

December 23rd, 2011

Legal Notice No. 192

**THE MERCHANT SHIPPING ACT
(No. 4 of 2009)**

THE MERCHANT SHIPPING (FEES) REGULATIONS, 2011

ARRANGEMENT OF THE REGULATIONS

- 1—Citation.
- 2—Interpretation.
- 3—Application.
- 4—Payment of fees.
- 5—Variable fees.
- 6—Fees for waiting time.
- 7—Fees for cancellation.
- 8—Relocation Fees.
- 9—Time of payment of Fees.
- 10—Recovery of fees.
- 11—Penalty for non-payment.
- 12—Revocation of LN 150/1994.

First Schedule: —Survey Fees.

Second Schedule: —Surveyors' Expenses and Special Fees.

Third Schedule: —Fees for Miscellaneous Services.

Fourth Schedule—Oversight and Monitoring Fees.

**THE MERCHANT SHIPPING ACT, 2009
(No. 4 of 2009)**

IN EXERCISE of the powers conferred by Sections 8(2) (d) of the Merchant Shipping Act, 2009 the Minister makes the following Regulations:—

THE MERCHANT SHIPPING (FEES) REGULATIONS, 2011

Citation.

1. These Regulations may be cited as the Merchant Shipping (Fees) Regulations, 2011 and shall come into force on the date of publication.

Interpretation.

2. In these Regulations, unless the context otherwise requires—

“Act” means the Merchant Shipping Act, 2009;

“dead weight” means the total mass of cargo, fuel, fresh water, etc. that a vessel can carry when she is floating in salt water with her summer load line at the water surface;

“deck officer” means an officer whose duties are connected with the deck department;

“DWT” means dead weight;

“dry dock” means excavated dock fitted with watertight entrance, from which water can be pumped to allow work to be done on the underwater portion of a docked vessel;

“GT” means gross tonnage;

“Inspector” means the person appointed as such under section 409 of the Act;

“ISM” code means the International Safety Management Code for the Safe Operation of Ships and for Pollution Prevention;

“SOLAS” means the International Convention for the Safety of life at Sea, 1974, as amended from time to time;

“survey” means a visit on board a vessel to make a detailed examination, inspection or investigation to determine the validity of the relevant certificates and other documents, and the condition of the hull, equipment and machinery of the vessel and the members of the crew of the vessel;

“tonnage convention” means the International Convention on Tonnage Measurement of Ships, 1969;

“tons” means the gross tons, and the tonnage of a vessel with alternative gross tonnages shall be taken to be the larger of those tonnages;

“Vessel” includes any vessel, boat, sailing vessel, or other vessel of any description used in navigation; and

“KOPP Certificate” means a Kenya oil pollution certificate issued pursuant to regulation 23;

Application.

3. The fees specified in the Schedules shall be payable for the services provided or things done by the Authority as respectively specified upon request by any person under or for the purposes of the Act.

Payment of fees.

4. (1) A person who requests to have a thing done or service rendered by the Authority under the Act, or, where there is no such request, the person for whose benefit the service is provided or thing done, shall pay the fees specified in these Regulations.

(2) Notwithstanding subregulation (1), in the case of a survey, a master, operator, owner, or agent of a ship shall be deemed to be the person for whose benefit the service is provided.

Variable fees.

5. (1) Where the fees for a particular service is not specified in these Regulations, the fee payable shall be determined on an hourly rate exclusive of the expenses incurred in the performance of the service.

(2) Where an amount payable to the Authority is based on the hourly rate, that rate shall be the sum of two hundred United States dollars, except outside office hours and on public holidays.

(3) A service taking less than an hour shall be charged for as one hour according to the scale.

(4) For services exceeding one hour, a half fee shall be charged for every half hour, or part thereof, according to the scale.

Any person who wishes to have any service performed may prior to the commencement of the service, request the Authority to provide an estimate of the total fees payable, provided that such person pays for the expenses incurred in the provision of such estimates.

(6) Notwithstanding paragraph (5), if the Authority considers that the complexity of the service requested is such that it is not initially possible to make a reasonable estimate of the fees payable, the Authority may, with

the agreement of the person requesting the service, undertake a provisional assessment of the service for the purposes of determining the total cost in question, which assessment shall be carried out at the hourly rate of fee.

Fees for waiting time.

6. Where an officer—

(a) is available at the time and place appointed for the performance of a service, but is compelled to wait for a period in excess of half an hour after the appointed time before the service can be commenced; or

(b) is providing a service and the service is interrupted on one or more occasions, for any reason attributable to the person requesting the service, the officer is compelled to wait for a total period in excess of half an hour before the service can be continued; or

(c) has provided a service and is compelled, for any reason attributable to the person requesting the service, to wait for a period in excess of half an hour at the place where the service was provided;

the waiting time shall be paid for at the hourly rate for every ten minutes or part thereof.

Fees for cancellation.

7. Where a service is cancelled before completion, the person making the request for that service shall pay an amount of one hundred and twenty five United States dollars, in addition to the fee calculated in accordance with these Regulations.

Relocation Fees.

8. (1) If, in the performance of a service under these Regulations, an officer relocates to a place other than the normal station, an additional fee shall be payable for the expenses incurred by that officer for such relocation.

(2) Where a vessel in relation to which a service is to be provided is berthed, the travel time taken to and from the vessel shall be payable at an hourly rate.

