsory pilotage under section 40 (1) of the East African Harbours Corporation Act 1967;
- (b) any ship exempted from compulsory pilotage by notice in the Gazette made under section 40 (3) of the East African Harbours Corporation Act 1967;
- (c) any ship exempted by the Director-General from compulsory pilotage in any particular case.

**“explosives” means:-**

- (a) gunpowder, nitroglycerine, dynamite, guncotton, blasting powders, fulminate of mercury or of other metals coloured fires and every other substance, whether similar to those herein mentioned or not, which is used or manufactured with a view to produce a practical effect by explosion or a pyrotechnic effect;
- (b) any fuse, rocket, detonator, cartridge and every adaptation or preparation of any explosive as herein defined;
- (c) any other substance declared to be an explosive under the provisions of any law for the time being in force in the Partner State;

“fairway” means the whole of the navigable channel or channels of any harbour;

“ferry” means any vessel plying within a harbour or the approaches thereto for the purpose of the carriage of passengers or goods;

“fireworks” includes all signaling rockets and other pyrotechnic articles commonly used in connection with signaling or life-saving;

“foreshore” means the seashore between high-water mark and low-water mark;

“harbour area” means the area within the limits of any harbour as defined by an order made under section 38 of the East African Harbours Corporation Act. 1976 and in addition to such areas, includes, in relation to-

- (a) Mombasa-the enclosed Low Level Water-front, Mbaraki Shimanzi Low and High Level Areas, the High and Low Level Godowns (Kilindini Harbour), the port Cold Store (Kilindini Harbour) and includes Kipevu quays;
- (b) Dar es Salaam-the enclosed wharf area and water-front including the former Belgian Leased sites, the High Level shed, No.9 shed, the Dhow Pier in the Southern Creek and the sheds and enclosed area adjacent thereto;
- (c) Tanga- the enclosed wharf area and water-front and the enclosed land adjacent thereto:
- (d) (i) Lindi-the enclosed area and water-front inside the bound fence, including Lindi Pier;
- (ii) Mkwaya-the area enclosed by fencing including the water-front three stub piers, the concrete hard and the lighter wharf and the concrete hard situated south of the enclosed area;
- (e) (i) Mikindani-the area enclosed by fencing including Mikindani pier, the water front, Mitengo hard situated east of Mikindani pier;
- (ii) Mtwara-the enclosed area and water-front including the dhow piers at Shangani with the sheds and area enclosed within the boundary fence;

“harbour baggage attendant” means any person who personally and for gain attends on any passenger for the purpose of assisting him in connection with baggage formalities of the harbour, or who personally and for gain in any way control any motor boat or row boat for the

purpose of transporting passengers' baggage to or from a ship lying at anchor in the stream;

“hatch” means the whole space within the square of the hatches, from the top deck to the bottom of the hold;

“lifting machinery” means cranes, winches, hawkers, derrick booms, derrick and mast bands, goose necks, eyebolts and all other permanent attachments to the derricks, mast and decks used in hoisting or lowering in connection with the process;

“local delivery” means delivery of goods by road either within or from a harbour area;

“management” means and includes the person entrusted with the management or supervision of the harbours to which the East African Harbours Corporation Act 1976, applies and the person from time to time appointed by the Corporation by whatever name he may be called to perform the duties of Port Manager therein, and the deputies or assistants of every such person;

“master” when used in relation to any ship means any person (other than a pilot) having for the time being command or charge of such ship;

“passenger” baggage means packages containing the ordinary personal effects of the passenger, including pedal bicycles, perambulators, and the like, but does not extend to merchandise, provision (other than food taken on board dhows and steamships by deck passengers for consumption during the voyage), wines, spirits, furniture, vehicles (other than the above-mentioned) and the like;

“person employed” means a person employed in process;

“petroleum ship” means any ship having on board, or having had or about to take on board, any petroleum spirit, including turpentine;

“pilot” means a person for the time being authorized by the Corporation to pilot ships;

“premises of the Corporation” means premises vested in or placed at the disposal of the Corporation for the purpose of the Corporation;

“prescribed” means prescribed by the Corporation;

“processes” means the processes mentioned in regulation 169 hereof or any one of them; “pulley, block, gin and similar gear, other than a crane block specially constructed for use with crane to which it is permanently attached;

“ship” includes any vessel, tug lighter or boat of any kind whatsoever, whether propelled by steam or otherwise or towed;

“small craft” means any tug, launch, barge, lighter, rowing boat, sailing boat or similar craft not included in the definition of a “traditional vessel”.

“steamship” includes any mechanically propelled ship;

“Tariff” means the Tariff of Harbour Dues and charges prescribed under the provisions of the East African Harbours Corporation Act; Act 1967;

“traditional vessel” means any vessel which being under 200 tons gross burden, either-

- (a) presents the outward appearance of traditional build or rig; or
- (b) is manned by a crew of whom the captain and the majority of the seamen belong to one of the countries on the coast of the Indian Ocean, Red sea or the Persian Gulf;

“transit area” means any place or area within a harbour area which is designated by the management as a transit area;

“warehouse” includes any building, place, wagon, ship or vehicle when used by the Corporation for the purpose of warehousing of depositing goods.

## ***PART II-PILOTAGE***

### ***Compulsory Pilotage***

3. (1) The master of any ship (other than an excepted ship) shall not cause or permit his ship to enter, leave or be berthed or moored in any compulsory pilotage harbour without having on board a pilot appointed by the management.
- (2) If any ship (other than an excepted ship), in circumstances in which pilotage is compulsory is not under pilotage as required by this regulation, the master of the ship shall be guilty of an offence.
- (3) When two or more ships are approaching the compulsory pilotage limits, the pilot boat shall indicate the number of pilots she has on board, by Aldis lamp or radio. This is to be taken as an additional warning that a ship for which a pilot is not available is to remain outside the limits prescribed in regulations 5, 6, and 7 of these Regulations.

### ***Certificate of exemption from compulsory pilotage***

4. (I) When in any particular case a ship is exempted from compulsory pilotage, a certificate of exemption shall, on payment of the prescribed fee, be issued by the management to the master of the ship concerned and unless suspended or

revoked or unless the master of the ship relinquishes command of such ship, shall remain in force for a period of 12 months from the date of issue.

Provided that a ship may on a single or special occasion be exempted from compulsory pilotage without issuing a certificate of exemption.

- (2) The master of the ship to whom a certificate of exemption has been accorded under this regulation shall return the certificate to the management on relinquishing command of the ship in respect of which the same was accorded.

*Pilotage at  
Mombasa*

5. (1) Ships arriving off the Mombasa Harbour, other than excepted ships and ships having a draught of more than 34 feet shall await the arrival of the pilot launch on the Ras Serani leading line and at a distance of not less than 1 1/2 nautical miles from Ras Serani Lighthouse so that after the pilot has boarded the ship may gather sufficient headway for maneuvering before arriving at the entrance channel. Ships having a draught of more than 34 feet shall await the arrival of the pilot launch on Ras Serani leading line and at a distance of not less than 3 nautical miles from Ras Serani Light house.
- (2) In the event of weather or other conditions making boarding by the pilot impracticable, the master of the ship concerned shall receive and comply with instructions as to his course from Ras Serani Signal Station, or through his agents by wireless telegraphy.
- (3) A ship shall have between 3 and 5 knots headway when embarking a pilot and shall make a good lee for the operation.

*Pilotage at  
Dar es Salaam*

6. Every ship, other than an excepted ship, arriving off Dar es Salaam Harbour shall await the arrival of the pilot launch at the outer anchorage and shall, if necessary, anchor clear of the leading marks. Instructions will be signaled by visual signal from the signal station or by the ship's agents by wireless telegraphy.

*Pilotage at Tanga*

7. When in the case of a ship (other than an excepted ship) arriving off Tanga Harbour a pilot is not available at the compulsory pilotage limits, such ship may pass westward of the compulsory pilotage limits for the sole purpose of anchoring in safety and waiting a pilot:

Provided that in such circumstances the ship shall on no account anchor north of a line drawn 086° from Ras Kasone signal station, that is to say, Ras Kasone leading marks or lights in line.

*Approaching and boarding of pilot*

8. (1) Master shall, in order to avoid delay or accident, take the way off their ships when the pilot launch is approaching.
- (2) All pilot ladders shall comply with the following requirements:-
- (a) The ladder shall be kept in good order and for use only by officials and other persons while a ship is arriving at or leaving a port, and for embarking and disembarkation of pilots.
  - (b) The ladder shall be secured in a position so that each step rests firmly against the ship's side and so that the pilot can gain safe and convenient access to the ship after climbing not less than 5 feet (or 1.5 meters) and not more than 30 feet (or 9 meters). A single length of ladder shall be used capable of reaching sea level in all normal conditions of trim of the ship. Whenever the distance from sea level to the point of access to the ship is more than 30 feet (or 9 meters), access from the pilot ladder to the ship shall be by means of an accommodation ladder or other equally safe and convenient means.
  - (c) The tread of the ladder shall be not less than 19 inches (or 48 centimetres) long, 4 1/2 inches (or 11.4 centimetres) wide and 1 inch (or 2.5 centimeters) in depth. Steps shall be joined in such manner as will provided a ladder of adequate strength whose treads are maintained in a horizontal position and not less than 12 inches (or 30.5 centimeters) or more than 15 inches (or 38 centimeters) apart.
  - (d) Two man-ropes, properly secured and safety line shall be available and ready for use if required.
  - (e) Arrangements shall be such that:-
    - (i) The rigging of the ladder and the embarkation and disembarkation of a pilot is supervised by a responsible officer of the ship.
    - (ii) Handholds are provided to assist the pilot to pass safely and conveniently from the head of the ladder into the ship or on to the ship's decks.
    - (f) If necessary spreaders shall be provided at such intervals as will prevent the ladder from twisting.
    - (g) At night a light shinning over side shall be available and used and the deck at the position

where each step will rest firmly against the ship's side shall comply with this provision as closely as possible.

- Signals to be shown by excepted vessel*
9. A vessel, the master of which is exempt from pilotage, shall show the following signals when entering and leaving any harbour:-
- (a) by day-the International flag "H" hoisted at the dip. In the case of small craft, hoisted as high as possible.
  - (b) By night-three lights visible all round the horizon hoisted in a vertical line six feet apart where they can best be seen, the upper light red and the two lower ones white. In the case of small craft, the lights shall, if the six-foot spacing is impracticable, be as far apart as possible.
- Pilot to be duly appointed*
10. No person other than a duly appointed pilot or an emergency pilot appointed by the Corporation under the provisions of regulation 11 of these Regulations shall offer his services as a pilot.
- Emergency pilots*
11. The Corporation may as a temporary and emergency measure, in case of shortage of staff through sickness or other causes, authorize a person other than a duly appointed pilot to pilotage ships.
- Qualifications of pilots*
12. Before any person, other than a person already appointed prior to the coming into operation of these Regulations, is appointed a pilot, he shall fulfill the following condition:-
- (a) a candidate for the appointment of pilot must be a person, not less than twenty-five nor more than forty years of age, and must produce certificates of ability and general fitness for such an appointment, also a medical certificate that he is good health and not afflicted with any bodily infirmity rendering him unfit for the duties of a pilot. He must also satisfy the management as to his knowledge of seamanship;
  - (b) no candidate shall be eligible for the appointment of pilot unless he holds a foreign-going master's certificate recognized by the Corporation.
- Pilot flag*
13. No person not being afloat and on duty, shall hoist a pilot flag (upper half white, lower half red) nor shall the master of any ship allow such flag to be displayed on his ship except by a pilot.
- Excepted ship to occupy assigned berth*
14. Any excepted ship, not having taken a berth assigned to her to foul any mark, bouy, mooring bouy or some other ship or vessel due to having made a slack mooring or other cause, may be moved or remoored under the direction of a pilot for which service a prescribed fee shall be charged.

- Removal of ships anchored in fairways* 15. (1) No. ship, traditional vessel or small craft, shall be anchored in the fairway of any harbour without the authority of the management.
- (2) Any ship, traditional vessel or small craft, anchoring in such fairways in contravention of this regulation shall, in addition to any penalty, be liable to be removed under the control of a pilot, for which full pilotage will be charge and, if the use of tugs is considered necessary by the management, also towage
- PART III-SHIPS – REPORTS, MOVEMENTS, BERTHING, ETC**
- Notification of expected arrival of ships* 16. The owners or agents of a ship proposing to call at a harbour shall as early as possible give notice in writing to the management on the form prescribed in schedule A hereto of the expected date and time of arrival of the ship, and shall give particulars in such notice of the nature and quantity of cargo to be loaded and/or discharged and other matters of importance.
- Shipping return* 17. The owners or agents of a ship proposing to leave a harbour shall, within three days after the ship has left, supply to the management on the form prescribed in schedule B hereto the particulars required thereon.
- Ship's signals on entering* 18. Before entering the harbour every ship shall hoist the following flags:-
- (a) her national colours, which she shall fly from 8 am to sub down;
  - (b) the ship's signal letters;
  - (c) the "Q" flag, International Code until the port Health Officer shall have given pratique;
  - (d) if carrying passengers, the "I" flag International Code, until notified by an Immigration Officer that the Immigration Department's formalities shall have been observed;
  - (e) if livestock are to be landed there from, the "N" flag, International code;
  - (f) If carrying dangerous goods, the "B" flag International Code.
- Precautions to be observed when entering and leaving Mombasa, Dar es Salaam and Tanga harbours* 19. The following are the prescribed signals governing entry and departure at the harbours of Mombasa, Dar es Salaam and Tanga. They are exhibited at the places shown on the appropriate charts against the remarks "Harbour Signals" "Harbour Signals (Inward)" of "Harbour Signals (Outward)";-

<u>Meaning</u>	<u>Day Signal</u>	<u>Night Signal</u>
Entry prohibited	Black flag	Three red lights disposed vertically
Exit prohibited	One black ball	Three lights disposed vertically, the upper and lower white and the centre red.

At Dar es Salaam distant signals are exhibited in addition to the above, consisting of-

Entry prohibited – Black square or white background

Exit prohibited –white ball on black background.

***Precautions and restrictions on entering and leaving old port***

20. No person shall take or attempt to take any ship into Mombasa Old Port at the same time as another ship is leaving. The ship about to enter shall remain outside until the ship leaving has passed her.

***Precautions to be observed when entering Mombasa, Dar es Salaam and Tanga harbours***

21. No person shall attempt to take any ship not having pilot on board-
- (a) within a distance of 1 1/2 miles from Ras serani Lighthouse at Mombasa;
  - (b) past No.1 buoy in the entrance to Dar es Salaam harbour;
  - (c) into Tanga harbour

in disobedience of the prescribed signal to indicate that entry is prohibited.

***Precautions to be observed when leaving Mombasa, Dar es Salaam and Tanga harbours***

22. No person shall attempt to take any ship not having a pilot on board out of or leave any anchorage in Mombasa, Dar es Salaam or Tanga Harbour in disobedience of the prescribed signal prohibiting exit.

***Speed in Harbour***

23. All ships shall proceed at a moderate speed within the limits of any harbour.

***Due notice to ship's departure to be given***

24. The master or agent of a ship shall, at least four hours before the ship leaves give notice thereof to the management.

***Anchors to be in readiness for letting go.***

25. (1) Every ship entering or leaving a harbour shall have both bower anchors and cables clear and ready for use if required.
- (2) their derricks hoisted when the weather permits of this being done.

***Port Health Officer***

26. All ships entering a harbour shall await the arrival of the Port Health Officer, of his representative, before having any communication with the shore or with any other ship or boat except the pilot boat or the boat of a Customs Officer.

- Immigration formalities*
27. (1) After the Port Health Officer has given pratique to a vessel, the Immigration Officers may commence their clearance formalities.
- (2) No person shall leave the ship prior to the completion of such clearance formalities except with the permission of an Immigration Officer.
- (3) No person other than a Port Health Officer, a Port Officer, a Customs Officer, an Immigration Officer or an agent of the shipping line to which the ship belongs shall board any ship until the "I" flag is lowered or until permission to do so has been granted by an Immigration Officer.
- Customs formalities.*
28. Until Customs formalities have been completed no person may leave the harbour area except with the express permission in writing granted by a Customs officer.
- Master to deliver particulars of ship, etc.*
29. (1) The master of every ship arriving at a Harbour shall at once make, subscribe and deliver on the form prescribed in schedule C hereto, a true statement of the particulars required thereon.
- (2) The master of a ship entering a harbour may be required to produce his ship's registry certificate.
- Master responsible for erroneous report.*
30. The master shall be responsible for all damage or consequences resulting from any erroneous declaration made by himself or his representatives as to the draught of water or dimension of his ship.
- Ship's tonnage how determined.*
31. The tonnage of a ship shall be that shown on her certificate of registry. This certificate must be produced at the appointed place when application is made for a Light Dues Certificate.
- Anchorage for traditional vessels at Mombasa.*
32. (1) Traditional vessels arriving from any harbour except a harbour of the Partner States shall, if arriving in Mombasa Old Port, anchor near the mainland, south of English Point, opposite the Customs landing place. They shall not anchor in Kilindini Harbour except with the permission of the management in each case, and at such place as it shall direct. In any anchorage they shall await the visit of the Port Health Officer before landing any person or permitting any other person to board.
- (2) Traditional vessels arriving from harbours of the Partner States may, provided they have a clean bill of health proceed direct to the traditional vessels anchorage off the Old Port or to such anchorage as may be assigned to them at Kilindini Harbour under paragraph (1) of this regulation. In all other cases such vessels shall anchor according to the directions of the

management, and shall then await the arrival of the Port Health Officer.

