

LEGAL NOTICE NO. 92

THE MERCHANT SHIPPING ACT

(Cap. 389)

THE MERCHANT SHIPPING (MARITIME TRANSPORT
OPERATORS) REGULATIONS, 2024

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THE MERCHANT SHIPPING ACT

(Cap 389)

THE MERCHANT SHIPPING (MARITIME TRANSPORT OPERATORS) REGULATIONS, 2024

IN EXERCISE of the powers conferred by section 8 of the Merchant Shipping Act, No. 4 of 2009, the Cabinet Secretary for Mining, Blue Economy and Shipping and Maritime Affairs makes the following Regulations—

THE MERCHANT SHIPPING (MARITIME TRANSPORT OPERATORS) REGULATIONS, 2024

PART I—PRELIMINARY

1. These Regulations may be cited as the Merchant Shipping (Maritime Transport Operators) Regulations, 2024. Citation.
2. In these Regulations, unless the context otherwise requires— Interpretation.
 - “Authority” means the Kenya Maritime Authority established under section 3 of the Kenya Maritime Authority Act, 2006; Cap. 370.
 - “authorized officer” means an officer employed by the Authority and directed to carry out an act on behalf of the Authority;
 - “bill of lading” means a document signed by an ocean carrier or his representative and issued to a shipper that evidences the receipt of goods for shipment, contract of carriage and ownership or title of goods;
 - “cargo” means goods carried in or on a vessel whether or not of commercial value and includes livestock;
 - “cargo consolidation” means the aggregation of small consignments of different cargo owners into a full container load;
 - “certificate” means a certificate of registration issued under section 10;
 - “consumer” any person who uses maritime transport services or products offered by a licensee;
 - “cargo consolidator” means a person or company undertaking cargo consolidation, de-consolidation or dis-aggregation of cargo from a full container load and includes a cargo de-consolidator;
 - “cargo de-consolidation” means desegregation of a full container load into small consignments of different cargo owners;
 - “cargo handling facility” means a common user facility with cargo handling facilities and licensed to offer services for handling and temporary storage of containers loaded with imports, empty containers and motor vehicles under customs control and includes—
 - (a) container freight station;
 - (b) liquid cargo storage facility;

- (c) inland container depot; or
- (d) empty container handling and storage depot;

“clearing and forwarding agent” means any person licensed to act as an agent under section 145 (1) of the East African Community Customs Management Act, 2004;

“consignee” means an agent, company or person receiving an import consignment;

“consignor” means an agent, company or person sending or exporting a consignment;

“container” means a metallic container for holding cargo in transit and which conforms to standards set by the International Standards Organization;

“container freight station” means a common user facility with cargo handling facilities licensed to offer services for handling and temporary storage of containers loaded with imports and motor vehicles under customs control;

“container handling facility” means a container freight station or an empty container handling and storage depot;

“facility” means a storage facility *Gazetted* by the commissioner of customs, equipped with cargo handling equipment, offering services for handling and temporary storage of containers loaded with imports or motor vehicles under customs control including an inland container depot, a container freight service, peripheral storage facilities and freight terminals;

“freight manifest” means a manifest which shows particulars of freight and charges;

“inland container depot” means a container depot which is located outside the port to cater for clearance and delivery of cargo;

“maritime transport operator” means a person who engages in the movement of cargo or passengers from the point of origin to a destination or provides a service that facilitates the movement at any given point and includes—

- (a) a port facility operator under the Kenya Ports Authority Act, 1978; Cap 391
- (b) a clearing and forwarding agent under section 145 of the East African Customs Community Management Act, 2004;
- (c) a container freight station agent under section 14 of the East African Customs Community Management Act, 2004;
- (d) an empty container depot under the County Governments Act, 2012; Cap. 265
- (e) a shipping line;
- (f) a ship agent; and

(g) a cargo consolidator;

“principal” means a person on whose behalf, another person acts as an agent in the business of providing a maritime service;

“related-government agency” means a government agency issuing a licence, permit or certificate required for cargo, crew, passenger and ship clearance;

“shipping agent” means a person licensed under Part II of these Regulations;

“shipping document” means transportation receipts or contracts to enable shipments to be received or forwarded;

“shipping line” means a person that—

- (a) holds itself out to the general public to provide transportation by sea cargo between a port in Kenya and a port in a foreign country or between ports in Kenya for compensation; and
- (b) assumes responsibility for the transportation of cargo from the port or point of receipt to the port or point of destination;

“shipment” means all of the cargo carried under the terms of a single bill of lading;

“shipper” means—

- (a) a cargo owner;
- (b) the person for whose account the ocean transportation of cargo is provided;
- (c) the person to whom delivery of cargo is to be made;
- (d) a shippers’ association; or
- (e) a non-vessel-operating shipping line that accepts responsibility for payment of all charges applicable under the tariff or service contract;

“shipper’s association” means a group of shippers that consolidates or distributes freight on a non-profit basis for the members of the group to obtain carload, truckload, or other volume rates or service contracts;

“shipping agent” means a person licensed under Part II of these Regulations; and

“tariff” means the actual rates, charges and surcharges applied by a maritime transport operator in providing a service subject to these Regulations.

3. The object of these Regulations is to—

- (a) create an efficient, cost effective, sustainable and predictable maritime transport and logistics chain;
- (b) create an enabling environment for the growth and development of the maritime transport and logistics sector

Object of the Regulations.

for socio-economic development for the country and the region;

- (c) enhance transparency and accountability in service delivery for improved trade facilitation;
- (d) improve quality and standards of service delivery in order to promote maritime trade and development; and
- (e) oversee and monitor performance standards in relation to multi-modal transportation to optimize efficiency and effectiveness of the transport and logistics chain.

4. A maritime transport operator shall perform the services set out in the First Schedule.

Scope of service for maritime transport operators. Role of the Authority over related government agencies.

5. The collaboration and coordination function of the Authority shall entail—

- (a) advising the Cabinet secretary on matters relating to maritime transport;
- (b) monitoring and evaluating the implementation of the performance standards; and
- (c) enhancing the establishment of linkages between relevant government agencies, maritime transport operators, shipper's organizations and inter-governmental organizations performing cargo clearance functions.

PART II—REGISTRATION AND LICENSING OF MARITIME TRANSPORT OPERATORS

6. (1) A person shall be eligible to be registered as a foreign shipping line if such a person is a company duly incorporated under the relevant laws of a foreign country.

Registration of foreign shipping lines.

(2) An application for registration as a foreign shipping line shall be made to the Authority in Form 1 set out in the Second Schedule.

(3) Upon receipt of an application under this regulation the Director General may—

- (a) approve the application and upon receipt of payment of the fees prescribed under the Third Schedule, issue the applicant with a certificate of approval as set out in Form 2 in the Second Schedule within fourteen days of receipt of the registration fee; or
- (b) reject the application and notify the applicant of its decision together with reasons for the refusal within thirty days from the date of lodging the application.