Time of payment.

9. (1) Fees for services provided under these Regulations shall be paid within seven days after completion of the service.

(2) Where the fee payable is a fixed amount or is determined by a fixed rate of charge, the Authority may demand payment in advance of the performance of the service in question.

(3) Where a fee is payable at the hourly rate of charge, the Authority may demand a reasonable deposit thereof before commencement of the service, the balance to be paid in the manner provided under Regulation 3 on the completion of the service.

Recovery of fees.

10. Where a fee due under these Regulations is not paid within seven days, the Authority may recover the same as a summary debt.

Penalty for non-payment.

11. Without prejudice to any provision herein, where the amount owed to the Authority is not fully paid within one month from the day when it is due, the Authority shall impose a penalty of two percent per month for each month or part thereof that the amount remains unpaid.

Revocation of L.N 150 of 1994.

12. The Merchant Shipping (Fees) Regulations, 1994, are revoked.

FIRST SCHEDULE

SURVEY FEES

PART I—PASSENGER SHIPS

Fees for vessels and Safety Certificate:

GROUP 1 SHIPS (0 -100 tons)

From – To (tons)	Fee (USD.)
0 100	\$150 plus \$0.5 per GT

GROUP 2 SHIPS (101 -500 tons)

From – To (tons)	Fee (USD.)
101 500	\$200 plus \$0.25 per GT

GROUP 3 SHIPS (501 – 50,000 tons)

From – To (tons)	Fee (USD.)
501 1,000	\$ 100 plus \$0.5 per GT
1,001 3,000	\$ 150 plus \$0.25 per GT
3,001 6,000	\$ 200 plus \$0.10 per GT
6,001 8,000	\$ 250 plus \$0.10 per GT
8,001 10,000	\$ 300 plus \$0.10 per GT
10,001 20,000	\$ 350 plus \$0.10 per GT
20,001 50,000	\$ 400 plus \$0.10 per GT

And in respect of a vessel whose tonnage exceeds 50,000 tons the fee shall be \$ 500 for the first 50,000 tons plus \$0.10 per GT ton or part thereof above 50,000 tons.

PART II: CARGO SHIP SAFETY CERTIFICATES

For fees for Safety Construction Certificates

GROUP 1 SHIPS (0 -100 tons)

From – To (tons)	Fee (USD.)
0 100	\$125 plus \$ 0.25 per GT

GROUP 2 SHIPS (101 – 500 tons)

From – To (tons)	Fee (USD.)
101 500	\$175 plus \$ 0.5 per GT

GROUP 3 SHIPS (501 – 50,000 tons)

From – To (tons)	Fee (USD.)
------------------	------------

From – To (tons)		Fee (USD.)
501	1,000	\$ 75 plus \$0.5 per GT
1,001	3,000	\$ 125 plus \$0.25 per GT
3,001	6,000	\$ 175 plus \$0.10 per GT
6,001	8,000	\$ 225 plus \$0.10 per GT
8,001	10,000	\$ 275 plus \$0.10 per GT
10,001	20,000	\$ 325 plus \$0.10 per GT
20,001	50,000	\$ 375 plus \$0.10 per GT

In respect of a vessel whose tonnage exceeds 50,000 tons the fee shall be \$ 475 for the first 50,000 tons plus \$ 0.10 per GT ton or part thereof above 50,000 tons.

PART III: SAFETY EQUIPMENT

1. Fees for Safety Equipment Certificate:

(a) Safety equipment certificate: Per Tonnage

From – To (tons)		Fee (USD)
0	500	\$240
501	1,000	\$300
1,001	2000	\$360

In respect of a vessel whose tonnage exceeds 2000 tons the fee shall be \$ 10 for the first 2000 tons plus \$ 0.25 per GT ton or part thereof above 2000 tons.

(b) For a certified copy of certificate.....USD 20

(c) For a partial inspection of the safety equipment of a cargo ship required to hold a safety equipment certificate - for each visit made to the ship on the application of the owner, and for each visit made where the equipment is found to be defective.....USD 200 per hour.

Maximum fee: appropriate to a full survey for safety equipment certificate prescribed under item 1(a) of these Regulations.

Note.—1. The fees prescribed by paragraph (a) includes the survey of life-saving appliances, fire appliances, pilot ladders and the lights and sound signal apparatus, and issue of the certificate.

2. Fees for Inspection of safety equipment, including, life-saving appliances, fire appliances and ladders on board ships not required to hold safety equipment certificates (including ships not registered in Kenya and pleasure vessels)

(a) For a complete inspection on the application of the owner of the safety equipment and for the issue of a record of safety equipment for

GROUP 1 SHIPS (0 – 100 tons)

From – To (tons)		For safety certificate USD
0	10	40
11	20	80
21	30	120
31	40	160
41	50	200
51	60	240
61	70	280
71	80	320
81	90	360
91	100	400

GROUP 2 SHIPS (101 – 500 tons)

From – To (tons)		For safety certificate USD
101	200	440
201	300	480
301	400	520
401	500	560

GROUP 3 SHIPS (501 – 50,000 tons)

From – To (tons)		For safety certificate USD
501	1,000	600
1,001	3,000	640
3,001	6,000	680
6,001	8,000	720
8,001	10,000	760
10,001	20,000	800
20,001	50,000	840

And in respect of a vessel whose tonnage exceeds 50,000 tons the fee shall be \$840 for the first 50,000 tons plus \$ 0.10 per GT ton or part thereof above 50,000 tons.