- (3) Traditional vessels and small craft arriving at Kilindini shall, except when working on an authorized berth alongside, remain at the anchorage assigned to them in respect of paragraph (1) if this regulation.

***Anchorage for traditional vessels at Dar es Salaam***

33. (1) All traditional vessels and all small craft arriving in Dar es Salaam shall anchor for pratique near the Customs pontoon so as not to foul the approach thereto, but not more than half a cable from the pontoon. After pratique has been granted they shall proceed to the dhow jetty or the dhow anchorage at the northern end of the lighter wharf; this anchorage is in the area between the two white drum bouys and the lighterage wharf.
- (2) While within the harbour limits all such traditional vessels and small craft shall keep clear of steamships under way.

***Anchorage for traditional vessels at Tanga***

34. All traditional vessels and small craft arriving in Tanga shall anchor in the traditional vessels' anchorage, which is an area bounded on the east by an imaginary line joining the north-west corner of the transit shed by an imaginary line joining the north-west corner of the transit shed with the "wreck"; on the west by an imaginary line joining the south-west wall of the dhow wharf with the "wreck" on the north by the line through the two beacons at Kissassora in transit, and on the south by a line parallel to and 200 feet from the dhow wharf.

***Anchorage for traditional vessels at Lindi.***

35. All traditional vessels and all small craft arriving in Lindi shall anchor in the traditional vessels' anchorage which is an area between Fungu Mbachiwonaki and the mainland to the west and between four and seven cables south of Lindi Pier.

***Anchorage for traditional vessels at Mikindani and Mtwara***

36. (1) All traditional vessels and all small craft arriving in Mikindani shall anchor in the African vessels' anchorage, which is an area to the south-west of a line joining a position 1 1/2 cables north-north-west of the end of Mikindani Pier to the end of Mirumbo Pier.
- (2) All traditional vessels and small craft arriving in Mtwara shall anchor in the traditional vessels' anchorage, which is an area enclosed by a line from the south-east corner of Shangani jetty running 134° 200ft. to a white buoy in a position 352° 3,800 ft. from Ras Jandoni observation spot thence 220° 1,300 ft. to a white bouy in a position 334° 3,100 ft from Ras Jandoni observation spot thence west 600 ft. (approximately) to the shore.

- Ships to be in harbour trim and crews in readiness.* 37. (1) All vessels under way in harbour shall have their booms derricks, devits and boats swung inboard, gangways inboard or lashed up along the side, porthole wind scoops drawn in and projections of any kind rigged in.
- (2) Crews of all vessels shall be in readiness to make fast or to cast off the tug when required, and to moor or unmoor the ship, or for any other purpose connected with the safe navigation of the vessel as the pilot may order.
- Ships to be kept fit to be moved* 38. (1) Ships entering, leaving, or shifting berth within a harbour shall be provided with sufficient hands for the purpose, and shall at all times be kept in a fit condition for removal, in default of which the work may be performed by the Corporation at the ship's risk and expense. No ship shall drop main steam or power without first obtaining permission from the management.
- (2) Such ships shall be provided with good and sufficient warps to the satisfaction of the management, shall be moored by such warps, and no warp may be cast off for any reason unless so ordered or authorized by the management.
- (3) In case of ships not being suitably found with the necessary gear, warps may, when so ordered by the management, be supplied by the Corporation at the expenses of the ship.
- (4) In no case shall the Corporation be liable for any damage that may result from the inefficiency of any rope or warp which it may hire to the ship or allow to be used or in connexion with any assistance rendered by the Corporation to any ship which is entering, shifting berth in, or leaving a harbour or which is subject to the provisions of regulation 46 of these Regulations.
- Management to assign berths and control berthing.* 39. (1) Every ship shall occupy the berth assigned to her by the management, whether at a quay or elsewhere, and shall be removed to any other berth which the management may direct; and generally all masters or persons in charge of any ship shall obey the directions of the management.
- (2) The management shall have control of the berthing and mooring arrangement of every ship accommodation at any private wharf or jetty.
- (3) Ships proceeding alongside a quay shall have no list, but shall be trimmed upright.
- Unseaworthy ships may be detained* 40. Subject to the Merchant Shipping laws of the Partner States, the management may detain a ship which in its opinion is in a unsafe condition to proceed to sea, until she has been made seaworthy.

- Berths not to be changed without authority of management.*
41. The master of any ship shall not shift or change the berth assigned to his ship without obtaining the previous sanction of the management.
- Ship's moorings, etc.*
42. (1) Every ship within a harbour shall have sufficient hands on board to attend to her mooring and to cause them to be slackened or hove in as may be necessary. No rope shall be made fast except to dolphins, bouys, mooring posts, and bollards placed for the purpose, and no wire rope may be used unless the bollards and the edge of the coping of the wharf or jetty are protected from chafe to the satisfaction of the management. No chain cable shall be used for mooring alongside except with the special permission of the management.
- (2) All ships shall anchor, moor and berth to the satisfaction of the management, and shall take such additional precautions in severe weather as may be ordered.
- (3) All ships mooring alongside quays must affix efficient rat guards on every line and wire connected to or reaching the shore.
- Lights on ships and collision regulations.*
43. (1) All ships whether under way or at anchor, shall, between the hours of sunset and sunrise, exhibit the lights required by the International Regulations for Preventing Collisions at Sea.
- (2) All ships shall fully observe and obey the International Regulations for Preventing Collisions at sea, 1960.
- Watch to be kept abroad*
44. A watch of every ship shall be constantly kept upon the open deck of every vessel in a harbour by day and night.
- Liability for damage in harbours*
45. (1) The owner of every ship shall be answerable to the Corporation for any damage done to any harbour works, plant, machinery, or other property of the Corporation by such ship or by any person employed about the same, and the master or person having charge of such ship through whose willful act or negligence any such damage is occasioned shall also be liable to make good the same.
- (2) The owner or master of a ship navigating under circumstances in which pilotage is compulsory shall be answerable for any loss or damage caused by the ship or by any fault of the navigation of the ship in the same manner as he would if pilotage were not compulsory.
- (3) The Corporation may detain any such ship until sufficient security to the satisfaction of the management has been given for the damage done as aforesaid.

*Towage and other facilities* 46.

The Corporation shall, subject to the following conditions, afford all towage and other tug facilities-

- (a) on the employment of a tug the master and crew thereof shall become the servants of and be identified with the hirer and shall be under the control of the hirer or his servants or gents, and any person on board the hirer's vessel who may be employed and/or paid by the Corporation shall be deemed to be the servant of the hirer;
- (b) the Corporation shall not, whilst towing bear or be liable for damage of any description done by or to the tug, or done by or to hirer's vessel, or for the loss of the tug or done by or to hirer's vessel, or for the loss of the tug or the hirer's vessel, or for any personal injury or loss of life, arising from any cause, including negligence at any time of the Corporation's servants or agents, unseaworthiness, unfitness or break-down of tug, its machinery, bilers, towing gear, equipment or hawsers, lack of fuel, stores or speed, or otherwise, and the hirer shall pay for all loss or damage and personal injury or loss of life and shall also indemnify the Corporation against all consequence thereof, and the Corporation shall not, whilst at the request expressed or implied of the hirer rendering any service other than towing be held responsible for any damage done to the hirer's vessel and the hirer shall indemnify the Corporation against any claim by a third party (other than a member of the crew of the tug) for personal injury or loss of life;

Provided that any such liability for loss or damage as herein prescribed is not caused by want of reasonable care on the part of the Corporation to make its tug seaworthy for the navigation of the tug during the towing or other services. The burden of proving any failure to exercise such reasonable care shall lie upon the owner of the tow;

- (b) the hirer shall not bear or be liable for any loss or damage of any description done by or to the tug otherwise than whilst towing as herein defined, or for loss of life or injury to the crew of the tug;

Provided that nothing herein contained shall prejudice any claim the Corporation may have in law against the hirer;

- (c) the Corporation shall not be responsible for the consequences of war, strikes, lock-outs, riots, civil commotions, disputes or labour disturbances (whether they be parties thereto or not) or anything done in contemplation or furtherance thereof, or delays of any description, however, caused, including negligence of their servants or agents;

- (d) for the purpose of this regulations the phrase “whilst towing” shall be deemed to cover the period commencing when the tug is in a position to receive orders direct from the hirer’s vessel to pick up ropes or lines, or when the towrope has been passed to or by the tug, whichever is the sooner, and ending when the final orders from the hirer’s vessel to cast off ropes or lines have been carried out, or the towrope has been finally slipped and the tug is safely clear of the vessel whichever is the latter; the word “towing means any operation in connection with holding, pushing, pulling or moving a ship.

*Erection of leading marks, laying of buoys, and fee for private mooring buoy.*

47. (1) No ship, traditional vessel or small craft shall use any bouy which is the property of the Corporation without the sanction in writing of the management. No buoy shall be laid down for any purpose whatsoever, and no leading marks shall be erected within the limits of a harbour without the prior permission of the management.
- (2) A charge as prescribed in the Tariff will be payable in respect of any mooring buoy laid within a harbour, and such bouy and mooring may be removed at the expense of the owner if at any time the management so desires.

#### ***PART IV-WORKING OF SHIPS***

*Manifest of cargo*

48. (1) The master or agent of any ship shall, upon arrival of the ship in a harbour, deliver to the management a true copy in duplicate of the complete manifest of cargo inwards, giving detailed weights or measurements as utilized for sea freight purposes and, notwithstanding the provisions of regulation 51 of these Regulations, a ship shall not break bulk until the necessary true copies of the complete manifest have been lodged with the management. The master or agent shall, within twenty-four hours after the ship’s departure also similarly furnish a manifest in duplicate of the cargo shipped or transshipped to such ship.
- (2) The master or agent shall as soon as possible notify the management of subsequent amendments to any outward or inward manifest.

*List of heavy lifts*

49. The master or agent of any ship shall, within twenty-four hours after the ship’s arrival in a harbour, deliver to the management a true list in duplicate of lifts over three tons comprised in her import cargo for that harbour.

- Conditions of working ships.* 50. (1) As far as may be practicable at the time, cargo shall be discharged from and loaded into, ships in the order of their arrival in harbour, but subject always to the discretion and direction of the management.
- (2) The management does not guarantee to work any ship at an outer anchorage on demand; such work will only be undertaken when weather and other conditions are suitable.
- (3) The Management may refuse to permit cargo to be landed from any ship until suitable wharf, shed, quay, or other accommodation- is available for such cargo.
- (4) The management may refuse to permit iron and steel bars and pipes and tubes of all kinds to be landed unless the conditions regarding bundling, marking or both such bundling and marking as published in the press from time to time are complied with. In the event of permission to land being granted no responsibility will be accepted by the Corporation for loss, damage, delay or misdelivery occasioned by non-compliance with the conditions as above.
- Customs.* 51. A ship shall not break bulk until her cargo has been duly reported at the Custom House or special authority has been obtained from the Commissioner-General of Customs for breaking bulk in accordance with Customs laws.
- Hatches to be opened ready for work.* 52. The master shall have all working hatches of a ship about to discharge or receive cargo opened before the time fixed for discharge or loading to commence.
- Master to superintend loading or discharge.* 53. The master, or some other responsible person appointed by him, shall remain on board his ship whilst loading or discharging cargo, for the purpose of superintending such loading or discharge. Any cargo or ship's gear that may be dropped overboard shall be at once reported by the master of the ship concerned to the management and shall be immediately recovered by such master if it is reasonable for him to do so. Failing that it may be recovered by the Corporation at the risk and expense of the ship.
- Ships to be worked with reasonable dispatch.* 54. (1) If a ship fails to take in or discharge its cargo with such dispatch as appears reasonable to the management, the said ship shall after written notice has been given by the management to that effect to the master, lose its turn to take in or discharge its turn to take in or discharge its cargo, and if occupying a quay berth, may be removed from such berth by the management at the risk and expense of the ship.

- (2) If either the plant or labour engaged for the special purpose of landing, shipping or transshipping any cargo is not fully employed owing to the default of the ship, the expenses incurred thereby shall be paid by the ship.
- (3) The management may, in the event of any accumulation of goods upon the wharf, jetty or quay, or in a lighter, or for any cause that may appear reasonable to it, require any ship to suspend, discharge or reduce the rate of discharge of cargo.

*Normal and overtime works.*

55. (1) Work ashore and afloat in connection with the landing, shipping and transshipment of cargo shall only be worked on receipt of a written request from the master or agent of the ship, to whom an account for the cost thereof at the rates prescribed in the Tariff shall be rendered by the management.
- (2) Work ashore and afloat in connection with the landing, shipping and transshipment of cargo during hours other than the regular working hours of a harbour as prescribed from time to time by the management shall be charged for as overtime.

Provided that no work shall be carried out on Christmas Day or on 1<sup>st</sup> May except as laid down in regulation (56) of the Regulations.

*Harbour closed on Christmas Day and May Day.*

56. The harbour shall, on Christmas Day and on 1<sup>st</sup> May, normally be closed, except for the necessary pilotage of ships in and out of the harbour and for dealing with mails, passengers and their baggage, livestock and perishables.

Provided that, in exceptional circumstances, and provided the prior authority of the management has been obtained, cargo may be dealt with, subject to the special charges prescribed in the Tariff.

*Receipts for cargo and delivery.*

57. Unless otherwise specially agreed upon between the management and the master or the agent of the ship, the management shall grant receipts to the master or the agent of this ship for all cargo received; at the Ports of Mombasa and Dar es Salaam such receipts shall be granted after sorting the cargo ashore; at the Port of Tanga and Mtwara such receipts shall be granted upon discharge of the cargo subject to each item being properly marked and being discharged in an orderly manner, provided that where in the opinion of the management cargo is of such a nature or is discharged in such a manner as to preclude an accurate tally at the time of discharge, then the receipts shall be granted after sorting and stacking the cargo ashore and only then shall delivery of cargo in each such case be considered to have been made to the corporation.

*Payment of dues, rates and charges.*

58. (1) All harbour dues and other rates and charges on every vessel shall be paid promptly to the management at the Port Office which, upon payment thereof, will issue or endorse, as the case may be, a Combined Light Due Certificate, with which clearance outwards may be obtained; in the absence of such certificate or endorsement, a vessel shall not be allowed to leave the harbour.
- (2) In the case of ship's agent having credit accounts with the Corporation for rates and charges on vessels, a Combined Light Due Certificate or endorsement may be obtained on application to the management.

*When cargo considered delivered to the corporation*

59. Subject to the provisions of regulations 57, 61(2)(c) and 222 of these Regulations delivery of cargo shall not be considered to have been made to the Corporation until the cargo has been safely landed on the quay or into lighter and has been removed from the cargo handling gear used in landing the said cargo.

*When cargo considered shipped.*

60. Goods for shipment shall, unless mutually agreed upon to the contrary, or unless such goods are declined by the ship as damaged or in bad condition, be deemed to have been properly delivered by the Corporation to the ship in good order and condition when placed into the cargo handling gear at the ship's side whether on the quay or in lighter.

*Cranes or transporters*

61. (1) At any quay, wharf, or jetty where cranes, transporters, or other mechanically-operated appliances are provided by the Corporation, the master of every ship desiring to discharge or ship goods shall, if required by the management, use these appliances exclusively for that purpose at the rates prescribed in the Tariff, and subject to the following conditions:-
- (a) The charge shall commence from the time stated in the requisition, handed in by the master or agent of the ship, or if the crane, transporter or other appliance is not ready, from such time as it is ready or available. The Corporation shall not be responsible for any delay however occasioned which may be due to crane, transporter, or other appliance not being available;
- (b) no person obtaining the use of a crane or transporter shall reeve the wire rope or chain under the coamings of the hatches and no cargo shall be dragged from under or across decks by the wire ropes of any such crane, transporter or other appliance;

- (c) the Corporation shall not be liable for any loss, damage, or accident which may occur in the working of the cranes, transporters or other appliances unless caused through the negligence of its servants or through defects in the crane, transporter or other appliance, or for the loss or delay caused through failure of the electric power;
  - (d) notwithstanding that the cranes, transporters, or other appliances are worked by the servants of the Corporation, a person obtaining the use of cranes, transporters, or other appliances shall be liable for any damage done to such cranes, transporters or other appliances, or to the gear in connection therewith, or to any property whatever, while the same are being used by such person, reasonable wear and tear only excepted. Applicants for the use of cranes, transporters or other appliances, for purpose other than the loading of a ship, shall be liable to penalty of *Kshs.200/=* (Two Hundred Shillings for each hoist, whether made or attempted to be made, found to be in excess of the certified lifting capacity of such crane, transporter or other appliance;
  - (e) a person obtaining the use of cranes or transporters shall conform with any reasonable order or condition in regard to the working or stoppage of work of the cranes and transporters which may from time to time be given or imposed by the management;
  - (f) the use of cranes, transporters or other mechanical appliances in the transit sheds and on the stacking grounds shall be paid for by the person requiring the use of same at Tariff paid for by the person requiring the use of same at Tariff rates;
  - (g) when the corporation supplies a crane (fixed or floating) for the purpose of lifting heavy weights, being three (3) tons or more per piece or package, such lifting will be performed solely upon the condition that no liability whatsoever shall attach to the Corporation for any accident or damage howsoever caused to or by any pieces or packages so lifted;
- (2) In addition to the provisions of paragraph (1) of this regulation, the following conditions shall apply to the use of a floating crane:-

- (a) application for the use of such crane shall be made in duplicate to the management on the form to be provided by the management.
- (b) the control of the navigation of such crane shall at all times rest with the management who shall place the crane in a suitable position with regard to the requirements of the applicant and supply the requisite tug or tugs for so doing and , for the purpose of this regulation, the use of such crane and tug or tugs, when under way, shall be deemed to be the use of the floating crane;
- (c) subject to the provisions of regulations 57, 59 and 222 of these Regulations, delivery of any goods or articles handled by such crane shall be deemed to have been made to the Corporation when such goods or articles have been landed safely upon a wharf, jetty, quay or railway truck or road vehicle to the satisfaction of the management:

provided that the Corporation may accept delivery of any goods or articles on the deck of the crane craft for the purpose of direct transshipment from one ship to another.