7. (1) A person who intends to operate as a local shipping line shall apply to the Authority for a licence in Form 3 set out in the Second Schedule.

Licensing of local shipping lines.

(2) Upon receipt of an application under this regulation, the Director General may—

- (a) approve the application and upon receipt of payment of the fees prescribed under the Third Schedule, issue the applicant with a licence as set out in Form 4 in the Second Schedule within fourteen days of receipt of the registration fee; or
- (b) reject the application and notify the applicant of its decision together with reasons for the refusal within thirty days from the date of lodging the application.

8. (1) A person who intends to operate as a shipping agent shall apply to the Authority for a licence in Form 5 set out in the Second Schedule.

Licensing of shipping agents.

(2) Upon receipt of an application under this regulation, the Director General may—

- (a) approve the application and upon receipt of payment of the fees prescribed under the Third Schedule, issue the applicant with a licence as set out in Form 6 in the Second Schedule within fourteen days of receipt of the registration fee; or
- (b) reject the application and notify the applicant of its decision together with reasons for the refusal within thirty days from the date of lodging the application.

9. (1) A person who intends to operate as a cargo consolidator shall apply to the Authority for a licence in Form 7 set out in the Second Schedule.

Licensing cargo consolidators.

(2) Upon receipt of an application under this regulation, the Director General may—

- (a) approve the application and upon receipt of payment of fees prescribed under the Third Schedule, issue the applicant with a licence in Form 8 set out in the Second Schedule within fourteen days of receipt of the registration fee; or
- (b) reject the application and notify the applicant of its decision together with reasons for the refusal within thirty days from the date of lodging the application.

10. (1) The Authority may register a maritime transport operator licensed by a related government agency under other Acts of Parliament.

Registration of maritime transport operators licensed by a related government agency.

(2) An application for registration shall be made in Form 9 as set out in the Second Schedule.

(3) Upon receipt of an application for registration, the Director General may—

- (a) approve the application and upon receipt of payment of fees prescribed under the Third Schedule, issue the applicant with a certificate of registration in Form 10 as set out in the Second Schedule within twenty-one days of receipt of the registration fee; or

(b) reject the application and notify the applicant of its decision together with reasons for the refusal within thirty days from the date of lodging the application.

11. A maritime transport operator licensed or registered under these Regulations shall comply with the conditions set out in the Fourth Schedule.

Conditions for a licence or registration.

12. (1) A licence issued to a maritime transport operator shall expire on the thirty- first day of December of the year of issue.

Validity of a licence or certificate.

(2) A certificate issued to a maritime transport operator shall expire on the thirty-first day of December of the year of issue.

13. (1) A maritime transport operator shall, two months before the expiry of a licence or certificate, apply for its renewal.

Renewal of licence or certificate.

(2) Upon receipt of an application for the renewal of a licence or certificate, the Director General may—

(a) approve the application and upon receipt of payment of the fees prescribed under the Third Schedule, issue the applicant with the certificate or licence, as the case may be; or

(b) reject the application and notify the applicant of its decision within thirty days from the date of lodging the application.

(3) The Authority shall impose the fine prescribed in the Third Schedule for any late application for the renewal of a certificate or licence.

14. (1) An applicant shall submit an application for a licence or a certificate in the English language.

Language for submission of documents.

(2) Where the application is in a foreign language, the applicant shall translate it to English and notarize the document or have it authenticated by the respective ministry responsible for foreign affairs or the Foreign Office.

15. (1) The Director General may suspend, revoke or cancel a licence or certificate, if the maritime transport operator—

Suspension, cancellation or revocation of a licence or certificate.

(a) fails to comply with any conditions set out under the Act or these Regulations;

(b) fails to comply with the provisions of these Regulations;

(c) fails to comply with any applicable law;

(d) or an agent of the maritime transport operator has been convicted of an offence under this Act;

(e) is under liquidation or insolvency proceedings; or

(f) fails to comply with the directives issued by the Director General under the Act.

(2) Where the Authority suspends, revokes or cancels a licence or certificate, the Director – General shall, within fourteen days of making a decision, notify the maritime transport operator of such decision.

16. Any person aggrieved by the decision of the Director General, under these Regulations may apply for a review of that decision in accordance with the provisions of Part XX of the Act. Right of appeal.

17. (1) The Authority shall on its own initiative or in response to a complaint made by any person, exercise its monitoring and supervisory function over maritime transport operators. Enforcement and compliance.

(2) Where after an investigation, the Authority is satisfied that a maritime transport operator has —

- (a) contravened the conditions of a licence or certificate;
- (b) not met the performance standards required under the Act or these Regulations; or
- (c) contravened the provisions of any law;

the Director General, shall notify the maritime transport operator in writing.

(3) The Director General, shall, in the notification under subregulation (2), specify the acts or omissions that constitute a contravention of these Regulations and require the maritime transport operator to remedy the contravention within the period specified in the notification.

(4) Upon receipt of the notification under subregulation (2), the maritime transport operator shall immediately notify the Authority of the measures and period it shall take to remedy the contravention.

(5) Where a maritime transport operator fails, without reasonable cause, to remedy the contravention within the specified period, the Director General may suspend, revoke or cancel their licence or certificate.

(6) Where a maritime transport operator licensed by a related government agency,

- (a) fails to implement and maintain the conditions of registration and applicable performance standards; or
- (b) fails to comply with an order or directive of the Authority relating to compliance with conditions of registration and applicable performance standards,

the Authority shall make recommendations to the government agency, that issued the licence to the maritime transport operator, to suspend, revoke or cancel the licence of the maritime transport operator.

PART IV—MISCELLANEOUS PROVISIONS

18. (1) The Authority shall develop performance standards for the maritime transport. Development of the performance standards.

(2) In the development of the performance standards for maritime transport, the Authority, in consultation with the relevant stakeholders shall—

- (a) identify the parties involved in the cargo clearance processes;
- (b) map out the cargo clearance processes;
- (c) define the key performance indicators for the processes;
- (d) determine the baseline performance for the key performance indicators;
- (e) identify the global best practices; and
- (f) develop the target for the key performance indicators.

19. (1) The Authority shall monitor and evaluate implementation of the performance standards set out in regulation 18. Monitoring and evaluation.

(2) The Director General in exercising his function under this regulation, shall prepare reports and submit the reports to the Cabinet Secretary on an annual basis.

20. (1) Where after an investigation the Authority is satisfied that the performance standards are not being met, the Director General shall notify the maritime transport operator, in writing. Enforcement of performance standards.

(2) The notification shall require the maritime transport operator to comply with the performance standards within the period specified in the notification.