(b) For a partial inspection on the application of the owner, or for the inspection of the ship where the equipment is found to be defective, or as a result of changes or modification in the equipment—

(i) For each visit made to the ship..... USD 100

(ii) Maximum fees the total fees payable under paragraph (a) appropriate to the ships tonnage.

(c) For an additional copy of the record of safety equipment USD 20

3. Radio: fees for safety radio certificate and safety radio exemption certificate.

(a) For a safety radio certificate, or qualified safety radio certificate, together with exemption certificate, but not including Radio Surveyor' fee:

(i) For ships whose tonnage does not exceed 500 tons..... USD 50

(ii) For ships whose tonnage exceeds 500 tons USD 50 and an additional \$0.25 for every ton above 500.

(b) For an exemption safety radio certificate only..... USD 125.

(c) For a copy of a safety radio certificateUSD 25

4. Load line and seaworthiness

(a) Fees for Load Line Certificates

(i) For classed ships-

From – To (tons)		Fees (USD.)		
		Issue of Certificate	Renewal of Certificate*	Annual Survey
0	50	30	15	15
51	100	105	40	40
101	500	150	65	65
501	1,000	180	90	90
1,001	3,000	225	115	115
3,001	6,000	315	140	140
6,001	8,000	360	165	165
8,001	10,000	405	190	190
10,001	20,000	450	215	215
20,001	50,000	495	240	240
50,001 and above		600	265	265

*If Survey is carried out concurrently with Classification Survey.

(ii) For un-classed ships-

From (tons) – To (tons)		Fees (USD.)		
		Issue of Certificate	Renewal of Certificate*	Annual Survey
0	50	60	60	15
51	100	120	120	40
101	500	210	210	65
501	1,000	375	375	90
1,001	3,000	520	520	115
3,001	6,000	690	690	140
6,001	8,000	800	800	165
8,001	10,000	910	910	190
10,001	20,000	1100	1100	215
20,001	50,000	1800	1800	240
50,001 and above		2000	2000	265

*If Survey is carried out concurrently with Classification Survey.

(iii) Fees relating to other surveys

	Service	Fee (USD)
1.	Annual survey of a ship over 300 tons (classed or un-classed) which is carried through in one operation:- When only one visit is necessary	The standard fee in paragraph (a).

	Service	Fee (USD)
	When more than one visit is necessary	The standard fee in paragraph (a) plus USD 125
2.	Annual survey of a ship (classed or un-classed) which is not carried through in one operation	The standard fee in paragraph (a)(i) or (a)(ii) above plus the fee specified below
3.	Partial annual survey of a ship requiring one visit:- For ships with a tonnage not exceeding 300 tons	USD 125
	ii. For ships with a tonnage exceeding 300 tons	USD 165
4.	Partial annual survey of a ship requiring more than one visit:- For ships with a tonnage not exceeding 300 tons	USD 25
	For ships with a tonnage exceeding 300 tons	USD 65
5.	Survey of a classed ship for renewal of the load line certificate, when the survey is not carried out at the same time as the classification survey	half the appropriate fee in column 1 of paragraph (a)
6.	Survey for the issue of renewal of the load line certificate if the survey is carried out at the same time as survey for passenger certificate Classed ship	No fee
	(ii) Un-classed ship	half the fee in column 4 or 5 of paragraph (a)(ii)
7.	Annual load line survey if the survey is carried out at the same time as survey for a passenger certificate (for a classed or un-classed ship)	No fee
8.	Survey not being a full survey for a change of freeboard consequent upon minor alterations, classed or un-classed ship	the fee in column 2 of paragraph (a)
9.	In special cases, for a partial survey and the issue or renewal of a certificate for twelve months or less	one half of the appropriate fee in either column 1 or 4 of paragraphs (a)(i) and (a)(ii)
10.	Certified copy of a certificate of approval of load line	USD 25

5. Fees for the survey of ships detained for unseaworthiness after a routine inspection or Port state control or complaint of the crew.

From (tons) – To (tons)	Fee(USD)
0 – 500	\$500
501 – 1,000	\$1250
1,001 – 1,500	\$2000

(a) And in respect of a vessel whose tonnage exceeds 1,500 tons the fee shall be \$2000 for the first 1,500 tons plus \$0.25 per ton for each ton above 1,500 tons or part thereof.

(b) For each visit to conduct a survey of a ship which is detained for being unmarked or improperly marked with load lines or for failure to deliver up an expired load line certificate.....USD 200

(c) Closing a deficiency after Port State Control inspection.....USD 200 per hour

NOTE.—Item 2 of this Part applies when such a ship is detained or is found in a condition where she would normally be detained under section 302 of the Act.

6. Fees for Survey of Wrecks

(a) For the survey before re-registry of a ship

From (tons) – To (tons)		Fee(USD)
0	500	\$350
501	1,000	\$700
1,001	1,500	\$1000

And in respect of a vessel whose tonnage exceeds 1,500 tons the fee shall be \$1000 for the first 1,500 tons plus \$ 0.25 per GT ton or part thereof.

NOTES:

The fee includes the inspection of the crew accommodation and the inspection of lights and sound signal apparatus, but not the measurement of a ship's tonnage.