#### **PART V – SHIPS- GENERAL**

***Fire on Ships.***

- 62. (1) In the event of a fire occurring on board any ship or traditional vessel in a harbour, the master shall at once give the alarm and take such steps towards the protection of property as the management may direct.
- (2) The alarm signal for ships on fire shall be as follow:-  
Ships shall hoist N.Q. of the International Code and at the same time sound one long and three short blasts in quick succession on the whistle. The signal N.Q. shall be kept hoisted until the fire on board has been extinguished.

***Sanitary Arrangements in harbour***

- 63. When required by the management, a ship's or traditional vessel's water-closets and latrines shall be closed during such period as the ship or traditional vessel is in harbour

***Ships to be Open for Inspection***

- 64. Any duly authorized servant of the Corporation may, in the execution of his duty, at any time whilst a ship is in harbour board such ship and inspect it or any part of it.

***Working of lighters.***

- 65. Masters of ships at anchor or buoys in a harbour area not permit more than two cargo lighters to be abreast of each hatch on either side of the

ship, or more than two such lighters to be made fast in a tier astern; one large pontoon shall be counted as two lighters.

*Boarding or  
leaving ships.*

66. No person may, except with the permission of the management, board leaves a ship whilst such ship is in motion; nor may any person leave or board a ship except by means of the gangway or an efficient pilot ladder.

*Refuse not to be  
deposited in a  
harbour*

67. (1) (a) No wire-rope, hemp, rope, dunnage, mats, wood, dirt, ballast, ashes, earth, stone, offal or rubbish of any sort whatsoever shall be thrown or allowed to fall or drift into the water of a harbour. The master or owner of any vessel from which such articles or refuse have been allowed to fall shall make good all loss, damage, and expense which the Corporation may sustain or incur in consequence of dealing with such articles or refuse or in any way incidental to such dealing.
- (b) If any noxious or offensive liquid is discharged from any vessel, or from any place on land, into the water of a harbour, then if the discharge is from a vessel, the owner and master of the vessel, or if the discharge is from a place on land, the occupier of that place, shall be guilty of an offence under this regulation.
- (2) No dead animal shall be thrown into a harbour from any ship or traditional vessel or from the shore. Such dead animals, suitable weighted shall be taken one nautical mile outside the harbour limits during ebb tide at the expense of the ship or traditional vessel on board which death took place, or at the expense of the owner if from shore and there thrown into the sea.
- (3) All articles which have accidentally fallen or drifted into the water of a harbour shall be at once recovered by the person concerned, failing which the Corporation may recover them at the risk and expense of such person.
- (4) The master of every ship or traditional vessel whilst loading or discharging ballast, coal, cinders, stones or any other loose material, shall cause a canvas, tarpaulin or some other safeguard to be placed in such a manner as to prevent any such material from falling into a harbour.

*No timber  
allowed to float  
in the harbour*

68. No timber shall be permitted to float in a harbour unless previous permission in writing for that purpose has been obtained from the management, and then only subject to the payment of re at the same rate as if it had been landed, and subject to the further condition that the consignee be responsible for any damage caused by such timber.

- Removal of ships having offensive matter on board*** 69. The management may order the removal from a harbour Removal of any ship or traditional vessel which has on board cargo or other matter injurious to health or offensive or dangerous in any respect, and such cargo or matter shall be disposed of in such manner as it may direct at the risk and expense of the ship or traditional vessel.
- Offensive Cargo*** 70. The management may, with the consent of the Commissioner- General of Customs, and after giving at least two hours' notice to the owner or other person entitled to receive the goods, or, if the owner or consignee cannot be found, then without such notice, order the removal, and, if necessary, the destruction of any cargo or matter of an offensive nature which may be landed or placed upon the wharves, jetties, or quays, or any other part of the harbour premises. Such removal or destruction shall be at the expense of the consignee or other person concerned.
- Smoking, etc, on ships carrying inflammable cargo*** 71. No naked light or smoking shall be allowed in the hold or near any open hatch of any ship, traditional vessel or small craft carrying, receiving, or discharging any inflammable cargo, and generally the shipment or discharge of such cargo shall be subject to such further restrictions as the management may impose.
- Protection of hatchways*** 72. Except as stated in regulation 73 of these Regulations during the intervals of working cargo, ships in harbour shall have their hatches closed or well protected by the master of the ship.
- Ships laden with coal.*** 73. Ships laden with coal shall, in order to avoid the possibility of explosion, have their holds well ventilated if necessary by open hatchways, while they are in harbour.
- Fumigation.*** 74. (1) No ship may be fumigated in a harbour except with the written consent of the management and subject to such condition as the management may impose.
- (2) Where the ship is fumigated by the management there shall be paid for sure service such fee as may be prescribed in the Tariff.
- Repairs to ships.*** 75. Except at authorized places, no structural repairs of ships may be made within a harbour save with the written permission of the management, and then only upon the following conditions:-
- (a) before any repairs are commenced the master shall take such precautions as the management may direct to prevent dirt or other matter falling into the harbour;
- (b) the master shall observe such other conditions as the management may impose in its written permission;

- (c) if the master contravenes or fails to comply with the provision of this regulation, or of any permission given thereunder any such permission granted to effect repairs may be with-drawn and the work stopped by the management.
- Restriction on use of flame apparatus in harbour.*** 76. (1) No construction, repair or maintenance work entailing use of any flame apparatus, or any apparatus which produces extreme heat, shall be carried out in any harbour without the prior written permission of the management:
- Provided that, save in the case of a petroleum ship, such work may be carried out at an authorized place without such permission.
- (2) Where it is proposed to do any work in or on any ship in respect of which permission is required under paragraph (1) of this regulation, the master or agent of the ship shall make application in writing for that purpose to the management; and, where such application relates to a petroleum ship, the application shall be accompanied by a certificate from a person approved by the management for such purpose that such ship is at the time of application free from any inflammable liquid or gas which would be likely to explode or to be set on fire as the result of the use of such apparatus.
- No boat, ship's gear, etc, may be placed on any wharf*** 77. No boat, spar, anchor, cable, ship's gear, dunnage, cattle fittings, horse-box or the like, shall be allowed to remain upon any wharf, jetty, or quay, or on any foreshore or approach to a harbour without the Written permission of the management.
- Beaching ships within a harbour*** 78. Except at authorized places no ship shall be beacher, stranded, careened, or laid upon any foreshore, shoal or bank within a harbour for purpose of cleaning, repairs or otherwise, save with the written permission of the management, and subject to such conditions as it may impose.
- Pitch and other combustibles may not be boiled on board ship*** 79. Pitch, tar, resin, turpentine, oil and combustibles of similar nature required whilst caulking, repairing, etc., any ship or traditional vessel in a harbour, shall be boiled on a stage alongside, or in a boat boiled on alongside, the ship or traditional vessel, and not on board the ship or traditional vessel.
- Explosives may not be used or guns fired.*** 80. (1) No guns, except salutes authorized by the management, shall be fired, and no mines, torpedoes, or other engines of like nature, shall be exploded in a harbour. No rocket shall be fired or blue light burned on board any ship or traditional vessel while in a harbour without the permission of the management,

except when such ship or traditional vessel may be in actual distress or in want of assistance.

- (2) No blasting shall take place within a harbour without the prior authority of the management.

*Ships not to be turned by use of engines while at buoy.*

81. No ship shall attempt to turn round by steaming ahead or astern while made fast to a mooring buoy belonging to the Corporation or in an endeavour to clean hawse.

*Propellers may not be turned in a harbour without previous warning.*

82. Steamships at anchor, or occupying moorings, or alongside a quay or jetty, shall not turn their propellers without giving sufficient warning of their intention to craft in the vicinity. They shall not put full power on when trying their engines at any mooring buoy provided by the Corporation or when alongside a quay or jetty.

*Displaced mooring or mark to be reported*

83. (1) If any mooring or mark buoy is dragged from its position or damaged by a ship, traditional vessel or small craft, the cost of replacing it shall be paid for by the master or owner of the ship, traditional vessel or small craft.
- (2) The master of any ship or traditional vessel hooking or getting foul of any mooring laid by the authority of the management shall not, except in case of emergency, lift the buoy or mooring for the purpose of unhooking or getting clear, but shall immediately report the occurrence to the management and await instructions.

*Submarine cables*

84. The master of any ship hooking or damaging with her anchor any submarine electric cable marked as such within a harbour area shall be liable to the Corporation for any expense it may sustain or incur thereby.

*Crews of ships to take lines*

85. (1) All ships or traditional vessels anchored, moored or berthed in a harbour shall receive on board, make fast or cast off lines or warps from any other ship warping in and out of such harbour, when required so to do by the management, or by the pilot, master or other person in charge of such aforesaid ship or traditional vessel.
- (2) No lines or warps shall be stretched across the waters of a harbour without the written permission of the management.
- (3) The management may, in case of urgent necessity, cut or cause to be cut, any warp, rope, cable, or hawser endangering the safety of any vessel in a port.

- Animals* 86. (1) Animals when ashore or afloat in a harbour area and when being landed, discharged or shipped there, shall be treated in a humane manner and in accordance with veterinary practice.
- (2) The management may in its discretion refuse to land or ship animals if such landing or shipping would in the opinion of the management entail unnecessary suffering to any animal.

**PART VI – SMALL CRAFT**

- Small craft to give way* 87. Small craft and traditional vessels within the limits of a harbour shall at all times make way for ocean-going ships under way or tugs when engaged in towing.
- President's pier at Dar-es-Salaam.* 88. No boat shall secure or make fast to the President's Pier at Dar-es-Salaam and no boat shall moor or anchor within a radius of 100 feet thereof.
- Row boats to give way to sailing boats* 89. When two boats are being propelled, one by sail and the other by oars, and are proceeding on a course, which, if continued, would involve the risk of collision, the boat propelled by oars shall keep out of the way of the other; and the boat under sail shall use every precaution to avoid accident and if so close that collision cannot be avoided by the action of the vessel giving way alone, she also shall take such action as will best aid to avoid collision.
- Small craft to carry lights* 90. Small craft and traditional vessels, when under way between carry light. Sunset and sunrise shall exhibit the lights required for their class by the Collision Regulations (Ships and S.R.O. Seaplanes on the water) and Signals of Distress (Ships) Order 1953 as from time to time amended, added to or replaced.
- Approaches to wharves, landing places and ship's ladders to be kept clear.* 91. (1) Free passages shall be kept to all jetties, landing places, wharves and moorings, and all traditional vessels and small craft shall move when required to clear such passages.
- (2) No boats or other small craft whatever shall lie alongside any of the passenger landing places or ships' accommodation ladders longer than is necessary to embark or land passengers and their luggage, but, when waiting, shall lie off at a distance of at least twenty yards from such landing place or ship's accommodation ladder in order not to obstruct the approach thereto.
- (3) No boat or launch crew or baggage clearing agents shall loiter on any pontoon or landing steps, or accost passengers thereon.
- Mooring of small craft and traditional vessels.* 92. No small craft or traditional vessel shall, except with the permission of the management, be secured to any wharf, jetty, quay, mooring post, pile, bollard or buoy belonging to the corporation.

- Beaching for repairs of small craft or African vessels.* 93. No traditional vessel or small craft shall be brought ashore or beached for the purpose of repairs except at authorized places or such other places as may be assigned by the management for that purpose.
- Small craft sunk in harbour to be reported.* 94. The sinking of any small craft or traditional vessel in a harbour shall be reported by the master or owner to the management as early as possible after the occurrence.
- Craft not to leave harbour limits.* 95. No craft small proceed outside the limits of a harbour unless registered or licensed under the Merchant Shipping laws of the Partner States.
- Boats not to go alongside ships under way.* 96. No boat or other craft shall go alongside a ship until such ship is at anchor or made fast alongside and has been boarded by the Port Health Officer or his representative.
- Passengers and goods to be landed at place appointed.* 97. No boat or launch proceeding to or departing from the side of a ship or traditional vessel shall embark or land persons except at a place appointed under the Customs laws for the time being in force for the embarkation and landing of persons or shall load or unload goods except at a place of loading and unloading appointed under the Customs laws for the time being in force.
- Small craft to be licensed* 98. No tug, lighter, motor boat, rowing boat, or other small craft may lie or be used in a harbour without a license from the Corporation.
- Small craft to be surveyed before licence granted.* 99. Any person who desires to ply for hire with or use in a harbour any tug, hulk, lighter, motor boat, or other small craft, shall apply to the management for a license, and thereupon the management shall cause such craft to be examined by one or more inspectors appointed by it for the purpose and if in the opinion of such inspector or inspectors the hull, equipment, boilers and machinery of such craft are in a suitable condition and fitted for the purpose and work for which they are intended, but not otherwise, the inspector or inspectors shall grant a certificate to that effect, and in such certificate shall be stated the period during which the craft may be used by the applicant and the number of persons she may be licensed to carry.
- Method of obtaining a license.* 100. (1) Upon the production of the said certificate at the offices of the management, and upon payment of the license and survey fees prescribed in the Tariff, a licence may be issued by the management to the holder of the said certificate, authorizing him to use the said craft.
- (2) The provisions of this regulation shall not apply to any tug, lighter, motor boat, rowing boat or other small craft used solely

for pleasure purpose and not plying or let for hire. Application for a licence for such craft shall be made by the owner thereof to the management who, on payment of the licence fee prescribed in the Tariff, may issue a licence.

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| <i>Duration of License</i>                             | 101. | The said licence shall not be valid for a longer period than that mentioned in the certificate, and in any case shall expire on the 31 <sup>st</sup> December in each year. It may, however, be renewed for any unexpired portion of the period mentioned in the certificate, or upon the production of a fresh certificate as aforesaid, or of the original certificate endorsed by the inspector or inspectors appointed by the management approving of the same for a further period. For every such endorsement or certificate a survey fee shall be paid to the Corporation. |
| <i>Renewal of Certificate</i>                          | 102. | Every such renewal of a certificate or endorsement shall be dated by the inspector or inspectors appointed by the management; and no licence shall be issued against a certificate which is dated more than fourteen days before such certificate is produced at the offices of the management for the purpose of obtaining licence.  |
| <i>Transfer of Licensed craft</i>                      | 103. | The transfer by sale or otherwise of any licensed craft shall not affect a licence already granted, but in all such cases the licence shall be transferred to the purchaser of the person acquiring the ownership of the craft, provided the approval of the management to such transfer is obtained.   |
| <i>Persons carried not to exceed authorized number</i> | 104. | (1) No licensed craft plying for hire and carrying passenger shall carry more than the number of persons such craft is licensed to carry, and a notice showing the number of persons authorized to be carried must be painted on or affixed to some conspicuous part of such craft. No person shall attempt to board a craft containing its full licensed complement.<br><br>(2) No craft holding a passenger licence only shall carry any cargo other than passengers' baggage.  |
| <i>Unclaimed property to be taken to Custom House</i>  | 105. | The person in charge of a craft licensed to carry passengers shall be responsible for all unclaimed property left in his boat, and he shall take or cause to be taken forthwith to the Custom House all such unclaimed property.  |
| <i>Expired License to be returned</i>                  | 106. | On the expiration or other determination of any licence the owner of the craft in question shall return to the management the licence, and, if licensed to carry passengers, the tariff plate and the copy of the authorized tariff charges.  |
| <i>Life-saving and fire-extinguishing apparatus</i>    | 107. | Every licensed craft shall be equipped with such life-saving and fire-extinguishing appliances as may from time to time be consider   |

necessary by the management, and shall be kept so as to be at all times fit and ready for use.

*When holder of license to cease to use craft.*

108. (1) Any inspector appointed under these Regulations may, and he is hereby empowered and authorized at any time during the currency of the licence to, inspect and examine the hull, equipment and machinery of any craft so licensed, and if in his opinion the said hull, equipment and machinery are not in condition suitable and fitted for the purpose for which they are being used, he shall notify the management, which shall give written notice to the holder of the licence to cease to use the said craft unless and until the hull, equipment and machinery, or any of them have again been placed in a condition suitable and fitted for the purpose for which they are being used.
- (2) Upon being so satisfied, after further inspection, the inspector shall report the fact to the management, which shall make an endorsement to that effect upon the licence and the date thereof, and from such date the holder of the licence shall be entitled to continue to ply for hire or use the said craft for the unexpired period of the currency of the licence.

*Penalty for non-observance of notice.*

109. Any holder of a licence who uses or causes or allows to be used any craft after the written notice mentioned in regulation 108 of these Regulations has been served upon him, and before he has obtained the subsequent endorsement in the said regulation referred to, and any person who refuses to allow an inspector to inspect and examine any such craft or its machinery or equipment, or obstructs the inspector therein, shall be guilty of an offence against these Regulations, and the licence granted in respect of such craft shall be cancelled.

*Licensed craft to be numbered and registered*

110. All licensed craft shall be numbered and registered. Every licensed motor boat and row boat, and, when required by the management, every other such small craft, shall have its number legibly painted on both sides of the bow.