(3) The maritime transport operator shall upon compliance, notify the Authority of its compliance.

(4) The Director General may impose any of the following sanctions where the maritime transport operator fails, without reasonable grounds, to comply with the performance standards referred to under these Regulations—

- (a) issue warnings;
- (b) demand a requirement for undertakings as to the maritime transport operator's future conduct;
- (c) order the temporary suspension of the licence or certification of approval issued by the Authority;
- (d) issue a recommendation for the temporary suspension of licence of the maritime transport operator by the related government agency; and
- (e) report the non-compliance to the related government agency for action.

21. (1) The movement of cargo into any facility shall, subject to sub-regulation (2), be in accordance with the instructions of the shipper as contained in the bill of lading. Marine cargo movement mechanism.

(2) The relevant port operator shall nominate the facility for movement of cargo where the bill of lading does not contain the instructions of the shipper.

(3) The nomination under sub-regulation (2) shall have due regard to an equitable, transparent and fair distribution of cargo, and the port authority shall, before making the nomination, take steps to ensure that the receiving facility has the capacity to receive the cargo having regard to space, personnel and equipment.

(4) A person who contravenes this regulation commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand shillings and shall in addition be liable to compensate applicable cargo owners for all losses, fines, penalties, demurrage, storage charges or any other charges arising from such failure to comply.

22. In exercise of the Authority's powers and functions, the Director General may by notice in writing require a person to— Request for information.

- (a) furnish him within such time as may be specified in the notice, any document specified or described in the notice which is in the custody or control of such a person;
- (b) produce for inspection, books, returns, accounts or records in his possession or control; or
- (c) provide access for inspection of any equipment, facilities and systems to ascertain the extent of implementation of performance standards.

23. (1) A maritime transport operator shall ensure its employees— Code of professional conduct.

- (a) uphold a high standard of business ethics and professional conduct;
 - (b) observe all national laws and regulations relevant to their duties;
 - (c) exercise due diligence to guard against fraudulent, corrupt and criminal practices in undertaking their duties;
 - (d) exercise due care when handling monies on behalf of its principal or principals; and
 - (e) are competent to perform the services provided under these Regulations.
- (2) A maritime transport operator shall—
- (a) apply a standard of competence as approved by the Authority;
 - (b) engage in fair competition trade practices;
 - (c) discharge duties to clients or customers with honesty, integrity and impartiality;
 - (d) exercise due care when handling cargo on behalf of the customers or shippers;
 - (e) refrain from influencing the conduct of any official of the port, customs or any other person in any matter pending before such official or person or his subordinates by the use

of threats, false accusations, duress or the offer of any inducement or promise of advantage or by the bestowing of any gift or favour or other thing of value;

- (f) refrain from engaging in corrupt practices to influence the behaviour of port, container freight station, customs personnel or functions of customs officers;
- (g) operate a financially sound business; and
- (h) contribute to combating maritime fraud by ensuring improved services by better qualified operators.

24. All maritime transport operators shall, on an annual basis or upon request, submit reports to the Authority, for purposes of compliance with these Regulations. Submission of reports.

25. Any licence or certificate issued before the entry into force of these Regulations shall remain valid unless revoked, replaced, rescinded by legislation, licences, certificates or any other administrative orders, directions or instructions made or issued under the Act. Savings.

26. The Merchant Shipping (Maritime Service Providers) Regulations, 2011, are hereby revoked. Revocation of No. 112 of 2011.

FIRST SCHEDULE

(r.4)

SCOPE OF SERVICE OF MARITIME TRANSPORT OPERATORS

- | | |
|-------------------------------------|--|
| Port facility operator services. | 1. Port facility operator services shall include— <ol style="list-style-type: none">(a) vessel traffic service(b) provision of pilotage;(c) provision of navigational aids along the coast of the Republic and within ports;(d) provision of tug boat services;(e) provision of berthing facilities;(f) stevedoring;(g) cargo handling;(h) terminal operations;(i) storage of cargo within a port;(j) tug services;(k) floating crane services;(l) berthing services;(m) firefighting;(n) security;(o) radio and radar services;(p) waste disposal; and(q) vessel repairs. |
| Clearing and forwarding services. | 2. Clearing and forwarding agent services shall include— <ol style="list-style-type: none">(a) receiving advance notification of shipments or other documents from banks, shippers or consignees as required;(b) preparing and processing of import and export declarations;(c) clearance and handling of shipments in accordance with the applicable laws relating to import and export;(d) arranging for warehousing of the goods;(e) arranging for the dispatch of goods in accordance with the directions of the customer; and(f) handling freight and other monies advanced by customers for purposes of clearance of the shipments. |
| Container freight station services. | 3. Container freight station services shall include— <ol style="list-style-type: none">(a) the storage of containerized and non-containerized cargo, empty containers, imported motor vehicles;(b) the stuffing and stripping of containers; |

-
- (c) the loading and unloading of containers onto and off trailers;
- (d) the receiving and delivering of containers; and
- (e) any other operations relevant to the activities of a container freight station, as may be approved by the Authority.
- Empty container depot services.
4. Empty container depot services shall include—
- (a) receipt and temporary storage of empty containers;
- (b) issuance and delivery of empty containers;
- (c) inspection of returned containers' conditions;
- (d) estimation of container damage costs;
- (e) issuing of interchanges for containers received and issued; and
- (f) submission of daily reports of container movement to respective shipping lines through their agents.
- Shipping line services.
5. Shipping line services shall include—
- (a) provision of liner and tramp services for cargo carriage;
- (b) hiring out containers for export of cargo;
- (c) delivery of shipments to designated consignees, in good condition;
- (d) ensuring bills of lading have been issued in respect of all cargo shipped on board a vessel; and
- (e) offering a seaworthy and well manned vessel at any given time during a ship's voyage.
- Shipping agent services.
6. A shipping agent licensed under these Regulations shall provide the following services—
- (a) make arrangements for the performance of all procedures relating to the entry, departure, pilotage and berthing of vessels at the port;
- (b) make arrangements for the provision of port services through port operators, government related agencies, firms or private individuals;
- (c) make arrangements for procuring and processing of documents and performing activities required for dispatch of cargo;
- (d) make arrangements for the provision of services pertaining to crew matters;
- (e) make arrangements for the provision of ship stores, supplies, ship repairing and any other related services;
- (f) represent the principal in shipping business services;
- (g) market shipping services of the principal;

- (h) provide information on booked cargo, level of utilization of allotted space in the ship and statistics on cargo availability;
- (i) attend to claims on behalf of the principal;
- (j) provide regular reports to the principal on the position of ship while in port;
- (k) track and coordinate all activities concerning the movement of full and empty containers;
- (l) keep a proper record on any financial transactions and port disbursements;
- (m) collect ocean freight from shippers or consignees on behalf of the principal; and
- (n) handle and monitor cargo through bills of lading and bills of lading; and
- (o) any other services as the Authority may from time to time specify.

