



LEGAL NOTICE NO.....

MERCHANT SHIPPING ACT

(Cap 389)

**THE MERCHANT SHIPPING (VERIFIED GROSS MASS OF A PACKED
CONTAINER) REGULATIONS, 2025**

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**THE MERCHANT SHIPPING ACT,
(Cap 389)**

IN EXERCISE of the powers conferred by section 232 of the Merchant Shipping Act, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations—

**THE MERCHANT SHIPPING (VERIFIED GROSS MASS OF A PACKED
CONTAINER) REGULATIONS, 2025**

PART I—PRELIMINARY	
Citation.	1. These Regulations may be cited as the Merchant Shipping (Verified Gross Mass of a Packed Container) Regulations, 2025.
Interpretation.	2. In these Regulations unless the context otherwise requires—
Cap 389.	“Act” means the Merchant Shipping Act;
Cap 370.	“Authority” means the Kenya Maritime Authority established under the Kenya Maritime Authority Act;
	“cargo items” means goods, wares, merchandise, liquids, gases, solids and articles of every kind whatsoever carried in containers pursuant to a contract of carriage, and does not include ship's equipment, ship's supplies, ship spare parts and stores carried in containers;
	“container” means an article of transport equipment—
	(a) of a permanent character and strong enough to be suitable for repeated use;
	(b) designed to facilitate the transport of goods, by one or more modes of transport, without intermediate reloading;
	(c) designed to be secured and/or readily handled, having corner fittings for these purposes;
	(d) of a size such that the area enclosed by the four outer bottom corners is either:
	i) at least 14 m ² (150 sq. ft.); or
	ii) at least 7 m ² (75 sq. ft.) if it is fitted with top corner fittings, and
	(e) tank-containers, flat-racks and bulk containers;
	“contract of carriage” means a contract in which a shipping company, against the payment of freight, undertakes to carry goods from one place to

	another and taking the form of, or being evidenced by a document such as sea waybill, a bill of lading, or multimodal transport document;
<i>Cap 370.</i>	“Director-General” means the Director-General of the Kenya Maritime Authority appointed under the Kenya Maritime Authority Act;
	“gross mass” means the combined mass of a container's tare mass and the masses of all packages and cargo items, including pallets, dunnage and other packing material and securing materials packed into the container;
	“gross mass verifier” means a person approved under these Regulations to obtain verified gross mass of a packed container;
	“owner” or “ship owner” has the meaning assigned to it under the Act;
	“package” means one or more cargo items that are tied together, packed, wrapped, boxed or parcelled for transportation including parcels, boxes, packets and cartons;
	“packed container” means a container, loaded, stuffed or filled with liquids, gases, solids, packages and cargo items, including pallets, dunnage, and other packing material and securing materials;
	“packing material” means any material used or for use with packages and cargo items to prevent damage, including crates, packing blocks, drums, cases, boxes, barrels, and skids excluding any material within individual sealed packages to protect the cargo items inside the package;
<i>LN No. 92 of 2024.</i>	“port facility operator” means a provider of any of the services described in paragraph 1 of the First Schedule to the Merchant Shipping (Maritime Transport Operations) Regulations, 2024;
	“securing material” means all dunnage, lashing and other equipment used to block, brace, and secure packed cargo items in a container;
<i>LN No. 92 of 2024.</i>	“ship agent” means a provider of any of the services described in paragraph 6 of the First Schedule to the Merchant Shipping (Maritime Transport Operations) Regulations, 2024;
	“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; or

	(d) a non-vessel-operating shipping line that accepts responsibility for payment of all charges applicable under the tariff or service contract;
	“shipping document” means a document used by the shipper to communicate the verified gross mass of the packed container;
	“tare mass” means the mass of an empty container that does not contain any packages, cargo items, pallets, dunnage, or any other packing material or securing material;
	“verified gross mass” means the total gross mass of a packed container as obtained by one of the methods under these Regulations; and
	“short international voyages” means an international voyage in the course of which a ship is not more than 200 miles from a port or place in which the passengers and crew could be placed in safety, and which does not exceed 600 miles in length between the last port of call in the country in which the voyage begins and the final port of destination.
Object of the Regulations.	3. The object of these Regulations is to—
	(a) promote safety and efficiency in cargo transportation;
	(b) provide a framework for obtaining the verified gross mass of packed containers;
	(c) provide a framework for the assignment of roles between actors in the implementation of verified gross mass of a packed container; and
	(d) establish a mechanism for oversight and monitoring of verified gross mass verifiers.
Application of the Regulations.	4. (1) These Regulations shall apply to—
	(a) Containers to which the International Convention for Safe Containers, 1972 applies and which are to be stowed onto any ship;
	(b) all inbound containers whose gross mass will have been verified in the country of loading; and
	(c) all inbound containers whose gross mass will have been verified through prior agreement between shipper and carrier.
	(2) Despite sub-regulation (1), these Regulations shall not apply to—