*Person in charge to be capable.*

111. No holder of licence shall permit his craft to be used unless sufficiently manned and unless the person in charge is competent to manage her.

*Licensed craft to occupy assigned berths*

112. Every licensed craft, when not accommodated in privately owned berth, shall occupy such berth as may from time to time be assigned by the management, and the master thereof or other person in charge shall be bound to comply with the directions and instructions of the management.

*Charges*

113. (1) The charges made by the holder of a licence for the hire or use of his craft shall not exceed those which may be prescribed from time to time, and a copy of the authorized tariff charges shall at all times be carried in any licensed craft. Such tariff and

the licence shall, on demand by any passenger, be produced for inspection by such passenger.

- (2) Every passenger shall, on completion of the journey, pay the authorized tariff charge for such journey.

*Persons in charge of boats plying for hire may not refuse engagement.*

114. No person is charge of a craft that is plying for hire and Disengaged shall refuse to accept an engagement, or attempt to extort Fares in excess of the prescribed tariff.

*Registration of boat crew*

115. (1) Each member of a boat's crew working in a motor boat or row boat licensed to carry passengers, shall be registered with the management, and shall wear a numbered badge in a conspicuous place, such badge to the supplied by the Corporation on payment of one shilling.
- (2) Each member of the crew shall be capable of performing his work and shall be cleanly clad in trousers and shirt or jumper on which the registered number of the boat shall be shown.
- (3) Any member of a boat crew may be struck off the register by the management for misconduct, and in such case, or on his ceasing for any other reason to be employed as member of a boat crew he shall return his badge to the management.

*Boats licensed to carry passengers to take day or night duty or ordered.*

116. Every motor boat or row boat licensed to carry passengers Shall, when so ordered by the management, take either day or night duty as the management may direct.

*Control of small craft.*

117. When a passenger engages a boat, the boat shall immediately cast off and take the passenger to his destination. The boat shall not be kept waiting on the chance of getting more passengers. Persons in charge of boats and boat crews shall not solicit passengers to use their boats. The police may call up boats as required by passengers and any reasonable orders so issued shall be obeyed.

*Quantity of luggage that may be carried*

118. The management may regulate the quantity of luggage which may be carried consistent with the safety and convenience of the passenger conveyed in any licensed craft, and the owner of person in charge of craft shall obey the orders of the management in this respect. One hundred and twenty pounds weight shall be taken as the equivalent of one person allowed for on the licence.

*Safety valves*

119. No person shall place more than the prescribed weight or spring tension on the safety valves of any steam boiler of a licensed craft.

*Liability of Corporation*

120. Nothing in these Regulations contained shall be deemed to impose any liability or responsibility upon the Corporation for any loss or injury

caused by the acts or negligence of any owner or person in charge of any licensed craft.

- Small craft prohibited from conveying liquor to ship's crews*
121. (1) No owner of any craft and no member of a boat crew or any person employed by such owner shall supply, convey or deliver any intoxicating liquor to any of the crew of, or to any other Person on board, any ship at anchor or moored in harbour, except-
- (a) such liquor as may be purchased with the consent of the master of the ship from a person duly licensed to sell the Same; and
- (b) such liquor as may be removed under the Custom laws and regulations from a bonded or bonding warehouse for exportation beyond the limits of the harbour, or for ships' stores.
- (2) Where any such owner is convicted of contravention of this regulation the licence, if any, for any craft used in connection with the commission of such offence shall be cancelled, and shall there-upon become null and void, without prejudice to any other penalty provided by the law.

- Penalty for breach of small-craft rules.*
122. The owner or person in charge of any small craft in respect of which a breach of these Regulations has been committed shall be guilty of an offence and shall, in addition to any other penalty to which he may have rendered himself liable, be liable to imprisonment for a term not exceeding two month, or to a fine not exceeding KShs.400 or to both such fine and such imprisonment.

- Suspension of Licence for misconduct*
123. The management may suspend or revoke the licence of any small craft whose or any member of whose crew has been guilty of misconduct or guilty of a breach or neglect of any of these Regulations, or of any lawful order of the management or who is of bad character; and such suspension or revocation shall be endorsed upon the licence which shall be produced to the management for the purpose.

#### **PART VII – CERTIFICATE OF COMPETENCY**

- Staff Harbour tugs*
124. Any person who causes a harbour tug to be navigated in any harbour of the Partner States without the master and engineer thereof being in possession of valid certificates of competency shall be guilty of an offence against these Regulations.
- Tug master's certificates*
125. No harbour tug or similar vessel, registered in the Partner States and being of ten tons or upwards, shall be navigated in any harbor of the Partner States, unless the master thereof possesses a valid certificate of competency as a master, harbour tug.

- Tug master's certificates*
126. No harbour tug or similar vessel, registered in the Partner states, and being of one hundred nominal horsepower or more, shall be navigated in any harbour of the Partner States unless the engineer valid certificate of competency as an engineer harbour tug.
- Certificate*
127. For the purpose of this part of these Regulations, the management may recognize the certificates of competency of other similar documents issued by the competent authority of any country.
- Examination for Certificates of competency*
128. (1) The Corporation shall from time to time, cause an examination to be held by the management of any person who desire to obtain certificates of competency as masters, mates or engineer of harbour tugs or similar harbour vessels and shall deliver to every person, who has passed the prescribed examination satisfactorily, and has otherwise satisfied the examiner of his competency to act as master, mate or engineer, and has given satisfactory evidence of his sobriety, experience, ability and general good conduct, a certificate of competency in the form prescribed in Schedule F to these Regulations.
- (2) The management shall determine and settle the syllabus of all such examination and, having regard to the class of vessels in which the applicant for examination intends to serve, the standard to be attained by all such persons submitting themselves for examination
- (3) There shall be paid for any examination held under these Regulations, and for the issue of a certificate of competency, such fees as may be prescribed in the Tariff.
- Certificates in duplicate*
129. (1) Every such certificate shall be in duplicate and shall be signed by the management. One copy of such certificate shall be delivered to the person entitled to the certificate, and the other shall be kept and recorded by the management. All cancellations, suspensions, alterations or other proceedings in any way affecting any such certificate shall be entered in the record of such certificate.
- (2) Every such certificate shall be issued subject to the provisions of these Regulations and any conditions endorsed thereon, and may be cancelled or suspended by the management in manner hereafter appearing.
- Certificates to be produced on demand*
130. On demand by the management or any person authorized by the management in that behalf the person to whom any such certificate has been issued shall produce such certificate.

*Inquiries by management*

131. (1) The management may make inquiry into the conduct of any master, mate or engineer, holding a certificate of competency granted under these Regulations, if it has reason to believe that any such master, mate or engineer is, from incompetence or misconduct, unfit to discharge his duties.
- (2) Where any casualty has occurred to any harbour tug or similar harbour vessel of which the master, mate or engineer thereof is in possession of a certificate of competency issued under these Regulations, the management may hold an inquiry, and if deemed necessary may appoint any competent person to assist at such inquiry as assessor, and may summon such master, mate or engineer to appear at such inquiry and give him full opportunity of making his defense.

*Cancellation or suspension of certificate.*

132. (1) The certificate of a master, mate or engineer granted under these Regulations may be cancelled or suspended either temporarily or for any period not exceeding twelve months by the management, or the management may grant in place thereof a certificate to the same or lower grad, if the management, after inquiry in accordance with the proceeding regulation, finds that the loss of, or damage to, any vessel, or that loss of life has been caused by his wrongful act or default, or if it be proved that such master, mate or engineer is incompetent or has been guilty of gross misconduct.
- (2) A master, mate or engineer whose certificate has been cancelled or suspended shall deliver his certificate to the management for cancellation or endorsement, as the case may be.

*Failure in examination*

133. If a candidate for examination as under this part of these Regulations fails to pass the examination, he may not be re-examined until a period of six months has elapsed. The examiner shall decide whether the whole or part of such period shall be spent in employment on board a tug or other vessel.

**PART VIII – DANGEROUS GOODS OR EXPLOSIVES***Master or agent to give notice of dangerous or inflammable goods on board.*

134. The master or agent for every ship, having on board any goods of a dangerous or inflammable nature as described in Schedule D to these Regulations, shall, twenty-four hours before arrival, give notice thereof to the management, and such cargo shall not be landed before the disposal orders are handed in to the management. If any such goods are landed, the management may order the Same to be placed on board the ship whence thy came, or otherwise deal with them or destroy them as it considers necessary, at the risk and expense of the ship from which they were discharged. The said goods shall, if required, be discharged

at such a time as shall enable them to be disposed of or otherwise removed from a harbour during working hours of the same day.

- Loading and stowage of dangerous or inflammable goods.* 135. (1) Goods of a dangerous or inflammable nature as described in Schedule D shall not be loaded into any ship without prior permission from the management.
- (2) Such permission to load will only be granted providing that the loading and stowage is carried out in accordance with safety requirements prescribed by the management from time to time or by any legislation of the Partner States.
- Warships and transports* 136. Ships of war and transports may be exempted by the management from this part of these Regulations if they are fitted with approved magazines under the waterline and capable of being flooded:
- Provided that, whenever such ship is berthed alongside a quay, wharf or jetty, the attendance of a fireman provided by and at the expense of the ship shall be compulsory.
- Exemptions* 137. Every ship having only the following explosives on board shall, except where expressly specified in any of the following regulations contained in this Part be exempt from the provisions of such regulations and such explosives shall be similarly exempt and may be landed and dealt with at such places and under such conditions as the management may direct-
- (a) safety-cartridges, safety-fuses, railway fog-signals, percussion caps, fireworks, and any other explosives specially exempted by notice in the Official Gazettes of the Partner States;
- (b) any other explosive not exceeding fifty pounds in weight, properly stored in an approved magazine.
- Berthing of ships carrying explosives* 138. Every ship carrying, or about to carry, explosives shall be anchored or berthed only in the position assigned to her by the management, and shall not be moved there from, except for the purpose of leaving the harbour, without the written order or permission of the management.
- Bunkering of ships carrying explosives* 139. Ships with explosives on board in approved magazines well forward and after requiring bunker coal may, at the discretion of the management, be brought alongside a wharf specified by the management and the bunkering shall be carried out as expeditiously as possible.
- Discharge of ships carrying explosives* 140. Ships with explosives on board for discharge at a harbour may, at the discretion of the management, be brought alongside a wharf specified by the management and there discharged as expeditiously as possible.
- Notice of loading and unloading explosives*

141. Before any explosive are transshipped from any ship or are loaded into, or unloaded from, any ship, notice shall be given to the management informing it of the nature and quantity of such explosives.
- Red flag to be exhibited* 142. The master of every ship having explosives on board shall, Red flag to whilst within the limits of a harbour, keep conspicuously exhibited be exhibited. at the fore by day a red flag (B International Code) in size not less than four feet by three feet, and, at night at the masthead in addition to the lights ordinarily required and above them, a red light showing a clear uniform unbroken light all round the horizon, visible on a clear night at a distance of one mile from such ship.
- Fires, etc., prohibited* 143. No fires or artificial lights shall be allowed near the open hatches or in the holds in which explosives are stored, or at the place of discharge or shipment:
- Provided that this regulation-
- (i) shall not prevent the use of an electric lighting installation or a safety lamp of a construction approved by the management, or of ships' riding or signal lights so disposed as to prevent any risk of fire or explosion, and
- (ii) shall not apply to engine room fires when the same have been previously carefully banked.
- Smoking, etc., and certain wearing apparel prohibited* 144. (1) No person shall smoke or be allowed to smoke at or near the place where liquefied petroleum or any other goods of dangerous or inflammable nature are being handled, not shall any person be in or approach such place while carrying matches or any other means of ignition. An authorized employee may prohibit any person from approaching near the place where liquefied petroleum gas or any other goods of a dangerous or inflammable nature are being handled unless the authorized employee is satisfied that such person is not carrying matches or other means of ignition.
- (2) No person while handling explosives, shall be allowed to wear boots to shoes with steel or iron heels, tips, or exposed nails of any kind, unless such boots or shoes are covered with leather, India rubber, felt or other suitable material in the form of over-shoes or otherwise.
- Drunkenness* 145. No person under the influence of drink or drugs shall go or be allowed on board any ship into or from which explosive is being loaded or unloaded, nor shall he approach or be permitted to approach such explosive while in the course of being loaded or unloaded.

- Explosives to be covered* 146. All explosives on board which are not in the magazine shall whilst the hatches are open be carefully covered over and due care taken to prevent sea water or rain obtaining access to the Packages or contents.
- Escaping explosives* 147. If any explosive escapes from the package in which it is contained, or be split, such explosive shall be immediately carefully collected and safely destroyed.
- Escaping explosives* 148. Packages containing explosives shall not, if practicable, be dragged or rolled, but shall be passed from hand to hand when the ship's discharging gear is not available; and, when dragging or rolling cannot be avoided, the surface over which the package are to be moved shall first be covered with suitable canvas, cloth or similar material. Packages shall be carefully lifted, deposited, or stowed, and shall not be thrown or dropped when handled. All ship's and stevedoring gear used shall be of a suitable nature for the safe handling and discharging of explosives.
- Only explosives to be handled at one time.* 149. (1) During the time explosives are being discharged, no other goods or articles shall be handled or dealt with at or near the place of discharging.
- (2) Persons other than those actually engaged in or superintending the work of discharge shall not be allowed access to the ship, and may, at the discretion of a police officer or other authorized person, be ordered to a reasonable distance from the place of discharge.
- General Precautions to be observed* 150. While the loading, or unloading, of explosives is being carried out, all persons engaged in handling explosives shall-
- (a) take all due precautions to prevent-
- (i) accidents by fire or explosion; and
- (ii) unauthorized persons from obtaining access to explosives;
- (b) abstain from any act whatever which tends to cause a fire or an explosion and is not reasonably necessary for the purpose of such loading or unloading; and shall use every reasonable endeavour to prevent any other person from committing any such act.
- Superintendence of management* 151. No explosives shall be landed, shipped or transhipped except under the director and superintendence of the management, whose orders shall be obeyed.
- Permits to land explosives* 152. Explosives shall not be landed except on production of one of the following certificates or permits-

- (a) if shipped from any foreign country the certificate on oath of a duly qualified chemist authenticated as such to the effect that the explosives have been shipped in good order and condition, properly packed and labeled, and safe to be shipped through the tropics and handled in a warm climate;
- (b) if shipped from one harbour of the Partner States to another, the permit of a duly authorized officer.

- Special permit when Abel test applied* 153. In the case of explosives of a nature requiring the application of the Abel heat test, the certificate required under regulation 152 of these Regulations shall further state that no ingredient capable of masking such test is present in the explosives.
- Hours during which explosives may be handled* 154. Except with the permission of the management and subject to such conditions as the management may impose, explosives shall not be loaded or unloaded or handled except between 7 a.m. and 6 p.m.
- Control of quantity of explosives* 155. The quantity of explosives to be conveyed to and allowed on a landing place at any one time shall be regulated by the management and such regulated quantity shall not be exceeded.
- License for special small craft.* 156. No boat, barge, lighter, or other small craft shall be used for the conveyance or temporary storage of explosives except under a special license granted on a certificate from the management and subject to such conditions as it may impose. Such licensed craft shall not be loaded above the hatches, shall at all times remain afloat and be anchored only at specially appointed moorings, and shall exhibit a red flag by day and a red light in an elevated position by night Hatches shall be properly closed, and no inflammable cargo or explosives shall be carried on deck.
- Conveyance of passengers* 157. In no circumstances shall passengers be conveyed on such craft unless the explosives are contained in an approval magazine, and all due precautions for the prevention of accident by fire or explosion observed.
- Detonators, etc.* 158. Detonators, percussion caps, fireworks, ammunition or other packages having exposed iron or steel, shall not be conveyed in the same boat or craft as dynamite, blasting gelatine, or similar explosives, except under such precautions and conditions as may be prescribed in writing by the management.
- Detonators, etc.* 159. Any expense incurred in superintendence, the provision of watchmen or other facility in connection with the handling and discharge of explosives shall, except where otherwise provided in these regulations, be borne by the consignee, consignor, or agent, as the case may be.

- Controlling of explosives on railway in harbour*** 160. Explosives conveyed in or loaded into or unloaded from any vehicle on any lines of railway within a harbour area shall be so conveyed, loaded and unloaded in accordance with the regulations made by the Authority in respect of the conveyance, loading and unloading of explosives on the railway system; and, in the event of any breach thereof by any act or default, the provisions with regard to penalties and forfeiture prescribed in such regulations shall apply.
- Notice to be given to management*** 161. Before any explosive is brought into a harbour area for shipment or is loaded into or unloaded from any vehicle, whether a railway vehicle or otherwise, notice in writing shall be given to the management informing of if of the nature and quantity of such explosive.
- Control by management of places where explosives may be loaded, etc*** 162. No explosive shall be loaded from, brought into or deposited upon any quay, wharf, jetty, landing stage, shed, warehouse, building or other place except at such place as the management shall from time to time direct.
- Ships to be ready to receive explosives.*** 163. No explosive shall be placed on any wharf, quay or jetty until the ship by which the same is to be removed there from shall be at the place in readiness to receive the same.
- Penalty*** 164. In the event of any breach by act or default of any of the foregoing regulations of this Part of these Regulations, all or any part of the explosive in respect of which, or found in the vehicle in respect of which, the offence has been committed, may be forfeited.
- Inspection and examination*** 165. Every person in control of any explosive or of any ship or vehicle containing explosives shall, when so required by the management, show all explosives under his control or upon his ship and shall afford every reasonable facility to enable inspection and examination of such explosive and to ascertain whether these regulations are being duly observed.
- Petroleum*** 166. For the avoidance of doubt it is hereby declared that in the case of petroleum and all other inflammable liquids, including turpentine, these Regulations shall apply in addition to and not in derogation of any relevant legislation of the Partner States.
- Oil Terminals*** 167. In the case of ships in the vicinity of the Oil Terminals at Mombasa and Dar-es-Salam there shall apply the rules appearing Schedule H to these Regulations under the heading of
- Safety Rules*** “***Safety Rules: Oil Terminals***” and in the case of ships berthed at the Oil Terminals it shall be responsibility of the Master to ensure that the Safety Rules are understood by all members of the crew. The Safety Rules shall also be posted in a prominent position on the ship whilst berthed at the Oil Terminal.