Cargo consolidator services.

7. A cargo consolidator licensed under these Regulations shall provide the following services—

- (a) purchase transportation services from a carrier and offering such services for resale to other persons;
- (b) pay port to port or multi-model transportation service;
- (c) enter into affreightment agreements with underlying shippers;
- (d) issue house bills of lading or equivalent documents;
- (e) lodge house manifest to the Kenya Revenue Authority;
- (f) make arrangements for inland transportation and paying of inland freight charges through transportation charges;
- (g) lease containers;
- (h) pay for lawful compensation to ocean freight forwarders;
- (i) enter into arrangements with origin or destination agents; and
- (j) any other services as the Authority may from time to time specify.

SECOND SCHEDULE

FORM 1

(r. 6(2), 6(3)(a), 7(1), 7(2)(a), 8(1), 8(2)(a), 9(1), 9(2)(a), 10(2), 10(3)(a))



KENYA MARITIME AUTHORITY

APPLICATION FOR REGISTRATION / RENEWAL OF A FOREIGN SHIPPING LINE

1. Name of Applicant:
Postal Address
Registered Place of Business.....
Tel No.....
Cellphone No.....
Email Address.....
Head Office
Nationality.....
Number of Certificate of Incorporation.....
Date of Establishment:
2. Name of Managing Agent/Operator (*Where Applicable*)
.....
Postal Address
Registered Place of Business.....
Tel No.....Cellphone No.....
Email Address.....
3. Name of Local Agent.....
Postal Address
Registered Place of Business.....
Tel No.....Cellphone No.....
Email Address.....
4. Route(s) Served.....
.....
5. Frequency of Sailings:

6. Type of Registration. New Renewal
7. Previous Registration Number: Year:
8. What Business other than that of shipping line is carried out by the applicant?

I/We hereby declare that the information given is correct to the best of my/our knowledge and I/We undertake to abide by the above stated Regulations.

Signed on this day.....of in the year.....

Name: Designation:

Signature:

(Stamp or Seal)

This application shall be accompanied by the following—

- (a) a duly filled, dated and stamped application form from the Kenya Maritime Authority Office or website at a non-refundable fee as prescribed in the Merchant Shipping (Fees) Regulations;
- (b) a copy of the official payment receipt for the application processing fee, issued by the licensing authority (Kenya Maritime Authority);
- (c) notarized certificate of incorporation or notarized registration certificate;
- (d) legible original copy of the bill of lading;
- (e) current and dated schedule of route tariffs on the principal's letter head (annual requirement);
- (f) notarized copy of particulars of registration of the company, the details of the directors and particulars on shareholding;
- (g) notarized copies of the company memorandum & articles of association/its equivalent; and
- (h) registration fee or renewal fee as prescribed in the Merchant Shipping (Fees) Regulations upon approval.

*Certification of the documents should be done by a Commissioner of Oaths/
Notary Public*

FORM 2

(r.6(3)(a))



KENYA MARITIME AUTHORITY

CERTIFICATE OF APPROVAL FOR FOREIGN SHIPPING LINE

Certificate No.

Registration No.

Foreign Shipping Line Certificate of Approval

(Merchant Shipping Act, 2009)

This is to certify that

of

Located at

Is authorised to carry business as a foreign shipping line for the Period ()

This certificate is valid up to 31st December 20.....

Issued on thisDay of20.....

.....
DIRECTOR GENERAL
Kenya Maritime Authority

(Note: This certificate of approval should be displayed conspicuously within the registered office)

FORM 3

(r.7(1))



KENYA MARITIME AUTHORITY

APPLICATION FOR LICENCE / RENEWAL OF A LOCAL SHIPPING LINE

1. Name of Applicant:
- Postal Address
- Registered Place of Business
- Tel No.....Cellphone
No.....
- Email Address.....
- Head Office
- Nationality
- Number of Certificate of Incorporation
- Date of Establishment:
2. Name of Managing Agent/Operator (*Where Applicable*)
-
- Postal Address
- Registered Place of Business
- Tel No.....Cellphone
No.....
- Email Address.....
3. Name of Local Agent.....
- Postal Address
- Registered Place of Business
- Tel No.....Cellphone
No.....
- Email Address.....
4. Route(s) Served.....
-
5. Frequency of Sailings:
6. Type of Registration. New Renewal

7. Previous Registration Number: Year:

8. Type of Service

Liner shipping Cruise ship Operation

Tramp shipping. Coaster

9. What business other than that of shipping line is carried out by the applicant?

.....

10. Particulars of shareholding:

Name	Nationality	Address	Percentage

11. Volume of cargo loaded and discharged in the last two years. (Please give break – down separately in respect of each year).

Year	Loaded			Discharged		
	Containerized (TEUs & Tons)	Conventional (Tons)	Liquid (Tons)	Containerized (TEUs & Tons)	Convectional (Tons)	Liquid (Tons)
1st						
2nd						

Number of passengers disembarked and embarked in the last two years. (Please give break –down separately in respect of each year).

Year	No. of Passengers Disembarked	No. of Passengers Embarked
	Liquid Cargo	Liquid Cargo
1st		
2nd		

I/We hereby declare that the information given is correct to the best of my/our knowledge and I/We undertake to abide by the above stated Regulations.

Signed on this day.....of in the year.....

Name: Designation:

Signature:

(Stamp or Seal)

This application shall be accompanied by the following—

- (a) a duly filled, dated and stamped Application Form from the Kenya Maritime Authority Office and website at a non-refundable fee as prescribed in the Merchant shipping (Fees) Regulations;
- (b) a copy of the official payment receipt for the application processing fee, issued by the licensing authority (Kenya Maritime Authority);
- (c) notarized certificate of incorporation or notarized registration certificate;
- (d) legible original copy of the bill of lading;
- (e) current and dated schedule of route tariffs on the principal's letter head (annual requirement);
- (f) certified copies of the certificate of approval;
- (g) registration fee or renewal fee as prescribed in the Third Schedule.

*Certification of the documents should be done by Commissioner of Oath/
Notary Public*

FORM 4

(r.7(2)(a))



KENYA MARITIME AUTHORITY
LICENCE FOR LOCAL SHIPPING LINE

Certificate No.

Registration No.

Local Shipping Line Annual License

(Merchant Shipping Act, 2009)

This is to certify that

Of

Located at

Is authorised to carry business as a local shipping line for the Period ()

This certificate is valid up to 31st December 20

Issued on thisDay of20.....