The fees also includes the survey for load line, if the load line survey is held at the same time as the survey for seaworthiness and if the fee for survey of load line is not more; if it is more, an extra fee must be paid to bring the total fee paid up to the amount of the fee for the appropriate load line survey.

7. Fees relating to vessel safety standards and survey

(a) Design Approval

- (i) New vessel..... 5% of the Total cost.
- (ii) Existing vessel wishing to enter service after layoff ... USD 500
- (iii) Significant modification to existing vessel..... USD 500
- (iv) Variation to approved plans..... USD 500

Construction Surveys

- (i) New vessel..... 3% of the Total cost
- (ii) Existing vessel wishing to enter service after layoff... USD 500
- (iii) Significant repairs to existing vessel..... USD 500
- (iv) Operation trials on vessels..... USD 500

(c) Stability test witnessing and assessment of stability presentation of vessel

- (i) New vessel.....1.5% of the Total cost
- (ii) Existing vessel wishing to enter service after layoff USD 500
- (iii) Vessel undergoing significant modification..... USD 500
- (iv) Existing surveyed vessel undergoing revised..... USD 500
- (v) Stability assessment USD 500

8. Fees for inspection of explosives and grain cargo

	Service	Fee (USD)
1.	Inspection of explosive magazines	\$260
2.	Certificate stating that the magazines have been constructed in accordance with the recommendations of the (Report of the Committee on the Carriage of Dangerous Goods and Explosives in Ships)	\$260
3.	Inspection of stowage of explosives	\$260
4.	Certificate stating that the stowage is in accordance with the recommendations of the report of the committee on the carriage of dangerous goods and explosives in ships	\$260
5.	Inspection of compartments for suitability for the stowage of explosives	\$260
6.	Certificate stating that the compartment is satisfactory for the carriage of explosives	\$260
7.	Inspection before loading commences, of fittings for the carriage of grain cargo and for a certificate stating that the grain cargo has been loaded in accordance with the ship's plan for loading of grain cargoes	\$260
8.	Certified copy of inspection certificates	\$25

9. IOPP (International Oil Pollution Prevention Certificate)/ KOPP (Kenya Oil Pollution Prevention Certificate)

(1) The following fees shall be payable for the survey of a vessel for an IOPP certificate:

- (a) Initial or renewal survey where the period of validity of the certificate is five years –
 - (i) Fishing vessel – USD 50;
 - (ii) Vessel (other than an oil tanker) of over 500 tons-USD 300 plus \$0.25 per ton
 - (iii) Oil tanker of over 150 tons, up to 5 000 DWT- USD 300 plus \$ 0.5 per ton;
 - (iv) Oil tanker of over 5 000 DWT - USD 400 plus \$0.5 per ton.
- (b) Annual survey- USD 150;
- (c) Intermediate or additional survey - USD 250

10. Verification of oil spill response capability and the suitability of an oil tanker to import or to export oil into/from Kenyan waters

(1) A fee of USD 250 shall be payable for the verification of evidence to show that the importer or exporter of oil subscribes to a national and international oil spill response organization and that the oil shall be carried in a sound oil tanker in all respects.

11. Fees for Survey of Ships in Dry Dock

For the survey of the hull in dry dock and for the issue of dry docking certificate-Ships holding passenger vessel certificate either issued by or recognized by the Minister for—

- (a) GROUP 1 SHIPS in Dry Dock

From – To (tons)		Fee (USD)
0	100	\$ 75 plus \$0.5 per GT

(b) GROUP 2 SHIPS in Dry Dock

From – To (tons)		Fee (USD.)
101	500	\$125 plus \$0.25 per GT

(c) GROUP 3 SHIPS in Dry Dock

From – To (tons)		Fee (USD.)
501	1,000	\$ 70 plus \$0.5 per GT
1,001	3,000	\$ 120 plus \$0.25 per GT
3,001	6,000	\$ 170 plus \$0.10 per GT
6,001	8,000	\$ 220 plus \$0.10 per GT
8,001	10,000	\$ 270 plus \$0.10 per GT
10,001	20,000	\$ 320 plus \$0.10 per GT
20,001	50,000	\$ 370 plus \$0.10 per GT

And in respect of a vessel whose tonnage exceeds 50,000 tons, the fee shall be \$370 for the first 50,000 tons plus \$0.10 for each 5,000 tons or part thereof above 50,000 tons.

(d) Other ships..... One Quarter of the fees for 12 months' certificate prescribed in items 1(a) and 1(b) plus USD 20 for each.

(e) For a copy of the dry docking certificate..... USD 25

NOTES:

1. These fees cover any number of visits that a surveyor may require to make before granting his declaration, and the survey of the hull, boilers and propelling machinery, and the inspection of the equipment of the ship including the lights and sound signals.

2. In any case in which the duration has been limited by the surveyor's declaration, owing to special reasons rendering one or more surveys necessary during the ensuing twelve months, the total fees paid for certificates covering the period of twelve consecutive months shall not exceed that payable for a twelve months' certificate.

3. The fees for vessels cover, in whole or in part, the fee for the survey of a ship for load line if the two surveys are carried out concurrently; but the fees do not, however, cover the inspection of the crew accommodation or the measurement for tonnage.

PART IV—CREW ACCOMMODATION

(a) Fees for the inspection of crew accommodation-for each visit to the ship..... USD 160

(b) Fees for the inspection of crew accommodation at the same time as a survey for tonnage measurement of seaworthiness prior to re-registry, or in consequence of an un-justified complaint from the crew.....No fee.