*Carbide*

168. In the case of carbide of calcium the following special regulations shall apply in addition to the other provisions of these Regulations-
- (a) the owner or master of every ship, the hold of which contains carbide of calcium, shall keep such hold efficiently ventilated so long as any carbide of calcium remains therein;
  - (b) all carbide of calcium shall landed from any ship shall be removed without unnecessary delay to some duly licensed place of storage or beyond the limits of a harbour area;
  - (c) no carbide of calcium shall be brought into or landed within a harbour area unless packed in hermetically closed metal vessels of such strength and construction or so protected as not to be liable to breakage or to become defective or insecure except as a result of gross negligence or extraordinary accident;
  - (d) no vessel containing carbide of calcium shall be opened within the lines of a harbour area except in some licensed place of storage or, with the written consent of the management, in such place as the management may direct;
  - (e) every reasonable precaution shall be taken by the owner and master of every ship carrying carbide of calcium and every person engaged thereon and also by the owner of such carbide of calcium and by every person engaged in the landing or loading thereof to prevent the contact of water or moisture therewith and, where such contact may have occurred, to prevent the gas evolved thereby from being ignited;
  - (f) the owner and master of a ship carrying carbide of calcium and the owner and any person in charge of carbide of calcium shall, when so required by the management, show all carbide of calcium upon the ship or under his control respectively, and shall afford every reasonable facility to enable the management to inspect and examine such ship or such carbide of calcium respectively so as to ascertain whether these Regulations are being duly observed.

**PART EX – GENERAL SAFETY REGULATIONS***Application*

169. The regulations contained in this Part shall apply in respect of the processes of loading, unloading, moving and handling goods in, on, or at any dock, wharf, or quay, and the processes of loading, unloading and coaling any ship in any dock or harbour:

Provided that nothing contained in these Regulations shall apply to the unloading of fish from a vessel employed in the catching of fish; and nothing in regulations 171 and 173 (so far as regards liability to provide

means of access), 174, 177, 179 and 180 of these Regulations shall apply to a barge or lighter.

*Duties of  
masters and  
others*

170. (1) The owner, master or officer in charge of a ship shall comply with regulations 171 to 180 inclusive of these Regulations.
- (2) The owner of machinery or plant used in the process, and in the case of machinery or plant carried on board a ship not being a ship registered in the Partner States the master of such ship, shall comply with regulations 181 to 193 inclusive of these Regulations:

Provided that the management may exempt the master of a ship registered in a country party to the International Labour convention from compliance with the provisions of regulations 181 to 193 inclusive of these Regulations on proof that tests similar to those in Schedule E to these Regulations have been carried out in respect of the matters contained in the said regulations.

- (3) Every person who by himself, his agents, or workmen carried on the processes, and of all agents, workmen, and persons employed by him in the processes shall comply with regulations 194 to 206 inclusive of these Regulations.

Provided that where the processes are carried on by a stevedore or other person other than the owner of the ship, it shall be the duty of the owner, master or officer in charge of the ship to comply with regulation 171 of these Regulations so far as it covers-

- (i) any hatch not taken over by the said stevedore or other person for the purpose of the process; and
- (ii) any hatch which, after having been taken over the said stevedore or other person for the purposes of the processes-
- (a) has been reported by written notice in the prescribed form to the owner, master or officer in charge of the ship, by or on behalf of the said stevedore or other person, as being a hatch at which the processes have been completed or completed for the time being; and
- (b) either has been left by the said stevedoring or other person fenced or covered as required by regulation 199 of these Regulations, or has been taken into use by or on behalf of the owner of the

ship, and in either case has been so reported by such written notice as aforesaid.

- (4) The owner, master, or officer in charge of the ship shall give immediately a written acknowledgement in the prescribed form of such written notice as aforesaid.
- (5) All persons, whether owners, occupiers, or persons employed shall comply with regulations 107 and 208 of these Regulations.
- (6) Regulations 209 and 210 of these Regulations shall be complied with by the persons on whom the duty is placed in such regulations.

*Sage means of access to wharf to be provided*

171. If a ship is lying at a wharf or quay for the purpose of loading or unloading or bunkering, there shall be safe means of access for the use of persons employed at such times as they have to pass from the ship to the shore or from the shore to the ship as follows:-

- (a) Where reasonably practicable the ship's accommodation ladder, or a gangway or a similar construction not less than twenty two inches wide, properly secured, and fenced throughout on each side to a clear height of 2 feet 9 inches by means of upper and lower rails, taut ropes or chains or by other equally safe means, except that in the case of the ship's accommodation ladder such fencing shall be necessary on one side only provided that the other side is properly protected by the ship's side and there is properly secured under such ladder an adequate safety net;
- (b) In other cases a ladder of sound material and adequate length, which shall be properly secured to prevent slipping:

Provided that nothing in this regulation shall be held to apply to cargo stages or cargo gangways if other proper means of access are provided in conformity with these Regulations:

Provided further that, as regards any sailing vessel not exceeding two hundred and fifty tons net registered tonnage and any steam vessel not exceeding one hundred and fifty tons gross registered tonnage, this regulation shall not apply if and while the conditions are such that it is possible without undue risk to pass to and from the ship without the aid of any special appliances.

*Landing or embarking passengers.*

172. (1) Whilst passengers are being landed from or embarked upon any ship in harbour, a second gangway shall be provided and one of the crew of the ship shall be in attendance at the ship's end of the gangway to attend to the security of the gangway and the safety of the passengers passing over it.

- (2) Where any ship is in harbour, a lifebuoy with a line attached thereto, kept in proper condition for immediate use shall be placed near to the head of each gangway, accommodation ladder or similar construction, which is available for use.
- (3) No cargo in course of discharging from or loading to any ship shall be worked by crane, derrick or other means over a passenger gangway.

*Safe means of access to other ships to be provided*

173. If a ship is alongside any other ship, vessel, or boat, and persons employed have to pass from one to the other, safe means of access shall be provided for their use, unless the conditions are such that it is possible to pass from one to the other without undue risk without the aid of any special appliance. If one of such ships, vessels, or boats is a sailing barge, flat, keel, lighter, or other similar vessel of relatively low freeboard, the means of access shall be provide by the ship which has the higher freeboard.

*Safe means of access from deck to hold to be provided.*

174. (1) If the depth form the level of the deck to the bottom to the hold exceeds five feet; there shall be maintained safe means of access from the deck to the hold in which work is being carried on.
- (2) Save as hereinafter provided, such access shall be afforded by ladder, and by ladder cleats or cups on the coamings, and shall not be deemed to be safe-
- (a) unless the ladder between the lower decks are in the same line as the ladder from the top deck, if the same is practicable having regard to the position of the lower hatch or hatches;
  - (b) unless the ladders provide a foothold of a depth including any space behind the ladder of not less than 4½ inches for a width of 10 inches and a firm handhold;
  - (c) Unless the cleats or cups provided on coamings-
    - (i) Provide a foothold or a depth including any space behind the cleats or cups of not less than 4½ inches for a width of 10 inches and a firm handhold;
    - (ii) are so constructed as to prevent a man's foot slipping off the side;
    - (iii) are placed vertically one above the other and in the same line as the ladders to which they give access;

- (d) unless the cargo is stowed sufficiently far from the ladder to leave at each rung of the ladder foothold of a depth including any space behind the ladder of not less than 4½ inches for a width of 10 inches and a firm handhold;
- (e) unless there is room to pass between a winch or other obstruction and the coamings at the place where the ladder leaves the deck;
- (f) if the ladder is recessed under the deck more than is reasonably necessary to keep the ladder clear of the hatchway:

Provided that such access may be afforded-

- (i) Where the provision of a ladder on a bulkhead or in a trunk hatchway can be shown to be reasonably impracticable, by cleats or cups complying with the requirement of paragraph (c) thereof;
  - (ii) by ladders or steps, separate from any hatchway or sloping from deck to deck, if such ladders or steps comply with the requirements for paragraphs (b), (d) and (e) hereof.
- (3) Shaft tunnels shall be equipped with adequate handhold and foothold on each side.

*Efficient lighting to be provided*

175. When the process are being carried on-
- (a) the places in the hold and on the decks where work is being carried on;
  - (b) the means of access provided in pursuance of regulations 171 and 172 of these Regulations; and
  - (c) all parts of the ship to which persons employed may be required to proceed in the course of their employment;

Shall be efficiently lighted, due regard being had to the safety of the ship and cargo, of all persons employed, and of the navigation of other vessels.

*Gear for lifting beams for hatch covering to be provided.*

176. All fore and aft beams and thwartship beams used for hatch covering shall have suitable gear for lifting them on and off without it being necessary for any person to go upon them to adjust such gear.

- Hatch covering to be plainly marked.* 177. (1) All hatch coverings shall be kept plainly marked to indicate the deck and hatch to which they belong and their position therein:
- Provided that this regulation shall not apply in cases where all the hatch coverings of a ship are interchangeable or, in respect of marking of position, where all hatch coverings of a hatch are interchangeable.
- (2) The provisions of this regulation shall apply to fore and aft beams and to thwartship beams as it applies to hatch coverings.
- Beams to be maintained in good condition.* 178. All fore and aft beams and thwartship beams used for hatch covering and all hatch coverings shall be maintained in good condition
- Handgrips on hatch coverings to be provided.* 179. Adequate handgrips shall be provided on all hatch coverings, having regard to their size and weight, unless the construction of the hatch or the hatch coverings is of a character rendering the provision of handgrips unnecessary.
- Provision for removal and replacement of hatches in safety.* 180. Where the working space around a hatch is less than two feet wide, such provision shall be made as will enable persons employed to remove and replace in safety all fore and aft beams and thwartship beams used for hatch covering and all hatch coverings.
- Lifting machinery, etc., to be tested and examined.* 181. (1) All lifting machinery shall be tested and examined by a competent person in the manner set out in Schedule E to these Regulations before being taken into use.
- (2) (a) All derricks and permanent attachments, including bridle chains, to the derrick, mast and deck, sued in hoisting or lowering shall be inspected once in every twelve months and be thoroughly examined once at least in every for years.
- (b) All other lifting machinery shall be thoroughly examined once at least every twelve months.
- (c) For the purposes of this regulation thorough examination means a visual examination, supplemented if necessary by other means such as a hammer test, carried out as carefully as the conditions permit, in order to arrive at a reliable conclusion as to the safety of the parts examined; and if necessary for the purpose, parts of the machines and gear shall be dismantled.

*Chains, etc., to be tested.*

182. (1) No chain, ring, hook, shackle, swivel or pulley block shall be used in hoisting or lowering unless it has been tested and examined by a competent person in the manner set out in Schedule E to these Regulations.
- (2) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks shackless and swivels used in hoisting or lowering shall, unless they have been subjected to such other treatment as may be prescribed, be effectually annealed under the supervision of a competent person and at the following intervals-
- (a) half-inch and smaller chains, rings, hooks, shackles, and swivels in general use: once at least in every six months:
- (b) all other chains, rings, hooks, shackles and swivels in general use: once at least in every twelve months:

Provided that, in the case of such gear used solely on cranes and other hoisting appliances worked by hand, twelve months shall be substituted for six months in paragraph (a) and two years for twelve months in paragraph (b):

Provided further that, where the management is of the opinion that, owing to the size, design, material or infrequency of use of any such gear or class of such gear, the requirement of this regulation as to annealing is not necessary for the protection of persons employed, it may, by certificate in writing (which it may in its discretion revoke), exempt such gear or class of gear from such requirement subject to such conditions as may be specified in such certificate.

- (3) All chains, other than bridle chains attached to derricks or masts, and all rings, hooks, shackles, swivels, and pulley blocks shall be inspected by a competent person immediately before each occasion on which they are used in hoisting or lowering, unless they have been inspected within the preceding three months
- (4) All chains, rings, hooks, shackles or swivels used in hoisting or lowering which have been lengthened, altered or repaired by welding shall, before being again taken into use, be adequately tested and re-examined.

*Who shall be deemed a competent person?*

183. For the purposes of regulations 181 and 184 of these Regulations, a competent person shall be deemed to be a person who has been certified by the management as being qualified to carry out the tests, examinations or annealing required by these Regulations.

Provided that the management may, at its discretion at any time withdraw any such certificate issued by it, in which case the person whose certificate has been so withdrawn may appeal to the management, whose decision shall be final.

*Rope to be good quality and wire rope to be tested.*

184. (1) No rope shall be used in hoisting or lowering unless-
- (a) it is of suitable quality and free from patent defect; and
  - (b) in the case of wire rope, it has been examined and tested by a competent person in the manner set out in Schedule E to these Regulations.
- (2) Every wire rope in general used for hoisting or lowering shall be inspected by a competent person once at least in every three months;

Provided that after any wire has broken in such rope it shall be inspected once at least in every month.

- (3) No wire rope shall be used in hoisting or lowering if in any length of eight diameters the total number of visible broken wires exceeds ten per cent of the total number of wires, or the rope shows signs of excessive wear, corrosion or other defect which, in the opinion of the person who inspects it, renders it unfit for use.
- (4) A thimble or loop splice made in any wire rope shall have at least three tucks with a whole strand of the rope and two tucks with one-half of the wires cut out of each strand. The strands in all cases shall be tucked against the lay of the rope:

Provided that this regulation shall not operate to prevent the use of another form of splice which can be shown to be as efficient as that laid down in this regulation.

*Completion and return of Certificate to management.*

185. (1) Certificates in the form set out in Schedule E to these Regulations and containing particulars with regard to the tests, examinations, inspections, annealing or other treatment required under regulations 181, 182 and 184 of these Regulations shall be returned from the management and when properly completed shall be returned to the management within three days of the date upon which the tests, examinations, inspections, annealing or other treatment hereinbefore referred to shall have been completed.
- (2) The person for whom such tests, examinations, inspections, annealing or other treatment have been carried out shall keep a

copy of such form duly completed and shall produce it at any time upon request by the management.

- Pulley blocks to have working lead stamped thereon*
186. No pulley block shall be used in hoisting or lowering unless the safe working load is clearly stamped upon it.
- Means to enable safe working lead for slings, ropes, etc., to be ascertained.*
187. Means shall be provided to enable any person using a chain or wire rope sling to ascertain the safe working load for such chain or sling under such conditions as it may be used-
- (a) As regards chain slings, such means shall consist of marking the safe working load in plain figures or letters upon the sling or upon a tablet or ring of durable material attached securely thereto;
- (b) As regards wire rope slings, such means shall consist of either the means specified in paragraph (a) above or a notice or notices, so exhibited as to be easily read by any person concerned, stating the safe working loads for the various sizes of wire rope slings used.
- Shortening of chains.*
188. Chains shall not be shortened by tying knots in them, and suitable packing shall be provided to prevent the links coming into contact with sharp edges of hard material.
- Reduction of risk in use of cranes and winches.*
189. Cranes and winches shall be provided with such means as will reduce to a minimum the risk of the accidental descent of a load while being raised or lowered. In particular, the lever controlling the link motion reversing gear of a crane or winch shall be protected with a suitable spring or other locking arrangement.
- Crane platforms to be fenced.*
190. The driver's platform on every crane or tip driven by mechanical power shall be securely fenced and shall be provided with safe means of access. In particular, where access is by a ladder-
- (a) the sides of the ladder shall extend to a reasonable distance beyond the platform or some other suitable handhold shall be provided;
- (b) the landing place on the platform shall be maintained free from obstruction;
- (c) in cases where the ladder is vertical and exceeds thirty feet in height, a resting place shall be provided approximately midway between the platform and the foot of the ladder.
- Marking of working load on cranes and derricks*
191. Every crane and derrick shall have the safe working load plainly marked upon it, and every shore crane, if so constructed that the safe working load may be carried by the raising or lowering of the jib or

otherwise, shall have attached to it an automatic indicator or safe working loads;

Provided that, in cases where the jib may be raised or lowered, provision on the crane of a table showing the safe working loads at the corresponding inclinations or radii of the jib shall be considered a sufficient compliance with the regulation.