.....
DIRECTOR GENERAL
Kenya Maritime Authority

(Note: This licence should be displayed conspicuously within the registered office)

FORM 5

(r.8(1))



KENYA MARITIME AUTHORITY

APPLICATION FOR REGISTRATION / RENEWAL OF A SHIPPING AGENT

1. Name of Applicant:
2. Postal Address:
3. (a) Number of Certificate of Incorporation.....
(b) Date of Establishment:
4. Registered Place of Business.....
5. Tel No.....Cellphone No.....
6. Email Address.....

7. Type of License applied for (Please Check one): New Renewal
8. Previous Registration Number: Year:
9. Type of Service

Liner shipping Cruise ship Operation

Tramp shipping. Coaster

10. What business other than that of shipping line is carried out by the applicant?
.....
.....

11. Particulars of shareholding:

Name	Nationality	Address	Percentage

12. Volume of cargo loaded and discharged in the last two years. (Please give break – down separately in respect of each year).

Year	Loaded			Discharged		
	Containerized (TEUs & Tons)	Conventional (Tons)	Liquid (Tons)	Containerized (TEUs & Tons)	Convectional (Tons)	Liquid (Tons)
1st						
2nd						

Number of passengers disembarked and embarked in the last two years.

(Please give break –down separately in respect of each year).

Year	No. of Passengers Disembarked	No. of Passengers Embarked
	Liquid Cargo	Liquid Cargo
1st		
2nd		

I/We hereby declare that the information given is correct to the best of my/our knowledge and I/We undertake to abide by the above stated Regulations.

Signed on this day.....of in the year.....

Name: Designation:

Signature:

(Stamp or Seal)

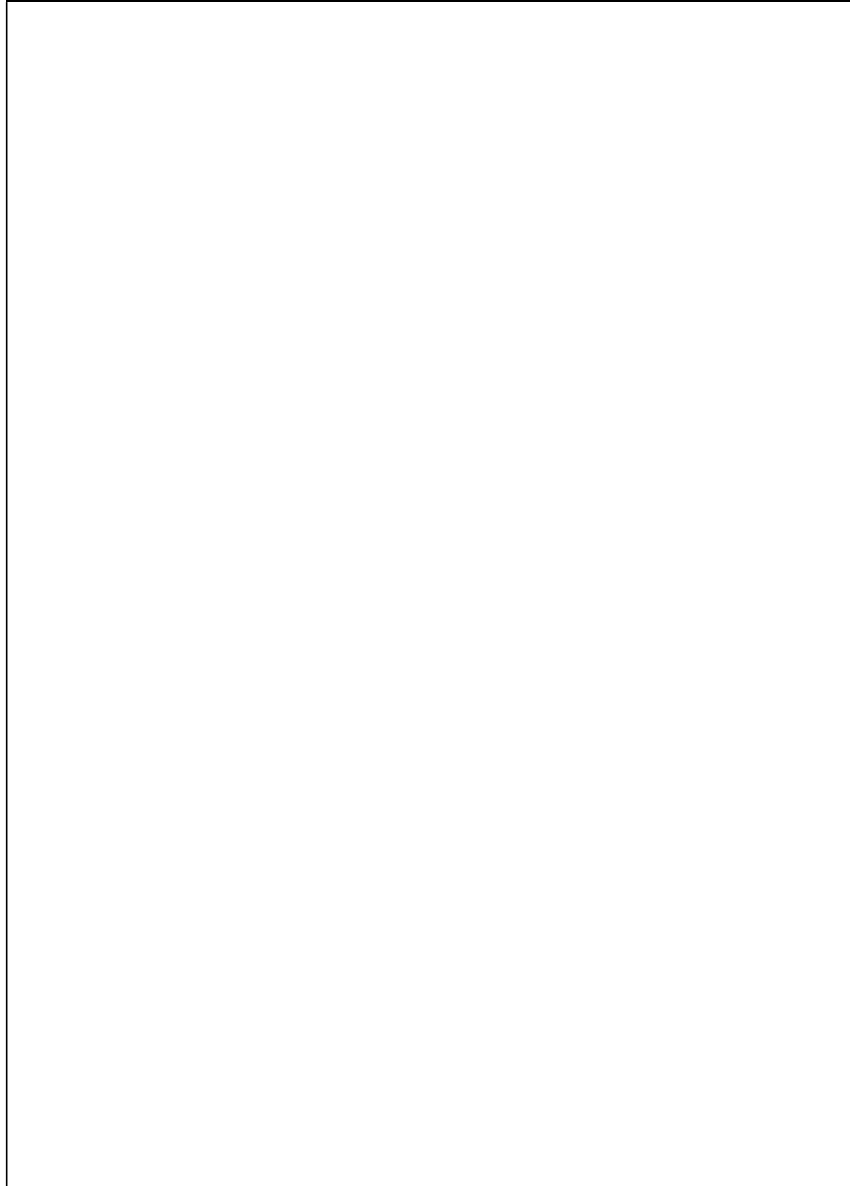
This application shall be accompanied by the following—

- (a) a duly filled, dated and stamped application form obtainable from Kenya Maritime Authority Office or website at a non-refundable fee as prescribed in the Merchant Shipping (Fees) Regulations;
- (b) a copy of the registration certificate; and
- (c) a copy of the official payment receipt for the application processing fee, issued by the licensing authority (Kenya Maritime Authority).
- (d) certified copies of the—
 - (i) applicant’s KRA Tax Compliance (for existing companies);
 - (ii) applicant’s KRA PIN Certificate (for new companies);

- (iii) applicant's (Company) Certificate of Incorporation; and
- (iv) applicant's (Company) Memorandum & Articles of Association.
- (e) certified copy of current company annual returns from the register of companies or company search (CR12) showing current Directors (annual requirement);
- (f) certified copy of duly executed tenancy agreement or lease/sub-lease agreement or copy of Title Deed for the occupied office premises or certified copy of offer letter attached with current rent fee remittance;
- (g) tariff structure on the company letter head, dated and in the prescribed template (annual requirement);
- (h) professional profile of the entire staff on the company letter head, dated and in the prescribed template (annual requirement).
- (i) certified copies of—
 - (i) local directors' identity cards/passports;
 - (ii) local directors' KRA PIN certificates; and
 - (iii) foreign directors' passport copies.
- (j) certified copies of Certificate of Good Conduct for the local directors.
- (k) annual license fee as prescribed in the Third Schedule.