PART V—TONNAGE MEASUREMENT

Fees for Measurement of Ships' Tonnage

(a) For measurement under Rule 1 of the First Schedule to the Act (which covers first measurement of a Kenya ship and re-measurement, including under deck tonnage) for-

A ship which exceeds (tons)	A ship which does not exceed (tons)	Fee (USD)
0	5	\$ 50
6	10	\$ 80
11	20	\$ 120
21	50	\$ 200
51	100	\$ 220

And in respect of a vessel whose tonnage exceeds 100 tons the fee shall be \$220 for the first 100 tons plus \$ 10 for each 50 tons or part thereof above 100 tons.

(b) For measurement under Rule II of the First Schedule to the Act..... half the fee in (a)

(c) For measurement not involving under deck tonnage for one of the following re-measurements:- alterations on the upper deck; alterations in the engine room; spaces referred to in section 60(3) of the Act (light and air spaces) or spaces referred to in section 61(1) of the Act.

A ship which exceeds (tons)	A ship which does not exceed (tons)	Fee (USD)
0	5	\$ 50
6	10	\$ 80
11	20	\$ 120
21	50	\$ 200
51	100	\$ 220

And in respect of a vessel whose tonnage exceeds 100 tons, the fee shall be USD 220 for the first 100 tons plus USD 10 for each 50 tons or part thereof above 100 tons.

PART VI—REGISTRY AND MARKINGS

REGISTRATION, TRANSFER AND MORTGAGES

1. FEES FOR REGISTRATION AND LICENSING OF VESSELS

Registration for vessels of 50 GRT or more tonnage

- (a) Initial registration of vessel irrespective of size - US\$ 500;
- (b) Change of name of a vessel - US \$ 50;
- (c) Fee of ownership of a vessel - US \$ 150;
- (d) Bill of sale - US\$ 100;
- (e) Discharge of mortgage - US\$ 250;
- (f) Registration a new as a result of alteration to vessel - US\$ 500;
- (g) Registration of alteration to vessel except registry a new as a result of such alteration - US\$250;
- (h) Provisional registration - US\$ 200;
- (i) Replacement of registration certificate US\$ 150;
- (j) Registration of initial and only mortgage - US\$ 350;
- (k) Transfer of mortgage – US\$ 350

- (l) Registration of second and each additional mortgage –US\$ 250;
- (m) The registration of a notice of intended mortgage - US\$ 100;
- (n) Licensing of unregistered vessel of 50 GT or more - US\$.500 ;
- (o) Witnessing of declaration before registrar of vessels - US\$.10

B. **Unregistered vessels** (vessels of less than 50 GT and vessels exempted from registration under section 14 (2) of the Act)

- (1) (a) Sailing vessels and vessels propelled by oars or paddles—
 - (i) of up to 4 meters in length - US\$ 0.5
 - (ii) for every meter or part thereof, over 4 meters - US\$ 0.1
- (b) Mechanically propelled vessels and vessels tilled with auxiliary engines
 - (i) Up to and including 4 meters in length US\$.10
 - (ii) For every meter or part thereof over 4 meters US\$.1
- (2) (a) **Fees for change of name of vessel –US\$. 20**
- (b) fees for change of particulars of license – US\$.20;
- (c) **fees for transfer of license – US\$.20;**
- (3) For initial registry, registry a new and transfer of registry for:

From – To (tons)		Fee (USD)
0	25	\$100
26	50	\$150
51	100	\$200
101	500	\$300
501	1,000	\$500

* And in respect of a vessel whose tonnage exceeds 1000 tons, the fee shall be USD 500 for the first 500 tons plus USD 40 for each 500 tons or part thereof above 100 tons.

* Annual vessel fee, US\$ 20 for initial 1,000 tons and for every 100 tons or part thereof, over 1,000 tons, \$0.25

- (4) For transfer of mortgage, transfer by bill of sale, mortgage and discharge of mortgage for-

From – To (tons)		Fee (USD)
0	25	\$ 20
25	50	\$ 80
50	100	\$120
100	500	\$160
500	1,000	\$200

And in respect of a vessel whose tonnage exceeds 500 tons, the fee shall be USD 200 for the first 1,000 tons plus USD 40 for each 500 tons or part thereof above 1,000 tons.

- (5) Additional Registry fees:

	Service	Fees (USD)
1.	For issue of certificate of registry at first registry and on any subsequent occasion where a fresh certificate is issued	\$ 300
2.	For inspecting the register book (this should be interpreted as	\$60

	Service	Fees (USD)
	inspecting the register book as it relates to any one particular ship)	
3.	For certified copy of the particulars entered on the registry of a ship together with a certified statement showing the ownership and any encumbrance at the time being	\$ 80
4.	Transcripts which are required to show the particulars of ownership at some particular date as distinct from date of issue and transcripts of a closed register (this fee is in addition to that charges in (3)	\$ 100
5.	For the inspection of the Markings of ship	\$ 50
6.	For authorizing the change of name of a ship	\$ 20
7.	For change to particulars ship's Register	\$ 15
8.	Issue of endorsement certificate if sent by courier or abroad	\$ 20
9.	Issue of endorsement certificate if sent by other means than courier	\$15
10.	Addition or removal of or amendment to an endorsement	\$ 20
11.	Issue of an updated Continuous Synopsis Record (CSR)and new certificate of registry including change of particulars	\$ 100
12.	Supply of Prescribed Forms used in connection with Registry Bill of sale	\$ 10
13.	Supply of Prescribed Forms used in connection with Registry Declaration of ownership	\$ 15
14.	For a copy of license	\$ 25
15.	Issuance of provisional registration	\$ 200

NOTE

This fee includes the inspection of markings, the change of name on the load line certificate, and in the case of ships holding passenger certificate, the issue of fresh declarations and passenger certificates showing the new name and any alterations in ownership and port of registry. The fee also covers the replacement or endorsement of safety certificates, safety equipment certificates, safety radio certificates or exemption certificates.