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|--|------|--|
| <i>Exhaust steam from cranes or winches</i>                      | 192. | Adequate measures shall be taken to prevent exhaust steam from, and, so far as is practicable, live steam to, any crane or winch obscuring any part of the decks, gangways, stages, wharf, or quay where any person is employed in the processes.  |
| <i>Measures to be taken with regard to derricks.</i>             | 193. | Appropriate measures shall be taken to prevent the foot of a derrick being accidentally lifted out of its socket or support.   |
| <i>Escape of workers in a hold, etc.</i>                         | 194. | Precautions shall be taken to facilitate the escape of workers when employed in a hold or on between decks in dealing with coal or other bulk cargo.   |
| <i>No lifting machinery to be loaded above safe working load</i> | 195. | <p>(1) No lifting machinery, chains or other lifting appliance shall be loaded beyond the safe working load:</p> <p>Provided that a crane may be loaded beyond the safe working load in exceptional cases to such extent and subject to such conditions as may be approved by the engineer in charge or other competent person if on each occasion-</p> <ul style="list-style-type: none"> <li>(a) the written permission of the owner or his responsible agent has been obtained;</li> <li>(b) a record of the overload is kept;</li> </ul> <p>Provided further that, where the load upon a single sheave pulley block is attached to the pulley block instead of to the chain or rope passing round the sheave, the load on the pulley block shall be deemed for the purpose of this regulation to be half the actual load.</p> <p>(2) No load shall be left suspended from a crane, winch, or other machine unless there is a competent person actually in charge of the machine while the load is so left.</p> |
| <i>Age and competency of crane, etc., drivers</i>                | 196. | No person under six teen years of age and no person who is not sufficiently competent and reliable shall be employed as a driver of a crane or winch, whether driven by mechanical power or otherwise, or to give signals to a driver or to attend cargo falls on winch-ends or winch-bodies.  |

- Clear passage to means of access to ship to be maintained on wharf.*
197. Where goods are placed on a wharf or quay-
- (a) a clear passage leading to the means of access to the ship required by regulation 171 of these Regulations shall be maintained on the wharf or quay; and
  - (b) if any space is left along the edge of the wharf or quay, it shall be at least three feet wide and clear of all obstruction other than fixed structures, plant and appliances in use.
- Provision of substantial deck stage*
198. (1) No deck-stage or cargo-stage shall be used in the processes unless it is substantially and firmly constructed and adequately supported and, where necessary, securely fastened.
- (2) No truck shall be used for carrying cargo between ship and shore on a stage so steep as to be unsafe.
- (3) Any stage which is slippery shall be made safe by the use of sand or otherwise.
- Fencing of hatches, etc.*
199. (1) If any hatch of a hold accessible to any person employed and exceeding five feet in depth, measured from the level of the deck in which the hatch is situated to the bottom of the hold, is not in use for the passage of goods, coal or other material, or for trimming, and the coamings are less than two feet six inches in height, such hatch shall either be fenced to a height of three feet or be securely covered:
- Provided that this requirement shall not apply-
- (i) to vessels not exceeding two hundred tons net registered tonnage which have only one hatchway;
  - (ii) to any vessel during meal times or other short interruptions of work during the period of employment.
- (2) Hatch coverings shall not be used in the construction of deck or cargo stages, or for any other purpose which may expose them to damage.
- (3) Hatch coverings shall be replaced on the hatches in the positions indicated by the markings made thereon in pursuance of regulation 177 of these regulations.
- Loading or Unloading of Cargo at Intermediate Deck.*
200. No cargo shall be loaded or unloaded by a fall or sling at any intermediate deck unless either the hatch at that deck is securely covered or a secure landing platform of a width not less than that of one section of hatch coverings has been placed across it:

Provided that this regulation shall not apply to any process of unloading, the whole of which will be completed within a period of half an hour.

***Provision with  
Regard to use of  
Hooks***

201. When the working space in a hold is confined to the square of the hatch, hooks shall not be made fast in the bands or fastenings of bales of cotton, wool, cork, gunny bags or other similar goods, nor shall can hooks be used for raising or lowering a barrel when, owing to the construction or condition of the barrel or of the hooks, their use is likely to be unsafe:

Provided that nothing in this regulation contained shall apply to breaking out or making up slings.

***Staging to be  
Provided when  
working on  
Skeleton Deck***

202. When work is proceeding on any skeleton deck, adequate staging shall be provided unless the space beneath the deck is filled with cargo to within a distance of two feet of such deck.

***Shoring of cargo,  
etc.***

203. Where stacking, unstacking, stowing or unstowing of cargo or handling in connection therewith cannot be safely carried out unaided, reasonable measures to guard against accident shall be taken by shoring or otherwise .

***Securing of hatch  
beams.***

204. The beams of any hatch in use for the processes shall, if not removed, be adequately secured to prevent their displacement.

***Employment of  
signaler in  
certain  
circumstances.***

205. When cargo is being loaded or unloaded by a fall at a hatchway, a signaller shall be employed; and, where more than one fall is being worked at a hatchway, a separate signaller shall be employed to attend to each fall;

Provided that where the management is of opinion that, owing to the nature of the crane or winch or other appliance in use or by reason of any special arrangements, the requirements, the requirements of this regulation are not necessary for the safety of the persons employed it may by certificate in writing (which it may in its discretion revoke) suspend such requirements subject to such conditions as may be specified in such certificate.

***Provision of safe  
transport by  
water.***

206. When any person employed has to proceed to or from a ship by water for the purpose of carrying on the processes, proper measures shall be taken to provide for his safe transport. Vessels used for this purpose shall be in charge of a competent person, shall not be overcrowded, and shall be properly equipped for safe navigation and maintained in good condition.

***Persons employed  
to use means of  
access***

207. Every person employed shall use the means of access provided in accordance with regulations 171,172, 173 and 174 of these

Regulations, and no person shall authorize or order another to use means of access other than those provided in accordance therewith.

- Persons not to go upon beams, etc., in certain circumstances* 208. No person shall go upon the fore and after beams or thwart-ship beams for the purpose of adjusting the gear for lifting them on and off, nor shall any person authorize or order another to do so.
- Machinery used to comply with regulations.* 209. No employer of persons in the processes shall allow machinery or gear to be used by such persons which does not comply with regulations 181 to 193 inclusive of these regulations.
- Responsibility of compliance with certain regulations.* 210. If the persons whose duty it is to comply with regulations 171, 172, 173 and 174 of these Regulations fails so to do, then it shall also be the duty of the employers of the persons employed, for whose use the means of access and the lights are

#### ***PART X – HANDLING OF CARGO***

- Transit sheds.* 211. (1) Harbour transit sheds are closed to members of the public.
- (2) The management may authorize employees of East African Railways Corporation to be in transit sheds in connexion with the loading and unloading of railway vehicles.
- Goods not to be delivered without authority from customs* 212. No goods shall be delivered to any consignee without the production by him of the necessary authority from the Commissioner-General of Customs.
- Documents required before cargo delivered.* 213. Importers of their agents shall present at the appointed place during the hours of business notified by the management in the Tariff the following set of documents before the delivery of cargo may be made.
- a) Declaration and Disposal Orders, or Delivery Orders, complete in every detail and respect and specifying the respective marks and numbers on packages, or articles in respect of unpacked goods, their number, description and contents with the deadweight, cubic measurement and duty free value thereof, also the name of the ship and the port of shipment, the arrival date and disposal instructions; there shall be a separate Declaration and Disposal Order or Delivery Order for each separate consignee; and
- b) Bills of Lading or Shipping Company's Deliver Orders, duly released by ship's agents, shall be produced for all cargo landed or to be landed before, and no Bill of Lading or Delivery Orders shall be accepted on which the authority from the shipper to the holder is not deduced by a complete and accurate chain of endorsement; every bill of Lading or Shipping Company's

Delivery Order shall clearly show to whose order the goods are to be delivered; and

- c) Certified copy of the Customs Entry; and
- d) Removal Orders complete in every detail and respect; and
- e) In the case of transshipment cargo, a Shipping Order complete in every detail and respect:

Provided that this regulation, so far as it relates to the specification of weight and cubic measurement, shall not apply to certain cargo charges on which are assessed in a defined basis set out in the Tariff, in which cases, either deadweight or cubic measurement, according to the unit specified in the said Tariff, or bill of lading tonnage shall be specified.

*When goods provisionally entered are deemed to be cleared.*

214. Goods for Customs examination under a provisional entry shall not be deemed to be cleared until a perfect entry has been duly made.

*Documents required for goods for export.*

215. Persons desiring goods to be shipped shall deliver to the appointed place, during the hours of business notified by the management in the Tariff, shipping orders, complete in every detail and respect and specifying the respective marks and numbers on packages or articles in respect of unpacked goods, their number, description and contents with the deadweight or cubic measure or value thereof as required by the Tariff, also the name of the ship and the port of destination; there shall be a separate shipping order for each consignment.

*Tendering goods for export.*

216. (1) Goods for export shall not be deposited in any harbour but shall be tendered in such places as the management may direct.

(2) The owner of any goods tendered or deposited in violation of paragraph (1) of this regulation shall be subject to a penalty of one hundred shillings per day until the goods are removed; or the management may remove them, charging the owner with the cost thereof in addition to such fine.

*Goods for export and relative documents to be received in time.*

217. (1) All goods intended for shipment by any particular vessel together with the relative shipping orders shall be presented at the appointed place at the harbour not later than nine working hours previous to the vessel's appointed sailing time; in the event of goods or shipping orders being received late the exporter shall be liable for any additional expenses incurred.

(2) Goods in respect of which shipping orders are presented shall be ready for shipment in every respect

(3) Resorting or other manipulation of goods is not permitted in the harbour area other than by the Corporation or its servants.

- (4) Goods which are not in every respect fit for shipment shall be removed from the harbour area within 48 hours of time of receipt.
- (5) The Corporation does not accept responsibility for ensuring that the whole or any part of any parcel of goods covered by any shipping order is placed aboard any ship before her time of sailing.
- (6) (a) At Mombasa no export cargo shall be accepted into the transit area unless it is expressed to be for shipment by a nominated ship and is tendered on or after the acceptance date, but not later than the closing date, as declared by the management, for such ship, and shipping documents, in accordance with regulation 215 of these Regulations have been, or are, lodged with the management before, or at the time of, tendering such cargo;

Provided that special acceptance dates and closing dates may be declared, or other special arrangements may be made, in respect of cargo which the Corporation may refuse to accept for storage under the provisions of regulation 234 of these Regulations or for goods and baggage which are to accompany a passenger embarking in the ship; and

- (b) In any other case, export cargo shall not be received by the management except for warehousing upon the terms and conditions, and at the charges, prescribed in the Tariff.

*Canceling or amending orders*

218. Orders from persons in lawful control of goods, canceling or amending previous orders, may be accepted by the management, provided it is reasonably possible to act upon such orders at the time they are received; a charge may be made in respect of each order canceling or amending a previous order, and such charge shall be paid at the time such order is delivered to the management.

*When weight or measurement not available.*

219. (1) When the weight or cubic measurement of goods or both is not available the goods shall be weighed or measured by the management and the charges thereof shall be paid by the person who presents the Declaration and Disposal Order or Delivery Order or Shipping Order in respect of such goods.
- 2) All packages weighing 1,000 kilos or more must have the actual weight thereof legibly painted on the outside of the package in close proximity to the shipping mark; if this is not done, the

package may be weighed by the Corporation and all expenses of weighing, extra handling, transport to and from the weighbridge and the like shall be charged to the consignee and may be forthwith recovered from him.

- 3) The Corporation shall not be liable for any error in any weighing made under the provisions of this regulation nor shall the Corporation be joined in any suit arising out of a dispute between buyer and seller or shipper and consignee in respect of any goods so weighed.

*Marking of packages*

220. (1) When goods are insufficiently or erroneously marked, the Corporation, notwithstanding that all dues and charges have been deposited or paid, may require from any person claiming such goods a special release order, signed by the ship's agents, or an indemnification against any loss or damage which the Corporation may sustain by reason of the delivery to such person. The ordinary rent shall be charged against all goods remaining on the harbour premises in consequence of such insufficient or erroneous marking.
- (2) The Corporation shall not be liable for any damage, loss, delay, or non-delivery of goods occasioned by insufficient or erroneous marking.

*Delivery to Customs Warehouse*

221. The delivery of goods to the Customs Warehouse appointed by the Commissioner-General of Customs, shall constitute delivery of such goods to the consignee, and the Corporation shall not be liable in respect of goods after they have been so delivered.

*Defective packages*

222. (1) Where any goods have been landed in packages of a defective or leaky character, notwithstanding the provisions of regulations 59 and 61 (2) (c) of these Regulations or the fact that management has given a receipt for the goods, delivery of the goods shall not be considered to have been made to the Corporation until such packages have been repacked, re-bagged, or repaired in a reasonably sound condition and such goods have been checked in the presence of the ship's agent or a Customs Officer, and the Corporation shall be deemed to have accepted delivery of only such goods as are found upon such check.
- (2) Notwithstanding the provisions of paragraph (1) of this regulation the Corporation may decline to accept any goods which are tendered for landing in packages of a defective or leaky character until such packages have been properly repaired or the goods re-bagged or repacked on board the carrying vessel to the satisfaction of the management.

- Unpacking of goods.* 223. Except for Customs purposes no goods or materials of any kind shall be unpacked within a harbour without the special permission of the management; and all straw or other material from which goods may have been unpacked shall be immediately swept up and removed by the owner or agent of such goods, failing which the same shall be swept up and removed by the management at the expense of such owner or agent.
- Acid, etc., landed in leaky condition.* 224. (1) When acids, grease, oils, tar, pitch, paints or other similar substance come into the possession of the Corporation in a leaky condition, the management may in its discretion repair the leaky or defective packages at the expense of the owner, and may refill any packages from which the original contents have leaked with like substance from other leaky or damaged packages forming part of the same consignment.
- 2) If the packages are repaired or refilled, the consignee or owner shall have to claim in respect of the manipulation of such packages;
- Provided that the owner may at the time of handing in his orders notify the management that he wishes such articles to be set aside, and in that case they may be removed to a depositing ground or placed in a warehouse at his risk and expense.
- Charges to be prepaid or secured.* 225. All dues and charges payable to the Corporation upon all goods landed, shipped, transhipped or warehoused shall be paid, or sufficient security furnished for their payment, before orders for shipping, delivery or forwarding are acted upon, and the Corporation may prevent the removal of any goods from its premises whilst any dues or charges payable by the consignee remain unpaid:
- Provided that, for the purpose of preventing delay, the management may ship cargo before the dues and charges payable thereon are paid, and in that case, shall retain the ship's receipts as security for the payment of such dues and charges.
- Management may destroy or otherwise deal with dangerous goods.* 226. In cases of emergency, or for the purpose of securing the better safety of a harbour or the shipping therein, the management may, whenever it may seem expedient to do so, destroy or otherwise dispose of dangerous goods within a harbour without compensation to the owner of the goods.
- Goods stored in the open* 227. (1) The following goods, when not packed shall not be placed in stores or transit sheds, but shall be stored in the open asbestos pipes, sheets and ridges, ashes, asphalt, bones, bricks, chalk, charcoal, cinders, clay, coal, concrete manufactures, dung, flower pots (earthen), firewood, horns, iron, steel and other metals or manufactures thereof, whether cast, forged, wrought,

or rolled, and in such forms as pigs, ingots, billets, blooms, slabs, bars, plates, galvanized sheets and sections, rods tubes, pipes or girders, ores, scrap metal, pipes (earthen) , railway material, sand, slate, sleepers, stone, straw, sulphur in bulk (not being flowers of sulphur) timer, vehicles and chassis.

- (2) At the request of owners or their agents, wishing to protect goods stored in the open, the Corporation is prepared to hire out tarpaulins, when these are available, at the charge prescribed in the Tariff.

#### ***PART XI – SPECIAL PROVISIONS RELATING TO DHOW CARGO***

- Dhow cargo to be handled at approved places*** 228. Dhow cargo may be landed or shipped by owner's labour, at such charges as may be prescribed in the Tariff, at Mombasa at the Old Port, at Dar es salaam at the Dhow Jetty in the Southern Creek and elsewhere at such places as the management specifically appoints.
- Import and export cargoes*** 229. Import and Export cargoes from and to dhows may, at the discretion of the management, be deposited on eth premises of the Corporation at such places as may be appointed for the deposit of dhow cargo, and at such charges as may be prescribed in the Tariff.
- Corporation not responsible for loss, etc.*** 230. Where any goods are landed, shipped or deposited under the provisions of this Part at the places appointed therefore, the Corporation shall not incur any liability in respect of any loss mis-delivery or detention of, or damage to, any such goods.
- Dried and salted fish.*** 231. (1) Dried and salted fish deposited on the premises of the Corporation shall be removed therefrom within a period of three days.
- Provided that if such goods have been entered for home consumption in accordance with the provisions of the Customs laws an extension of one day may be granted by the management.
- 2) Where any such goods have not been removed within such period, the management may sell such goods by public auction and may, out of the proceeds of any such sale, deduct any sum due to the Corporation and shall deliver the balance, if any, to the person appearing to the management to be entitled thereto.
- Removal and/or sale of entered goods by the management*** 232. Where any goods other than dried and salted fish are deposited on the premises of the Corporation, the management may give notice to the person appearing to them to be entitled thereto to remove the goods within such time as may be specified in the notice; and if the goods are not removed within the time so specified the management may sell

such goods and dispose of the proceeds of sale in accordance with the provisions of this Part:

Provided that no imported goods shall be sold until they have been entered in accordance with the provisions of the Customs laws.

- Dhow cargo may not be handled at places ordinarily used by shipping etc.* 233. No cargo from or for dhows may be landed or shipped at the Corporation's quays, jetties or wharves ordinarily used by shipping or lighters, nor may the cranes installed thereat be used for the purpose of landing or shipping such cargo except with the permission and at the master or owner of the ordinary charges applicable thereto prescribed in the Tariff.