*Certification of the documents should be done by Commissioner of Oath/
Notary Public*

LICENCE FOR SHIPPING AGENTS



FORM 7

(r.9(1))



KENYA MARITIME AUTHORITY

APPLICATION FOR REGISTRATION / RENEWAL OF A CARGO
CONSOLIDATOR

1. Name of Applicant:.....
2. Postal Address:.....
3. (a) Number of Certificate of Incorporation.....
(b) Date of Establishment:
4. Registered Place of Business.....
5. Tel No.....Cellphone No.....
6. Email Address.....
7. Type of License applied for (Please Check one): New Renewal
8. Previous Registration Number: Year:
9. Type of Service

<input type="checkbox"/>	Liner shipping	<input type="checkbox"/>	Cruise ship Operation
<input type="checkbox"/>	Tramp shipping.	<input type="checkbox"/>	Coaster
10. What business other than that of shipping line is carried out by the applicant?
.....
.....
11. Particulars of shareholding:

Name	Nationality	Address	Percentage

12. Volume of cargo loaded and discharged in the last two years. (Please give break – down separately in respect of each year).

Year	Loaded			Discharged		
	Containerized (TEUs & Tons)	Conventional (Tons)	Liquid (Tons)	Containerized (TEUs & Tons)	Convectional (Tons)	Liquid (Tons)
1st						
2nd						

Number of passengers disembarked and embarked in the last two years. (Please give break –down separately in respect of each year).

Year	No. of Passengers Disembarked	No. of Passengers Embarked
	Liquid Cargo	Liquid Cargo
1st		
2nd		

I/We hereby declare that the information given is correct to the best of my/our knowledge and I/We undertake to abide by the above stated Regulations.

Signed on this day.....of in the year.....

Name:Designation:

Signature:

(Stamp or Seal)

This application shall be accompanied by the following—

- (a) a duly filled, dated and stamped Application Form from the Kenya Maritime Authority Office or website at a non-refundable fee as prescribed in the Merchant Shipping (Fees) Regulations;
- (b) a copy of the registration certificate;
- (c) a copy of the official payment receipt for the application processing fee issued by the licensing authority (Kenya Maritime Authority);

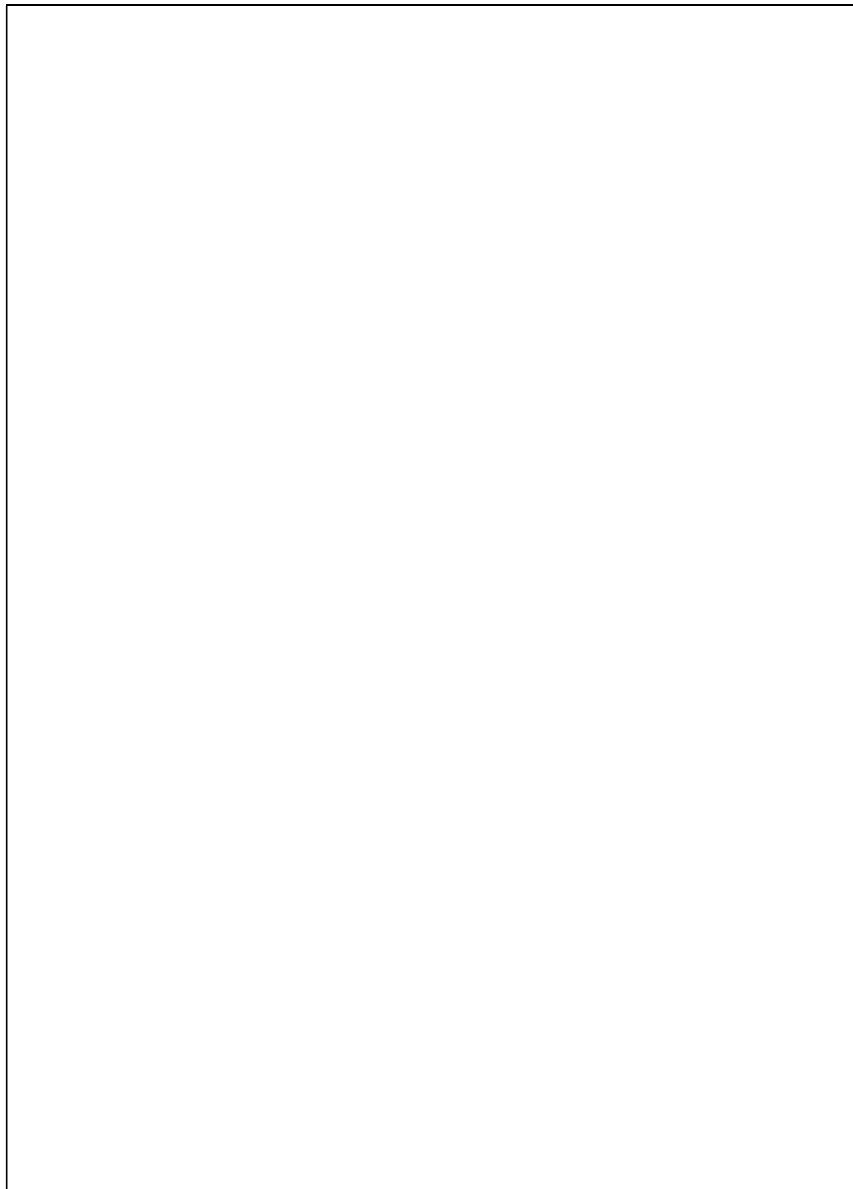
- (d) certified copies of the—
 - (i) applicant's Kenya Revenue Authority tax compliance (for existing companies),
 - (ii) applicant's Kenya Revenue Authority PIN Certificate (for new companies)
 - (iii) applicant's (Company) Certificate of Incorporation, and
 - (iv) applicant's (Company) Memorandum & Articles of Association;
- (e) certified copy of current company annual returns from the register of companies or company search (CR12) showing current directors (annual requirement);
- (f) certified copy of duly executed tenancy agreement or lease/sub-lease agreement or copy of title deed for the occupied office premises or certified copy of offer letter attached with current rent fee remittance;
- (h) tariff structure on the company letter head, dated and in the prescribed template (annual requirement);
- (i) professional profile of the entire staff on the company letter head, dated and in the prescribed template (annual requirement);
- (j) certified copies of —
 - (a) local directors' identity cards/passports
 - (b) local directors' Kenya Revenue Authority PIN certificates
 - (c) foreign directors' passport copies;
- (k) certified copies of certificate of good conduct for the local directors; and
- (l) annual license fee as prescribed in the Third Schedule.

*Certification of the documents should be done by Commissioner of Oath/
Notary Public*

FORM 8

(r.9(2)(a))

LICENCE FOR CARGO CONSOLIDATOR

A large, empty rectangular box with a thin black border, occupying the central portion of the page. It is positioned below the title 'LICENCE FOR CARGO CONSOLIDATOR' and above the bottom margin. This box is typically used for a signature, stamp, or official seal.