PART VII-MANUAL AND PLANS (ASSESSMENT AND APPROVAL)

The fees for the assessment and approval of manuals shall be charged in accordance with this part.

	Service	Fees(USD)
1.	Assessment and approval of any ship's security plan	USD 150
2.	Assessment and approval of any manual, operating plan or similar (other than ship's security plan)	USD 80
3.	Re-approval of any plan or manual above	USD 60
4.	Crew accommodation-Plan approval (including where requested the issue of a crew accommodation document of compliance)	USD 120
5.	Continuous synopsis record	USD 80
6.	Condition Assessment Scheme Statement of compliance, CAS Final Report and Review Records	USD 150
7.	Procedures and Arrangements Manual	USD 80
8.	Shipboard Marine Pollution Emergency plan for Noxious Liquid substances	USD 80
9.	Safe manning certificates 1. Passenger ship 2. other ships	USD 500 USD 500
10.	Document of Authorization for the Carriage of Grain	USD 130
11.	Document of Compliance with the Special Requirements for Ships Carrying Dangerous Goods	USD 130

PART VIII - CERTIFICATES OF COMPETENCY

	Service	Fees (USD)
1.	For a certificate exempting a ship from carrying the prescribed certificate of competency during the currency of the agreement	USD 200
2.	For a license for the holder of a foreign certificate of competency to serve in a Kenya ship	USD 130
3.	Rating Certificate of Competency (“Certificate of Competency”)STCW Certificates ANNEX 1	SEE ANNEX 1
4.	Amendment to and re-issue of an endorsement recognizing a non Kenyan Certificate of Competency if due to application error	USD 20
5.	Replacement of lost Certificate of Competency	USD 100
6.	Certification of officers on ships of 500GT or more (unlimited tonnage and area of operation) Master/Chief mate 3rd mate	USD 130 USD 60
7.	Certification of officers on ships of 500GT and below (limited tonnage and area of operation) Master/Chief mate 3rd mate	USD 100 USD 50
8.	Certification of officers on ships powered by means of propulsion of 3000kw or more Chief Eng./ 2nd Eng 3rd Eng	USD 130 USD 60
9.	Certification of officers on ships powered by means of propulsion of 3000kw and below Master/Chief mate 3rd mate	USD 100 USD 50

PART IX- ORAL EXAMINATIONS FEES

The fees payable are as follows:

	Examination	Fee (USD)
1	Re-sit of exams	USD 60
	Application for a letter of eligibility	USD 30
	Cancellation of exams before eligibility is issued	USD 20
	Cancelation of exams after eligibility is issued	USD 20
	Examination for officers on ships of 500GT or more (unlimited tonnage and area of operation) Master/Chief mate 3rd mate	USD 50 USD 30
	Examination for officers on ships of 500GT or below (unlimited tonnage and area of operation) Master/Chief mate 3rd mate	USD 30 USD 20

	Examination	Fee (USD)
	Examination for officers on ships powered by means of propulsion of 3000kw or more Chief Eng./ 2nd Eng 3rd Eng	USD 50 USD 30
	Examination for officers on ships powered by means of propulsion of 3000kw and below Chief Eng./ 2nd Eng 3rd Eng	USD 30 USD 20

NOTE:

Certification is in accordance with STCW 78 as amended.

PART X: ACCREDITATION OF MARITIME TRAINING INSTITUTIONS

1. Fees for the accreditation of a maritime training institutions in the following levels

i. Certificate/ Craftmanship -----USD 800 per biennium

ii. Diploma -----USD 1000 per triennium

iii. Undergraduate-----USD 2000 per quinquennial

iv. Postgraduate -----USD 2000 per twinnium

2. Fees for the assessment exams..... USD 100

3. Fees for issuance of professional certificates USD 60

4. Fees for licensing Seafarers recruitment agencies or ship representative placing seafarers on a ship.....USD1000p.a

Special Service: Special services will be charges at cost.....USD 1000

SECOND SCHEDULE

SURVEYORS' EXPENSES AND SPECIAL FEES

PART I- SURVEYORS' EXPENSES.

Except where otherwise stated, and apart from the overtime fees referred to in Part III. no separate fees shall be charged for surveyor's expenses in respect of surveys undertaken within the sixteen kilometers of the port where the surveyor is stationed. In cases where a surveyor is called for a survey or inspection by the owner, and is prepared to carry it out, but is prevented from doing so by circumstances which are within the control of the owner, his servants or agents to prevent, the surveyor's expenses must be paid.