### ***PART XII – STORAGE***

- The Corporation may refuse to accept for storage* 234. The Corporation may refuse to accept the following goods for storage, or in accepting such goods for storage may impose special conditions thereon;
- a) articles of unusual length, bulk or weight, or of exceptional bulk in proportion to weight;
  - b) articles unpacked or improperly or insufficiently packed;
  - c) dangerous, hazardous or offensive goods, being any goods which are likely to cause harm or damage to persons or property;
  - d) perishables, and goods inherently liable to wastage in bulk or weight, or to latent or inherent defect, vice or natural deterioration;
  - e) timber;
  - f) scrap metal;
  - g) animals

- Storage charges on imports.* 235. Ship's dues, wharfage, handling, storage and other harbour dues and charges including fire-fighting services shall be levied at such rates as the management may, from time to time, prescribe in the Tariff of Harbour Dues and Charges.

- Harbour dues and charges.* 236. Storage charges shall be levied on all import cargo and merchandise for which documents have not been received by the Corporation or on which charges have not been paid or secured.;

Provided that such cargo and merchandise shall be subject to a free period of four working days calculated from the postage date of arrival of the ship which shall be the date on which the discharge of cargo from such ship is commenced, or in the case of lighterage harbours, calculated from the date the import shed is declared open, which dates shall be given or posted at the Corporation's offices;

Provided further that, except where in the general interests the management has declared any Sunday or public holiday to be a

working day at any particular port, in the calculation of time in connexion with storage, whether storage during such time be chargeable or free, there shall be excluded Sundays and public holidays.

*Local deliveries.*

237. 1) Subject to the provisions of regulation 236 of these Regulations imported goods which have not been removed from the Corporation's sheds or stacking grounds two clear working days after the release of documents by the management or the day after the date the goods become available for delivery, whichever is the later, shall be subject to storage charges for any period in excess of the free period allowed in regulation 236 of these Regulations.
- 2) Imported cargo at any harbour area and in respect of which documents, completed in accordance with regulation 213 of these Regulations, have not been presented to the management within ten days of the posted date of the arrival of the ship, may be moved, at the discretion of the management, within the transit shed or from the transit shed to any other shed within the port area and any cargo so moved shall incur a removal charge as prescribed in the Tariff.

*Goods detained by Customs.*

238. Goods detained by the Commissioner-General of Customs for examination purposes may, at the discretion of the management, be exempt from storage charges during the period they are so detained, that is to say, from the date the documents are stopped by Customs until the date of completion of examination.

Provided that any delay attributable to the importer or agent during the period of detention shall not be given the benefit of such free storage.

*Export cargo.*

239. Storage charges shall be levied on all export cargo and merchandise and, save as otherwise provided herein, shall be levied from the date of acceptance by the Corporation of such export cargo and merchandise in the harbour area until the date fixed as the loading date or in the case of Mombasa the date declared by the management for the acceptance of cargo or the date of presentation of the relevant shipping documents, whichever is the later.

*Free storage periods on exports.*

240. (1) At Dar es salaam, tanga and Mware a free storage period of seven clear working days, including Sundays and Public Holidays shall be allowed on all export cargo calculated from the date of acceptance by the Corporation of the goods in the harbour area.
- (2) At Mombasa, export cargo which has been accepted into a transit area, either direct or from a harbour warehouse, in accordance with the provisions of paragraph (6) of regulation

217 of these Regulations shall be free from storage charges from the time of such acceptance until it is loaded into the ship nominated for the shipment of such cargo and where such cargo is shut out by such nominated ship such free storage shall cease at the expiration of forty-eight consecutive hours from the time such shutting-out is communicated to the shipper of such cargo.

- Shut out cargo.** 241. (1) Shut out cargo shall incur storage and other charges as prescribed in the Tariff.
- (2) Cargo shall be deemed to be shut out if it has been accepted into the port for shipment in accordance with regulation 217 of these Regulations but is not accepted for carriage by the ship named in the shipping order.
- (3) In addition, at Mombasa, cargo shall normally be deemed to be shut out if it is tendered for shipment in a nominated ship after the date declared by the management as the closing date for such cargo.
- Goods may be transferred** 242. (1) At Dar es Salaam, Tanga, Lindi and Mtwara export cargo on which storage charges have become due may be transferred by the management, at its discretion, to any point in the harbour area or left *in situ*:
- Provided that such cargo shall incur additional charges as prescribed in the Tariff.
- (2) At Mombasa, export cargo which has been accepted into a transit area in accordance with the provisions of paragraph (6) of regulation 217 of these Regulations and which has been shut out by the ship or stopped by the shipper may be transferred by the management, at its discretion to a warehouse within the harbour area at the expense of the owner or agent therefore and shall incur warehousing charges as prescribed in the Tariff.
- Removal of export cargo.** 243. (1) Where an exporter desires to move any export goods already in the transit sheds for any purposes other than for shipment, management shall provide the labour and craning necessary at the charges prescribed in the Tariff and the employment of private labour for this purpose shall not be permitted.
- (2) Where it is desired to remove export goods from a transit shed to a private godown the necessary loading orders shall be submitted not less than forty-eight hours before the expiration of the free storage period on the goods concerned. Failure to comply with the provisions of this regulation will result in storage rent being charged up to the date on which the goods are loaded.

- When storage accommodation not available.* 244. If there is insufficient harbour storage accommodation available, the management may order the owners or agents of any goods to make, within a specified time, their own arrangements for the storage of such goods.
- Penal storage charge.* 245. If any order issued under regulation 244 of these Regulations is not complied with within the specified time, the goods shall be subject in addition to other charges incurred to a penal charge, as prescribed in the Tariff.
- Change of ownership of goods.* 246. Any change in the ownership of goods shall be notified in the management immediately such change takes place and, in the absence of such notification, the previous owner will be held responsible for all charges.
- Transshipment Cargo* 247. (1) Storage charges shall be levied on all transshipment and over-landed cargo and merchandise where landed, or discharged into lighter pending reshipment:
- Provided that a free storage period shall be allowed of twenty-one days from the posted date of arrival of the ship by which such goods were imported until the date fixed by the management as the loading date of the on-carrying ship, or the date of presentation of the relevant shipping documents whichever is the later.
- 2) While awaiting reshipment, transshipment cargo shall not leave the custody of the corporation and shall not be subject to manipulation, otherwise ordinary import and export charges will be applied.
- Passengers' baggage.* 248. Passengers' baggage not removed from the Customs examination location at a harbour within twenty-four hours after clearance will be removed and warehoused and charged for at the warehouse rates prescribed in the Tariff.
- Claims for refund of overcharges.* 249. Claims for refund of overcharges in respect of Harbour Dues and Charges must reach the management before the expiration of six months from the date such Harbour Dues or other charges were incurred and shall be supported by such documents as the management may require. Unless the provisions of this regulation are complied with, the Corporation will not accept any liability for the overcharge nor will the claim be considered.

### ***PART XIII – WAREHOUSING***

- Warehousing of export cargo.* 250. The corporation will warehouse export cargo (other than livestock) at a harbour subject to the following conditions –

- (a) that space is available;
  - (b) that goods intended for Harbour warehouses shall be so consigned. When this is not possible the shipper or his representative shall advise the management in writing not later than noon on the day previous to that on which the goods are to be warehoused;
  - (c) that non-Harbour labour shall not be allowed in Harbour warehouses.
- Special charges where services not specified.* 251. Services in connection with goods warehoused in Harbour warehouses not included in the Tariff shall, provided such services can in the discretion of the management be undertaken, be subject to a special charge to be determined by the management.
- Dangerous goods not accepted.* 252. Dangerous goods, as specified in Schedule D to these Regulations, shall not be accepted in Harbour warehouses.
- Packing of export goods.* 253. Exports warehoused in Harbour warehouses shall be warehouses shall be properly packed for shipment. Resorting and other manipulation of goods is not permitted in Harbour warehouses.
- Packing of export goods.* 254. The Corporation will not load goods ex Harbour warehouses into trucks for shipment except upon receipt by the management of the Shipping order relating to such goods.
- Particulars, etc., to be provided and rent paid* 255. No goods shall be released for export or local delivery from Harbour warehouses until all particulars, including the value of such goods, when applicable, have been furnished to the management and warehouse rent thereon paid, or secured.
- Warehousing of export cargo discretionary.* 256. The Corporation reserves the rights at any time to withdraw the facility of warehousing export cargo.

#### ***PART XIV – CONTROL OF HARBOURS***

- Closing roads wharves, etc.* 257. The Corporation may, when it considers it desirable so to do, within any harbour area, close any road and wharf, jetty, quay, warehouse or any part thereof, and may permit or prohibit the use thereof subject to such conditions or payment as the Corporation may think fit to impose.
- Trespassers.* 258. No unauthorized person may enter any harbour area, climb upon the roof of any shed or upon any crane, lighthouse, signal station or navigation mark, or cut or remove any timber, wood, vegetation, or growth from any land or, except as provided in regulation 283 of these Regulations, remove sand, stone, ballast, or shingle from within a harbour.

- Vehicles to take place assigned* 259. Road vehicles within a harbour area shall take the position or place assigned to them by the management.
- Vehicles to move when required.* 260. Persons in charge of road vehicles within a harbour area shall move their vehicles when required to do so by the management.
- Dangerous driving.* 261. No person shall drive a mechanically propelled vehicle on any thoroughfare within a harbour area so as to be a danger to the public.
- Behaviour of motorist.* 262. Every driver or person in charge of any mechanically propelled vehicle shall at all times while in or entering or leaving a harbour area, conduct himself in an orderly manner and shall comply with such orders as may, from time to time, be issued by the Corporation, and with the terms of any notice or sign exhibited by or under the authority of the Corporation.
- Danger signals.* 263. No person in a harbour area shall disregard a danger signal or refuse to stop when called upon to do so by a police officer or other authorized person.
- Fire hydrants.* 264. No road vehicle shall be parked over or near any fire hydrant.
- Fire- fighting operations* 265. No person in a harbour area shall disregard the directions of the fire master, police officer or other authorized person in event of an outbreak of fire, or obstruct or in any way interfere with the fire-fighting operations.
- Power to exclude public if major fire occurs.* 266. The Corporation may, in the event of a major outbreak of fire, exclude the public from the vicinity of the fire and may close the whole or any section of the harbour area as the management may think fit.
- Fee chargeable for fire-fighting services.* 267. Whenever fire-fighting services are provided by the Corporation, whether at the request or not of the master, owner or agents for of a vessel, vehicle or goods, then the corporation may make a charge in respect of such fire-fighting services at a rate not exceeding the actual cost of such fire-fighting services, plus 5 per cent:
- Provided that such charge shall in no case be less than Sh.100 and Sh.300 when such services are rendered ashore or afloat respectively.
- Entering or leaving a harbour area.* 268. All persons entering or leaving a harbour area shall do so through the harbour entrances or exits provided for the purpose; and, while on harbour premises shall be subject to the lawful orders and directions of the management or authorized servants of the Corporation.
- Labour to carry identification discs.* 269. The management may require all labour employed within a harbour area to carry and exhibit an identification disc or ticket when entering or leaving the area.

- No unauthorized entry when harbour gates closed.* 270. (1) No unauthorized person shall enter or leave a harbour area after the harbour gates have been closed.
- (2) Any person wishing to go into or out of the harbour area after after the gates have been closed shall stop at the harbour gates for examination, which examination shall include any vehicle or animal by which such person is traveling or accompanied, by a police officer or other duly authorized person.
- No loading of or causing to be loaded, motor vehicle for conveyance of goods out of harbour area except against proper gate pass.* 271. (1) No person shall, knowingly or unknowingly, load or cause to be loaded into any vehicle intended to be used for the conveyance of goods out of a harbour area, or take out of such harbour area, any parcel, package or article of any kind within such area except upon possession of, or production and delivery to a police officer or other duly authorized person at a harbour gate, as the case may be, of a pass-out check authorizing such person to take such parcel, package or article out of such harbour area.
- (2) Without prejudice, to the generality of the provisions of paragraph one of this regulation, causing to be loaded into a motor vehicle shall not include mere issue of a gate pass.
- (3) Pass-out checks in respect of manifested cargo, passenger's baggage and un-manifested articles ex-ship, shall not be issued until all customs requirements have been compiled with and all harbours dues, rents, rates and charges in respect thereof have been paid or secured.
- (4) Where parcels, packages or articles of any kind are conveyed out a harbour area by railway such parcels, packages or articles shall be so conveyed only when they have been properly booked out for such conveyance and then only after all customs requirements have been compiled with an all harbour dues, rents, rates and charges in respect thereof have been paid or secured.
- When harbour gates to be closed.* 272. The harbour gates will be closed to such traffic and at such times as may from time to time be notified by the management.
- Person within to enter harbour area* 273. Any person who wishes to enter the harbour area for a legitimate purpose may do so, subject to the provisions of regulations 266 and 270 of these Regulations and to the condition that the Corporation shall not be liable for personal injury, whether fatal or otherwise, loss, damage, delay, or detention of, or to, any such person and/or his property howsoever caused.

- Vagrants.* 274. (1) No person shall except with the permission of the management enter or remain in any harbour area except on lawful business.
- (2) Any person entering, or how has entered, a harbour area shall, whenever required to do so by any duly authorized servant of the Corporation, truthfully inform such servant of the business in respect of which such person claims to be entitled to be in such harbour area.
- (3) Any person committing a breach of this regulation may, without prejudice to his liability to any other penalty at law, be forthwith removed from the harbour area and excluded therefrom.
- Hawking and trading.* 275. No hawking or trading shall be carried on within a harbour area without the written consent of the management.
- Advertising on harbour property.* 276. No person may, without having been previously authorized to do so by the management, advertise or cause any advertisement to be exhibited on any premises or property of the Corporation within a harbour area.
- Bathing.* 277. No person may bathe within a harbour area except at authorized places, and unless he is clothed in a bathing costume or such other garment as, in the opinion of the management, is sufficient for the purposes of decency.
- Burials.* 278. (1) No dead body of any kind shall be buried within a harbour area.
- (2) the body of a dead person shall not be buried at sea within three nautical miles seaward of the limits of a harbour.
- Dogs and wild animals.* 279. All dogs, reptiles or wild animals found at large on harbour premises may be destroyed by the management. Those on board any ship or traditional vessel shall be properly secured by the master.
- Permission necessary to erect fishing stakes and other fishing instruments.* 280. No fishing stakes, baskets or other instruments for catching fish shall be placed or remain in any position so as to obstruct or impede navigation in a harbour. No stakes or baskets shall be erected without the permission of the management and on payment of the charges prescribed in the Tariff.
- Use of sirens.* 281. No steam siren, whistle or foghorn shall, save with the permission of the management, be sounded within a harbour area except for the purpose of navigation or of giving a fire alarm.
- Divers.* 282. No divers except those in the employ of the Corporation shall work within a harbour without the permission in writing of the management.

- Ballast permits.* 283. No stone or sand shall be removed from any part of the shore, up to the spring tide high-water mark, within the limits of a harbour without the permission in writing of the management. A charge will be levied as prescribed in the Tariff:
- Provided that permits for ballast for Government use, public institutions and for small quantities for scrubbing decks and like purposes may be issued at the discretion of the management.
- Spitting prohibited.* 284. No person shall spit within upon or against any part of, any harbour premises. Any person continuing so to spit after having been requested to desist by any servant or agent of the management may be removed from any harbour area by or under the direction of any such servant or agent, without prejudice to any other penalty incurred under these Regulations.
- Smoking prohibited.* 285. No person shall smoke within any shed, or within any section of a harbour area wherein “No Smoking” notices are exhibited. Any person committing a breach of this regulation, may, without prejudice to any other penalty incurred under these Regulations or at Law, be forthwith removed from the harbour area.

#### ***PART XV – SUNDRY AGENTS***

- Licenses generally.* 286. The Corporation may cancel any license granted under these Regulations whenever it may think fit, or may refuse to renew or endorse any license.
- Licenses or permits.* 287. The granting under these Regulations of a license or permit for any purpose shall not impose any liability or responsibility upon the Corporation for any accident to the holder or a license or permit while on harbour premises, due to the working of cranes, locomotives, or any other cause whatsoever.
- Licensing of agents and others.* 288. No person shall in a harbour area undertake the stevedoring, landing or loading others of goods, or act as a harbour baggage attendant or as an agent for the clearing or forwarding of baggage from a harbour area otherwise than by agreement with the Corporation without a license granted or endorsed by the Corporation for the purpose and on payment of such fees as may be prescribed in the Tariff.
- Ship chandlers and other dealers.* 289. No person shall carry on in a harbour area of the business of a dealer in marine and other dealers or other stores or articles without a license from the Corporation, and no person shall go on board any vessel for, or take away from any vessel, any marine stores, sweeping, dunnage, coal, wood or other articles whatsoever, without the written permission of the master thereof.

*Harbour baggage attendants.* 290. 290. Every harbour baggage attendant shall carry his licenses and an identification disc on his person while engaged in working as such harbour baggage attendant.

***PART XVI-MISCELLANEOUS***

*Performance of services and other facilities by other persons.* 291. The Corporation may enter into agreements with any person, including any company or association or body of persons corporation or incorporate, for the performance or the provision by that person or provided by the Corporation and thereupon such person shall have no greater liability to any third party that that which the Corporation would have had to such third party under the provisions of these Regulations.

*Exclusive power of corporation.* 292. Save where otherwise expressly provided or save with the written permission of the Corporation specifically in that regard obtained, no person shall in any harbour subject to these Regulations perform or cause to be performed any work, service, or suffer any obstruction or nuisance to remain unabated.

*Licenses or permits.* 293. The granting under these Regulations or a license or permit for any purpose shall not impose any liability or responsibility upon the Corporation for any accident to the holder of a license or permit while on harbour premises, due to the working of cranes, locomotives, or nay other cause whatsoever.