FORM 9

(r.10(2))



KENYA MARITIME AUTHORITY

APPLICATION FOR REGISTRATION AS A MARITIME TRANSPORT OPERATOR

TYPE OF MARITIME TRANSPORT OPERATOR: ECD CFS PFO
CA

1. Registration Name:.....
2. Postal Address:.....
- Telephone:
- Email address:
3. Physical Address of place of Business:.....
4. Certificate of incorporation number.....Date of issue
7. Type of Registration New Renewal
8. Previous Registration number.....Date of Issue.....
9. Volume of cargo loaded and discharged in the last two years. (Please give break – down separately in respect of each year)

Year	Loaded			Discharged		
	Containerized (TEUs & Tons)	Conventional (Tons)	Liquid (Tons)	Containerized (TEUs & Tons)	Convectional (Tons)	Liquid (Tons)
1st						
2nd						

10. Particulars of current shareholders

Full Name	Nationality	Address	Percentage of shareholding

--	--	--	--

11. Particulars of current Management staff

No.	Full Name	Designation	Qualification	Experience

12. Any other business carried on by the company.....

.....

REMARKS.....

.....

I/We hereby declare that information given herein is correct to the best of my/our knowledge. I/We therefore apply to be registered in accordance with the Maritime Transport Regulations, 2021

.....

Name of Agent/Manager

Signature/Date

FOR OFFICIAL USE ONLY

Registration No	Receipt No
Valid till	Approved by
	Date

This application shall be accompanied by the following—

- (a) a duly completed application form dated and stamped and a non-refundable fee as set out in the Third Schedule;

- (b) certified or notarized copy of certificate of incorporation or business registration;
- (c) certified valid trading licence;
- (d) proof of place of business;
- (e) up-to-date schedule of tariffs;
- (f) customer care handling procedures and processes including complaint system;
- (g) certified copy of CR 12; and
- (h) evidence of compliance with performance standards.

FORM 10

(r.10(3)(a))

KENYA MARITIME AUTHORITY

Certificate No.

Registration No.

CERTIFICATE OF REGISTRATION *(Fill as appropriate)*

{Port Facility Operator/ Clearing and Forwarding Agent/ Container Freight Station Agent/Empty Container Depot}

(Merchant Shipping Act, 2009)

This is to certify that

of

Located at

Is hereby registered to carry of business as an empty container depot for the Period ()

This certificate is valid up to 31st December 20.....

Issued on thisDay of20.....

.....

DIRECTOR GENERAL
Kenya Maritime Authority

(Note: This certificate of registration should be displayed conspicuously within the registered office)

THIRD SCHEDULE

(r.6(3)(a), 7(2)(a),8(2)(a),9(2)(a), 10(3)(a), 13(2)(a), 13(3))

FEES FOR MARITIME TRANSPORT OPERATORS

SCHEDULE OF FEES FOR MARITIME TRANSPORT OPERATORS

NO	CATEGORY	DESCRIPTION	AMOUNT
1.	Local Shipping Line	(a) Licence Application Processing Fee	\$ 15
		(b) Initial licence fee	\$ 2,500
		(c) Renewal fee	\$ 500
		(d) Late renewal fee	\$ 250
2.	Foreign Shipping Line	(a) Certificate of Approval Application Processing Fee	\$ 15
		(b) Initial registration fee	\$ 3,000
		(c) Renewal fee	\$ 1,000
		(d) Late renewal fee	\$ 500
3.	Shipping Agent	(a) Licence Application Processing Fee	\$ 5
		(b) Initial licence fee	\$ 500
		(c) Renewal fee	\$ 250
		(d) Late renewal fee	\$ 125
4.	Cargo consolidators	(a) Licence Application Processing Fee	\$ 5
		(b) Initial licence fee	\$ 500
		(c) Renewal fee	\$ 250
		(d) Late renewal fee	\$ 125
SCHEDULE OF FEES FOR MARITIME TRANSPORT OPERATORS LICENSED BY A RELATED GOVERNMENT AGENCY			
5.	Clearing Agent	(a) Application Processing Fee	\$ 5
		(b) Initial Registration Fee	\$ 50
		(c) Renewal Fee	\$ 30
6.	Empty Container Depot	(a) Application Processing Fee	\$ 15
		(b) Initial Registration Fee	\$ 500
		(c) Renewal Fee	\$ 250
7.	Container Freight Stations	(a) Application Processing Fee	\$ 15
		(b) Initial Registration Fee	\$ 1000
		(c) Renewal Fee	\$ 500
8.	Port Facility Operator	(a) Application Processing Fee	\$ 15
		(b) Initial Registration Fee	\$ 1500
		(c) Renewal Fee	\$ 750

FOURTH SCHEDULE

CONDITIONS FOR MARITIME TRANSPORT OPERATORS. (r.11)

FOREIGN SHIPPING LINES

CONDITIONS UNDER A CERTIFICATE OF APPROVAL

Foreign shipping lines shall comply with the following conditions—

- (a) apply the tariff filed with the Authority and notify the Authority of any changes in accordance with the Authority's tariff framework;
- (b) not transfer or assign the certificate of approval;
- (c) establish a system of dealing with customer enquiries and complaints;
- (d) inform the Authority of any change in the particulars declared by the applicant within seven days of the change;
- (e) maintain a system of cargo tracking;
- (f) maintain compatible electronic records systems which will facilitate the exchange of electronic documents under the FAL convention;
- (g) comply with the East Africa Community Customs Management Act, 2004 requirements in relation to importation and exportation of goods and any other relevant laws;
- (h) comply with the directives issued by the Director General;
- (i) ensure employees on the same category enjoy equal conditions of employment irrespective of their nationality; and
- (j) adhere to the established performance standards.

LOCAL SHIPPING LINES

CONDITIONS UNDER A LICENCE

Local shipping lines shall comply with the following conditions—

- (a) apply the tariff filed with the Authority and notify the Authority of any changes in accordance with the Authority's tariff framework;
- (b) not transfer or assign the licence;
- (c) ensure employees have the necessary professional qualifications and comply with the code of professional conduct;
- (d) ensure 60 % staff are trained on maritime related professional courses offered by recognised national or international maritime training institutions;
- (e) maintain record of cargo handled;
- (f) maintain adequate third party liability insurance from an insurance company recognized by the Insurance Regulatory Authority to cover all professional liabilities;
- (g) furnish the Authority with the documents and periodical performance reports, details or contents of which shall be specified by the Authority;

- (h) establish a system of dealing with customers' enquiries and complaints;
- (i) abide by the principles of fair competition;
- (j) maintain books of accounts;
- (k) display the licence and applicable tariff at a conspicuous place in the registered business place;
- (l) maintain a system of cargo tracking;
- (m) maintain a register of damaged and lost cargo;
- (n) maintain compatible electronic records system which will facilitate the exchange of electronic documents under the FAL Convention;
- (o) comply with the East Africa Community Customs Management Act, 2004 and any other relevant laws;
- (p) adhere to the established performance standards;
- (q) foreign workforce not to exceed 10% of entire workforce;
- (r) foreigners holding management and technical roles should not exceed 10%;
- (s) submit a report on conditions of service and staff demography of all persons employed;
- (t) not engage in discriminatory practices on grounds of race, nationality or gender in conditions service provided to the personnel;
- (u) joint venture requirements with nationals is maintained, with foreigners as minority shareholders and notify the Authority in the event of transfers' of shares, change of directorship any other licensing requirements.
- (v) comply with the directives issued by the Director General
- (w) ensure all employees on the same category enjoy equal conditions of employment irrespective of their nationality; and
- (x) carry out operations as guided by existing government policies and directives.