PART II- SURVEYS AWAY FROM HOME STATION

When a survey is made at a distance of more than 16 kilometers from the port as which the surveyor is stationed, a special fee must be paid in addition to the surveyor's traveling expenses and subsistence. The special fee is USD 15 for every 24 hours or part of 24 hours during which the surveyor is absent from the port at which he is stationed.

PART III – OVERTIME CHARGES

Whenever surveyors are called upon to perform services out of office hours, application should be made by the owners, or their agents, to the Senior Surveyor of the port. The application must include an undertaking to pay the overtime charges.

(a) Overtime Fees

Overtime is charged according to the following scale-

On weekdays-

From 6 am to 8 a.m. and 5 p.m to 6 p.m per hour.....USD 200 per hour

Before 6 a.m and after 6 p.m. per hour USD 200 per hour

On Sundays and public holidays per hour..... USD 200 per hour

A service taking less than an hour will be charged for as one hour according to the scale. For services exceeding one hour, a half fee will be charged for every half, or part thereof, according to the scale.

For inspections in connection with the illumination from the ship of the lifeboats in the process of an after dark launching, and for tests of lifeboat searchlights and lifebuoy lights, one-half of the above fees will be charged.

(b) Office Hours

Office hours are from 8 a.m to 5 p.m and if reasonable notice of the survey and inspections has been given, and official arrangements have not allowed the work to be done within office hours, no overtime fees is payable.

THIRD SCHEDULE

FEEs FOR MISCELLANEOUS SERVICES

PART I – SHIPPING OFFICE SERVICES

(a) For the engagement or discharge of seamen before a shipping master or his duly appointed deputy

- (i) for each of the first hundred men engaged..... USD 10
- (ii) for each man engaged in excess of 100..... USD 5
- (iii) for each man discharged in excess of 100..... USD 5

(b) Additional fees for the engagement and discharge of seamen on board ship; the fees specified in this paragraph shall be charged in addition to those specified in paragraph (a) The fees charged for and visit of shipping master or his duly appointed deputy to a ship for the purpose of the engagement or discharge of such seamen, subject to a minimum fee of USD 20, shall be-

- (i) For each of the first 10 men engaged or discharged..... USD 5
- (ii) Where more than 10 men but not more than 30 are engaged or discharged..... USD 2
- (iii) For every 30 or fraction of 30 men engaged or discharged in excess of 50..... USD 2

Provided that if any seaman are engaged on board a ship immediately after they been discharge aboard that ship, the additional fee will be half that specified above.

(c) For attendance on board, by request, to render service independent of the number of seamen on board (e.g to attest the insertion of a new clause in the agreement).....USD 15

(d) Attesting alterations in an agreement with seaman:
for each alteration in respect of each seaman concerned..... USD 5

(e) Certifying the desertion of seamen (for each seaman)..... USD 5

(f) Receiving a return of the birth or death of any person on board a ship and endorsing the ship's agreement accordingly..... USD 5

(g) Taking custody of a ship's papers, making any necessary endorsement thereon and giving the certificate required by the Act..... USD 5

(h) Endorsement on bill of owner for payment of wages..... USD 5

(i) Rendering accounts of wages, etc., of seamen left behind or deserted... USD 5

(j) Attesting the execution of a seamen's will..... USD 5

(k) Attesting any entry in the official log-book of a ship if entry is not required by law..... USD 5

(l) Endorsing a memorandum of change of master upon the certificate of registry and witnessing his signature on the agreement with the crew... USD 15

(m) Every endorsement on ship's papers not otherwise provided for..... USD 15

- (n) Granting a certificate not otherwise provided for: for every 1000 words or fraction thereof..... USD 5
- (o) Inspection of provisions and water (to be paid by master if provisions or water are condemned otherwise by complainant..... USD 60
- (p) For seaman's Record Book and Identity Documents—
 - (i) Initial issue..... USD 20
 - (ii) Replacement, if book is lost other than by Shipwreck or fire onboard..... USD 25
 - (iii) Additional fee for each entry..... USD 2
- (q) Crew lists for vessels of under 125 tons where the number of the crew does not exceed 5 persons..... USD 40
 - for each person in excess of 5 USD 5
- (r) For annexing the seal of office and signature to any document not mentioned in or otherwise provided for by this Schedule..... USD 5
- (s) Consultancy fees per session..... USD 15
- (t) Superintendence over grounded or stranded vessel.....USD 200 per hour
- (u) Superintendence over wrecks.....USD 1000

PART II – OVERTIME FEES

- (a) Attendance outside during the usual office hours-

For attendance at the shipping office or on board ship (including time spent traveling to and from the ship) outside the usual office hours, the following special charges are made in addition to the ordinary fees.

- Weekdays (per hour)..... USD 10
- Sundays or public holidays (per hour) USD 15

Service occupying less than an hour will be charged for one hour, according to the scale. Where a service occupies more than one hour but not an exact number of hours the charge will be-

- (i) If the period in excess of an exact number of hours is 30 minutes or less, half the appropriate fee for one hour;
- (ii) If the period in excess is more than 30 minutes, the appropriate fee for 1 hour.
- (iii) If from unforeseen circumstances the duty cannot be started at the hour stated on the form of application or cannot be completed without interruption, the time during which the officers remain idle will be charged for at half the usual overtime rate.

- (b) Waiting time during office hours-

When the engagement or discharge of a crew takes place on board ship during office hours and is not started at the time stated on the form of application or cannot be completed without interruption, a charge at the

rate of USD 5 per half an hour will be made if the waiting time amounts to a half hour or more. No charge will be made if waiting time is less than a half an hour.