*Penalty for contravention of Regulations.* 294. Except in the case of any regulation under which any less penalty is expressly provided, every person doing anything prohibited by any of these Regulations or omitting of Regulations to do anything required by any of them to be done, or otherwise contravening any of these Regulations, shall be liable to a fine not exceeding Kshs.2,000 or to imprisonment, for at term not exceeding two months or to both such fine and imprisonment.

*Regulations be subject to Merchant Shipping laws.* 295. For the avoidance of doubt it is hereby declared that the provisions of these Regulations in so far as they relate to merchant shipping shall be subject to the Merchant Shipping laws of the Partner States for the time being in force.

*Revocation of L.N. 7 of 1952.* 296. (1) The East African Harbours Regulations 1952 are hereby revoked.

(2) All licenses, instruments or other documents granted, made or given under the provisions of the East African Harbours Regulations 1952 (hereby revoked) shall, save in so far as they are inconsistent with the provisions of these Regulations, continue in force according to the tenor thereof as if they had been granted, made or given under these Regulations.

**SCHEDULE A**

**EAST AFRICAN HARBOURS CORPORATION  
(Regulation 16)**

**PORT OF .....**

**NOTICE OF EXPECTED ARRIVAL OF A SHIP**

- 1. Name of ship .....
  - 2. Nationality .....
  - 3. Last port of call .....
  - 4. Date expected .....
  - 5. Tonnage of ship: Gross ..... Net .....
  - 6. Approximate bill of lading tonnage and description of cargo to be landed  
.....
  - 7. Approximate bill of lading tonnage and description of cargo to be  
shipped .....
  - 8. Approximate number of passengers to disembark .....
  - 9. Agents .....
  - 10. Remarks .....
- Port of .....  
.....19 .....

.....  
**Owners/Agents**

**SCHEDULE B**

**EAST AFRICAN HARBOURS CORPORATION**

**SHIPPING RETURN  
(Regulation 17)**

Name of ship .....

Nationality .....

Ship's Owners .....

Registered tonnage (a) Gross .....(b) Net .....

Name of Master .....

Number of crew .....

Date of arrival .....

Port at which voyage commenced .....

Last port of call .....

Cargo imported: Dead weight tons .....i.e. ....B/L tons

Passengers disembarked .....

Number of mail bags: (a) Landed .....(b) Shipped .....

Cargo exported: Deadweight tons.....i.e. ....B/L tons.

Passengers embarked .....

Date and time sailed .....

Draft on (a) forwarded .....

Departure (b) Aft .....

Next port of call .....

Final destination .....

Deck cargo loaded (excluding livestock) .....cubic meters plus  
.....deadweight tons.

Livestock loaded for carriage on deck (state number and types of animals)  
.....  
.....

.....  
**Owners/Agents**

To: **Port Manager/Harbour Master,**  
**Port of .....**

*SCHEDULE C*

*EAST AFRICAN HARBOURS CORPORATION*

*SHIP'S RECORD AND MASTER'S REPORT  
(Regulation 29)*

*PORT OF .....*

*MASTER'S REPORT*

Name of ship .....

Nationality .....

Port of registry .....

Name of master .....

No. of crew .....

Owners .....

Agents .....

Registered tonnage (a) Gross ..... (b) Net .....

Voyage No. ....From (state port at which voyage commenced)

.....

Last port of call .....No. of days out from last port

.....

Draft arriving (a) Forward..... (b) Aft .....

Freehold and Tropical Load Line ..... feet .....inches

Total number of passengers carried (including those for disembarkation at this port) .....

Date and time of anchoring Outer Harbour .....

Date and time of arrival Inner Harbour .....

(a) For this port .....c. meters.

(b) In transit .....c. meter

Livestock carried on deck (state number and types of animals)

(a) For this port .....

(b) In transit .....

To be landed at this port:

**SCHEDULE C – (Contd.)**

Cargo in deadweight tons ....., which equals .....bill  
of lading tons.

Passengers .....Mail (No. of bags) .....

Next port of call .....

I certify that ship’s windlass, winches and capstans are all I good order

Dated ..... 19 .....

**Master**

**Notice to Masters**

Masters are notified that this form must be completed without delay  
and handed to the Pilot on his leaving the ship. Should ships be impracticable,  
the document must be handed in at the office of the management within two  
hours of ship’s arrival.

---

**TO BE FILLED IN BY THE MANAGEMENT**

Date and time of sailing .....

Deck cargo loaded (excluding livestock) .....cubic meters plus  
.....deadweight tons.

Livestock loaded for carriage on deck (state number and type of animals)

.....

**Shipped:**

Passengers ..... Mail (No. of bags) .....

Cargo and deadweight tons ....., which equals .....bill  
of lading tons.

Date shipping return received .....

Remarks:

.....  
.....  
.....

**SCHEDULE D****EAST AFRICAN HARBOURS CORPORATION****DANGEROUS OR INFLAMMABLE GOODS  
(Regulation 134)**

Acetic acid glacial.

Acetone and other inflammable organic compounds.

Aniline oil

Acetylene, compressed or liquid, in cylinders filled with a porous substance.

Alcohol.

Ammonia.

Acids, in bulk or otherwise

Carbide of calcium.

Celluloid and its compounds.

Chlorate of potash and other chlorates

Collodion

Chloroform, in bulk or otherwise

All explosives which include –

- (a) Gunpowder, nitro-glycerin, dynamite, gun cotton, blasting, powders, fulminates, coloured fires, fireworks, or any other substance used or manufactured to produce an explosive or pyrotechnic effect;
- (b) For signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition and every adaptation or preparation of an explosive as above defined;
- (c) Compressed or liquid acetylene in cylinders not filled with a porous substance.

Gases, compressed and liquid

Hydrofluoric acid

Matches

Motor spirit and all other inflammable liquids, including turpentine.

***SCHEDULE D – (Contd.)***

Petroleum

Potassium cyanide and other poisonous compounds

Phosphorous.

All inflammable solids, such as resin, sulphur, camphor, naphthalene, and any others.

All solids liable to spontaneous combustion, such as coal, hay , cotton waste, and any others

Solids which take up water with production of heat, such as caustic soda, caustic potash, zinc chloride, unslaked lime, etc. these must be either in metal drums or protected from water.

Solids giving off highly inflammable gases in contact with moisture, such as carbides, and mixtures containing the same.

Vitriol.

**SCHEDULE E****EAST AFRICAN HARBOURS CORPORATION  
(Regulation 170)****MANNER OF TEST AND EXAMINATION BEFORE TAKING LIFTING  
MACHINERY INTO USE**

- (a) Every winch with the whole of the gear accessory thereto including derricks, goose necks, eye-plates, eye-bolts, or other attachments) shall be tested with a proof load which shall exceed the safe working load as follows:

<b>Safe Working Load</b>				<b>Proof Load</b>
Up to 20 tons	..	..	..	25 per cent in excess
20-50 tons	..	..	..	5 tons in excess
Over 50 tons	..	..	..	10 per cent in excess

The proof load shall be applied either (i) by hosting movable weights, or (ii) by means of a spring or hydraulic balance or similar appliance, with the derrick at an angle to the horizontal which shall be stated in the certificate of the test. In the former case, after the movable weights have been hoisted, the derrick shall be swung as far as possible in both directions. In the latter case, the proof load shall be applied with the derrick swung as far as practicable first in one direction and then in the other.

- (b) Every crane and other hoisting machine with its accessory gear shall be tested with a proof load which shall exceed the safe working load as follow: -

<b>Safe Working Load</b>				<b>Proof Load</b>
Up to 20 tons	..	..	..	25 per cent in excess
20-50 tons	..	..	..	5 tons in excess
Over 50 tons	..	..	..	10 per cent in excess

he said proof load shall be hoisted and swung as far as possible in both directions. In the case of a jib-crane, if the jib has a variable radius, it shall be tested with a proof load as defined above at the maximum and minimum radii of the jib. In the case of hydraulic cranes or hoists, where, owing to the limitation or pressure, it is impossible to hoist a load 25 per cent in excess of the safe working load, it shall be sufficient to hoist the greatest possible load.

- (c) every article of loose gear (whether it is accessory to a machine or not) shall be tested with a proof load at least equal to that shown against the article in the following table: -

**SCHEDULE E (Contd.)**

<b>Article of Gear</b>	<b>Proof Load</b>
Chain .. .. .	} <b>Twice the safe working load.</b>
Ring .. .. .	
Hook .. .. .	
Shackle .. .. .	
Swivel .. .. .	

<b>Pulley Blocks</b>	<b>Proof Load</b>
Single Sheave Block	Four times the safe working load.
Multiple Sheave Block with safe working Load up to and including 20 tons.	Twice the safe working load.
Multiple Sheave Block with safe working Load over 20 tons up to and including 40 tons.	20 tons in excess of the safe working load.
Multiple Sheave Block with safe working Load over 40 tons	One and a half times the safe working load.

Provided that where the Chief Engineer of the East African Harbours Corporation is of opinion that, owing to the size, design, construction, material or use of any such loose gear or class of such gear, any of the above requirements are not necessary for the protection of persons employed, he may be certificate in writing (which he may in his discretion revoke) exempt such gear or class of gear from such requirement, subject to such conditions as may be stated in the certificate.

- (d) After being tested as aforesaid, all machines with the whole of the gear accessory thereto and all loose gear shall be examined, the sheaves and the pins of the pulley blocks being removed for the purpose, to see that no part is injured or permanently deformed by the test.
- (e) In the case of wire ropes, a sample shall be tested to destruction and the safe working load shall not exceed one-fifty of the breaking land of the sample tested.

**EAST AFRICAN HARBOURS CORPORATION**

**PORT OF .....**

**CERTIFICATE OF TEST, EXAMINATION, INSPECTION OR  
TREATMENT OF APPLIANCES**

I hereby certify that the appliances shown hereunder have been tested, examined, inspected, or treated by me in accordance with the East African Harbours Regulations 1969.

<i>Description of appliance</i>	<i>Quantity</i>	<i>Name of Owner</i>	<i>Date of latest test examination or inspection</i>	<i>Date examined tested or inspected</i>	<i>Method of test examination or inspection and any treatment given</i>	<i>Remarks</i>

**Date .....**

**.....**

**Signature of Examiner**

**SCHEDULE F**

**EAST AFRICAN HARBOURS CORPORATION**

**CERTIFICATE OF COMPETENCY  
(Regulation 128)**

WHEREAS you have been found duly qualified to perform the duties of a .....of a ..... in terms of these Regulation, I hereby grant you this Certificate of Competency pursuant to the provisions of East, African Harbours corporation Act 1967.

By Order of the Director – General, East African Harbours Corporation.

Dated this ..... day of ..... 19 .....

.....

**Port Manager**

.....

**Signature of Holder**

**Address:** .....

.....

This certificate is granted in respect of a successful examination passed on ..... day of ..... 19 ..... held at .....

This certificate is not transferable and is liable to cancellation or suspension.

**SCHEDULE G**

**EAST AFRICAN HARBOURS CORPORATION**

**HARBOURS BAGGAGE ATTENDANT'S LICENSE  
(Regulation 288)**

No. ....

In the consideration of the payment of the fee of twenty shillings, licence is hereby granted to MR. .... whose address is ..... for the purpose of acting as Port Baggage Attendant at the Port of .....

**SCHEDULE G – (Contd.)**

during the year ending 31<sup>st</sup> December 19 ....., in accordance with the Tariff.

This licence is issued subject to the East African Harbours Corporation Act 1967, and all Regulations made hereunder.

.....

**Port Manager  
East African Harbours Corporation**

**SCHEDULE H****EAST AFRICAN HARBOURS CORPORATION****SAFETY RULES: OIL TERMINALS  
(Regulation 167)**

1. These Rules must be strictly observed by the personnel of all ships, i.e. ships, vessels, tugs, lighters and boats of any kind whatsoever whilst in the vicinity of the Oil Terminals.
2. The Master of Officer –in-Charge of a ship must ensure that these Regulations are understood by all members of the crew. These Regulations are understood by all members of the crew. These Regulations must be in a prominent position on the ship whilst berthed at an Oil Terminal.
3. In accordance with the Petroleum Rules smoking is forbidden –
  - (a) within the restricted area of a terminal; and
  - (b) on any ship berthed at a terminal, except in such places and at such times as the Master and the Port Manager may, within the provisions of the said Rules, jointly permit.

***Oil Pollution***

4.
  - (a) It is forbidden to discharge oily ballast or bilge water from any ship in a harbour.
  - (c) Any discharge or leakage of oil of any description or oily water within the harbour limits is a contravention of East African Harbours Regulations 1970. The Master of an offending vessel is liable to prosecution and a penalty may be imposed by the Courts
  - (d) in the event of any leakage or spillage of oil or oily water ballast on deck, immediate steps must be taken by the Officer-in – Charge of the ship to effect its recovery and in no circumstances shall it be swept or washed overboard. A supply of a sawdust must be kept ready for use on deck near pipeline manifold hose connexions.

***Moorings***

5. All vessels must be adequately moored with efficient ropes which must be properly tended and kept taut to the satisfaction of the Port Manager.

**SCHEDULE H – (Contd.)*****Emergency Towing Wires***

6. Ships shall provide adequate towing wires, secured to the offshore bow and quarter bollards with the towing eyes maintained at water level. Sufficient wire to enable the tug to maneuver should be flaked down on deck between the bollard and fairlead and the wire stopped off at the fairland with small stuff.

***Gangway***

7. All vessels shall provide and tend a safe gangway for access to and from the jetty. A lifebuoy with not less than 15 fathoms of line attached shall be positioned near the gangway for use in an emergency.
8. (a) No fires or naked lights of any description shall be allowed on any ship except with the prior permission of the Port Manager given in accordance with the Petroleum Rules.
- (b) Only hand torches of portable lamps of types which have been certified by a competent authority as being safe for use in a petroleum laden atmosphere shall be used on any ship.

***Loading and Discharging***

9. (a) The Port Manager or his representative may refuse to load or receive cargo from any ship if in his opinion conditions are such as to endanger life, the safety of the ship, any other ship or port installations.
- (b) Loading or discharging shall not commence until: -
- (i) The Master or Officer-in-Charge of the ship is satisfied that all necessary valves on board and ashore have been correctly set.
- (ii) The Master or Officer-in-Charge has ascertained that all pump room sea inlet valves and overboard discharge valve connected with the ship's cargo and oil bunker pipeline system which are not to be used for such loading/discharging are properly closed or blank flanged.
- (iii) All deck scuppers are effectively plugged.
- (iv) Drip pans are placed beneath all pipeline manifold hose connections.

*SCHEDULE H – (Contd.)*

- (c) During loading or discharging: -
- (i) A competent officer with adequate staff shall be on deck at all times to attend to all loading and discharging operations.
  - (ii) All deck pipelines and hoses shall be free from leakage and carefully handled to prevent the escape of oil there from. Pipelines and hoses shall be adequately and continuously earthed to the satisfaction of the Port Manager.
  - (iii) The lids of all engine room, boiler room, pump room and galley skylights and accommodation doors and port lights in close proximity to any bulk oil handling operation, shall be securely closed and cowl-type ventilators trimmed to prevent entry of petroleum in the event of a burst hose.
  - (iv) All tank lids shall be kept closed and ullage plug openings adequately protected by wire gauge screens or other flame proof devices except when actually gauging or sampling tanks.
  - (v) The officer-in-charge shall, if necessary, request the oil company's representative to reduce loading speed in the event of an accumulation of petroleum vapour on deck which in his opinion is dangerous. Ship's personnel are cautioned to be on their guard against such a condition.
  - (vi) When topping off cargo and bunker tanks, the officer-in-charge shall request the oil company's representative to reduce the loading rate as may be necessary to avoid overflow.
  - (vii) Loading or discharging shall be suspended and all tank ullage screens and plugs shall be kept in place during a storm accompanied by lightning.
  - (viii) No person engaged in loading or discharging shall carry mechanical lighters, matches or any appliance whatsoever for producing ignition.

***Repairs***

11. No repairs are to be done on board without the permission of the Port Manager or his deputy. Tools used in pump rooms and other spaces where gas is likely to accumulate on ships handling low flash petroleum must be of bronze or heavily galvanized material.

***Lighters and Launches***

12. Lighters and launches are forbidden to lie alongside the jetty or ship except for the purpose of berthing or unberthing such ships.

***Steam Tugs***

13. Steam tugs are forbidden to lie alongside the jetty or ship except for the purpose of berthing or unberthing such ships.

***Refuse, etc***

13. No refuse shall be discharged or thrown overboard.

***Intoxicated persons***

14. No person under the influence of drink or drugs shall be allowed within this restricted area of a terminal, or on board any ship berthed at a terminal.

15.

***Inspection***

16. The Port Manager or his representatives shall be allowed on board the ship at any time for the purpose of enforcing these Regulations.

***Kipevu Oil Terminal Berth Permits***

17. No person shall be allowed within the restricted area of Kipevu Oil Terminal unless in possession of a pass issued by or on behalf of the Port Manager.

***East African Harbours Regulations 1970***

18. The foregoing Rules do not relieve the Master of any ship of his responsibility for the strict observation of the East African Harbours Regulations 1970.

**Made this 16th day of January, 1970**

**By Order of the Authority.**

**Z.H.K. BIGIRWENKYA,  
Secretary-General  
East African Community**

**Updated this 15<sup>th</sup> day of October, 2007**

**Order by the Authority.**