SHIP AGENT

CONDITIONS UNDER A LICENCE

A ship agent shall comply with the following conditions—

- (a) apply the tariff filed with the Authority and notify the Authority of any changes in accordance with the Authority's tariff framework;
- (b) not transfer or assign the licence;
- (c) ensure employees have the necessary professional qualifications and comply with the code of professional conduct;
- (d) ensure 60 % staff are trained on maritime related professional courses offered by recognized national or international maritime training institutions;
- (e) maintain record of cargo handled;
- (f) furnish the Authority with the documents and periodical performance reports, details or contents of which shall be specified by the Authority;

- (g) establish a system of dealing with customers' enquiries and complaints;
- (h) uphold the principles of fair competition;
- (i) maintain adequate third party liability insurance from insurance company recognized by Insurance Regulatory Authority to cover all professional liabilities;
- (j) display the licence and applicable tariff at a conspicuous place in the registered business place;
- (k) maintain a system of cargo tracking;
- (l) maintain a register of damaged and lost cargo;
- (m) maintain compatible electronic records system which will facilitate the exchange of electronic documents under the FAL Convention;
- (n) comply with the East Africa Community Customs Management Act, 2004 and any other relevant laws;
- (o) adhere to the established performance standards;
- (p) submit cargo and freighted manifests electronically on behalf of their principals forty-eight hours prior to the vessel's arrival at port for imports and ninety-six hours after the vessel's departure from port of departure for export cargo;
- (q) ensure foreign workforce do not exceed 10% of entire workforce;
- (r) ensure foreigners holding management and technical roles should not exceed 10%;
- (s) submit a report on conditions of service and staff demography of all persons employed;
- (t) not engage in discriminatory practices on grounds of race, nationality or gender in conditions service provided to the personnel;
- (u) ensure all employees of the same category enjoy equal conditions of employment irrespective of their nationality;
- (v) maintain adequate third party liability insurance from insurance company recognized by the Insurance Regulatory Authority to cover all professional liabilities;
- (w) joint ventures requirement with nationals, with foreigner as minority shareholders;
- (x) notify the Authority in the event of transfers of shares, change of directorship and any other licensing requirements;
- (y) comply with the directives issued by the Director General; and
- (z) carry out operations as guided by existing government policies and directives.

CARGO CONSOLIDATOR

CONDITIONS UNDER A LICENCE

A cargo consolidator shall comply with the following conditions —

- (a) apply the tariff filed with the Authority and notify the Authority of any changes in accordance with the Authority's tariff framework;
- (b) not transfer or assign the licence;
- (c) ensure employees have the necessary professional qualifications and comply with the code of professional conduct;
- (d) ensure 60 % of staff are trained on maritime related professional courses offered by recognized national or international maritime training institutions
- (e) maintain record of cargo handled;
- (f) furnish the Authority with the documents and periodical performance reports, details or contents of which shall be specified by the Authority;
- (g) establish a system of dealing with customer's enquiries and complaints;
- (h) uphold the principles of fair competition;
- (i) maintain adequate third party liability insurance from an insurance company recognized by Insurance Regulatory Authority to cover all professional liabilities;
- (j) display the licence and applicable tariff at a conspicuous place in the registered business place;
- (k) maintain a system of cargo tracking;
- (l) maintain a register of damaged and lost cargo;
- (m) maintain compatible electronic records system which will facilitate the exchange of electronic documents under the FAL Convention;
- (n) comply with the East Africa Community Customs Management Act, 2004 and any other relevant laws;
- (o) adhere to the established performance standards;
- (p) submit cargo and freighted manifests electronically on behalf of their principals forty-eight hours prior to the vessel's arrival at port for imports and ninety-six hours after the vessel's departure from port of departure for export cargo;
- (q) ensure foreign workforce do not exceed 10% of entire workforce;
- (r) ensure foreigners holding management and technical roles do not exceed 10%
- (s) submit a report on conditions of service and staff demography of all persons employed;
- (t) not engage in discriminatory practices on grounds of race, nationality or gender in conditions service provided to the personnel;
- (u) maintain adequate third party liability insurance from an insurance company recognized by the Insurance Regulatory Authority to cover all professional liabilities;
- (v) joint ventures requirement with nationals, with Foreigner as minority shareholders;
- (w) notify the Authority in the event of transfers' of shares, change of directorship and any other licensing requirements;

- (x) comply with the directives issued by the Director General;
- (y) ensure all employees on the same category enjoy equal conditions of employment irrespective of their nationality; and
- (z) carry out operations as guided by existing government policies and directives.

MARITIME TRANSPORT OPERATOR LICENSED BY A RELATED
GOVERNMENT AGENCY

CONDITIONS UNDER A CERTIFICATE OF REGISTRATION

A maritime transport operator licensed by a related government agency shall comply with the following conditions —

- (a) apply the tariff filed with the Authority and notify the Authority of any changes in accordance with the Authority's tariff framework;
- (b) comply with the Director General's directives in respect of oversight functions;
- (c) not transfer or assign the certificate of Registration;
- (d) ensure employees have the necessary professional qualifications and comply with the code of professional conduct;
- (e) maintain adequate third party liability insurance from insurance company recognized by Insurance Regulatory Authority to cover all professional liabilities;
- (f) establish a system of dealing with customers' enquiries and complaints;
- (g) display the certificate and applicable tariff at a conspicuous place in the registered business place;
- (h) adhere to the established performance standards;
- (i) not engage in discriminatory practices on grounds of race, nationality or gender in conditions service provided to the personnel;
- (j) ensure 60% staff are trained on maritime related professional courses offered by recognized national/international maritime training institutions;
- (k) ensure foreign workforce do not exceed 10% of the entire workforce;
- (l) ensure foreigners holding management and technical roles do not exceed 10% of the workforce;
- (m) comply with EACCMA 2004 and any other relevant laws;
- (n) ensure all employees on the same category enjoy equal conditions of employment irrespective of their nationality;
- (o) abstain from fraudulent activity; and
- (p) notify the Authority in the event of any changes in the certification requirements.

Made on the 8th May, 2024.

SALIM MVURYA,
*Cabinet Secretary,
Ministry of Mining, Blue Economy and Maritime Affairs.*