Where, however, it amounts to, or exceeds half an hour the charge will be calculated to the nearest half an hour; thus, a charge of USD 5 will be made for a wait of from 30 to 45 minutes, USD 10 for a wait of from 45 to 75 minutes and so on. If the waiting time extends beyond office hours, a charge for that part of the waiting time will be calculated separately at the rate shown in Part III (a).

Notes:

1. Application for any surveys, tests, etc., mentioned in the First Schedule must be made in writing to the Authority.
2. Except where surveys are undertaken by the surveyor to any approved classification society, the appropriate fees must be paid before any survey, inspection or service can be undertaken. In cases where the exact fees cannot be calculated in advance (e.g. the for tonnage measurement), a substantial deposit based on the estimated fees must be paid. Any outstanding balance of fees or expenses must be paid before a certificate is issued or a service is completed.
3. Unless otherwise stated fees and expenses should be paid to the shipping master at the local shipping office. Fees and expenses should never be paid to surveyors or other officers.
4. An official receipt should be obtained for all payment. A copy of a receipt can be obtained for a charge of USD 10
5. Charges for copies of certificates supplied to consuls should be at the rate of USD 10
6. The expression “tons” whenever it is used in any of the Schedules means gross tons.

PART III- FEES FOR OTHER CERTIFICATES

1. Ship's Security Certificate.....	USD 210
2. Safety Management Certificate	USD 500
3. Company ISM document of compliance.....	USD 500
4. Assessment and extension of any certificate under this part...USD 100	
5. Certificate of compliance (with ISPS Code) – Port facility-----	USD 200
6. Offshore Research and Exploration Certificate -----	USD 200
7. Voyage Date Recorder System – Certificate of compliance -----	USD 100
8. Certificate of Insurance or other Financial Security in respect of Civil Liabilities for Oil Pollution Damage-----	USD 50 plus 0.25 per GT
9. Pollution Prevention Certificate for the Carriage of Noxious Liquid Substances in Bulk----- -----	USD 200
10. Certificate of Fitness for the Carriage of Dangerous Chemicals in Bulk--	USD 200
11. High Speed Craft Safety Certificate -----	USD 130
12. Permit to Operate High Speed Craft -----	USD 60
13. Certificate of Fitness for the Carriage of INF Cargo -----	USD 130
14. Nuclear Cargo Ship Safety Certificate or Nuclear Passenger Ship Safety Certificate ----- -----	USD 250
15. Special Purpose Ship Safety Certificate -----	USD 110
16. Certificate of Fitness for Offshore Support Vessels -----	USD 130
17. Diving System Safety Certificate -----	USD 150
18. Dynamically Supported Craft Construction and Equipment-----	USD 200
19. Mobile offshore Drilling Unit Safety Certificate-----	USD 20
20. Wing-in-Ground Craft Safety Certificate -----	USD 130
21. Permit to Operate Wing-in-Ground Craft-----	USD 60

FOURTH SCHEDULE

OVERSIGHT AND MONITORING FEES

(1) Shipping Line

- (a) Application fee USD 15
- (b) Registration..... US\$ 3000
- (c) Annual renewal fee..... US\$ 1000

(2) Shipping Agent or consolidator

- (a) Application fee USD 5
- (b) License fee USD 250 p.a

(3) Shipper

	Imports Rate per ton (USD)	Exports Rate per ton (USD)
1. Petroleum And Products	\$ 0.3	\$ 0.25
2. Liquid Bulk	\$ 0.3	\$ 0.25
3. Dry Bulk	\$ 0.5	\$ 0.25
4. General Cargo		
i. Loose Cargo	\$ 1.25	\$ 0.50
ii. Machinery(Non Containerized)	\$ 1.25	\$ 0.50
iii. Vehicles (Non Containerized)	\$ 1.25	\$ 0.50
iv. Containerized Cargo		
TEU(20') standard	\$ 1.50	\$ 0.75
TEU(40') standard	\$ 1.75	\$ 0.75
TEU(40') high cube	\$ 2.00	\$ 0.75
5. EXEMPTED CARGOES	No Fee	No Fee

ANNEX 1
STCW 95' Certificates

Mandatory

1. Proficiency in personal survival techniques	US\$ 10	
2. Fire prevention and fire fighting	US\$ 10	
3. Elementary first aid		US\$ 10
4. Personal safety and social responsibilities	US\$ 10	
5. Life skills		US\$ 10

Other:

1. ECDIS	US\$ 5	
2. GMDSS	US\$ 5	
3. Medical First Aid	US\$ 5	
4. Medical care	US\$ 5	
5. Radar plotting and use of ARPA	US\$ 5	
6. Integrated Bridge System		US\$ 5
7. Survival Craft and Rescue Boats	US\$ 5	
8. Advanced fire fighting	US\$ 5	
9. Certificate of medical fitness		US\$ 5
10. Replacement of lost certificates	US\$ 15	
11. Rating forming part of a Navigation watch	US\$ 5	
12. Rating forming part of an Engineering watch		US\$ 5
13. Compass adjuster		US\$ 20
14. Extension of validity of certificate of competency and Qualification	US\$ 10	

Dated the 18th November, 2011.

AMOS KIMUNYA,
Minister for Transport.