	(a) a packed container carried on a chassis or trailer which is to be loaded or unloaded by being driven on or off a roll-on/roll-off ship which is engaged on short international voyages;
	(b) cargo items tendered by a shipper to the master for packing into a container already on board the ship; and
	(c) offshore containers.
PART II — OBLIGATION OF PARTIES IN OBTAINING VERIFIED GROSS MASS OF A PACKED CONTAINER	
Obligation of a shipper.	5. (1) It is the duty of the shipper to—
	(a) verify and obtain a signed Gross Mass Certificate for a packed container from a gross mass verifier using Method 1 or Method 2 described in Part III of these Regulations; and
	(b) submit the verified gross mass certificate to a port facility operator, ship agent or ship master prior to the packed container being loaded on-board a ship in accordance with these regulations.
	(2) The verified gross mass certificate issued by a verifier shall be in Form 1 as set out in the First Schedule.
	(3) Where the shipper delivers a container into a port terminal without fulfilling the obligations in sub-regulation (1)—
	(a) the port facility operator may, reject the container or upon request, obtain the verified gross mass of the container; and
	(b) the shipper shall be liable to pay—
	(i) costs associated with the obtaining verified gross mass for the packed container; and
	(ii) penalties associated with delivering a container to the port facility with verified gross mass.
Empty containers.	6. (1) A shipper of an empty container shall ensure that—
	(a) no item is placed into a container that has been declared empty; and
ISO 6346.	(b) the standard tare weight on the empty container is marked in accordance with International Organisation for Standardization (hereinafter the “ISO”) standards.

	(2) Notwithstanding sub-regulation (1), where an empty container is not marked in accordance with the ISO standard, the shipper shall obtain verified gross mass of the container in accordance with these Regulations.
Port facility operator as gross mass verifier.	7. (1) Where the port facility operator obtains verified gross mass of a container on behalf of a shipper in accordance with regulation 5 (3), the port facility operator shall decide a suitable method to use under these Regulations.
<i>Cap. 513.</i>	(2) In obtaining verified gross mass of a packed container under sub-regulation (1), the port facility operator shall ensure the equipment used to verify or re-verify the container meets the requirements set out under the Weight and Measures Act.
Obligation of a port facility operator and ship agent or ship master.	8. (1) A port facility operator, ship agent or ship master shall ensure an export container packed with cargo is not loaded on-board a ship unless they have obtained a valid gross mass certificate from the shipper in advance of vessel loading.
	(2) Where there is reasonable ground to suspect accuracy of verified gross mass information as contained in the verified gross mass certificate as submitted by a shipper, a port facility operator, ship agent or master as the case may be, may order that the gross mass of the container be re-verified.
	(3) Where a variation in gross mass is established by a port facility operator, ship agent or master under sub-regulation (2), loading of the container may be allowed at the discretion of a master provided that the total gross mass is within the tolerance of +/-2% of the verified gross mass.
	(4) A port facility operator, ship agent or master shall not load a packed container on board a ship which exceeds maximum gross mass indicated on the valid Safety Approval Plate under the International Convention for Safe Containers, 1972.
	(5) Where a port facility operator, ship agent or master is aware of non-compliance with gross mass verification of a container the non-compliance shall be communicated to the Authority.
Submission of verified gross mass information by ship agent.	9. (1) Where a ship agent receives verified gross mass information from the shipper, the ship agent shall submit such information to the port facility operator.

	(2) When the verified gross mass of a packed container is submitted by an agent of the shipper, then this will be deemed that the agent has full authority.
Transmission of information to parties.	10. (1) A ship agent shall provide in the shipping document verified gross mass of a packed container accepted on board ship and transmit such information to all parties involved in the shipment of the container including transshipment.
	(2) The ship agent of a discharging ship shall provide to the port facility operator evidence of verified gross mass of a container.
Request for information.	11. In exercise of the Authority's powers and functions, the Director General may by notice in writing require a person to—
	(a) furnish the Authority within such time as may be specified in the notice, any document specified or described 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.
Application for approval to operate as a gross mass verifier.	12. (1) A person who intends to operate as a gross mass verifier shall apply to the Authority in Form 2 as set out in the First Schedule.
	(2) The application in regulation (1) shall be accompanied by—
Cap. 513.	(a) a valid certificate of verification for the equipment to be used issued under the Weights and Measures Act; and
	(b) proof of payment of the prescribed fees as set out in the Second Schedule.
	(3) The Director-General may request an applicant under this regulation to submit such further information as the Director-General may consider necessary.
	(4) Upon considering an application under this regulation, the Director-General may—
	(a) approve the application and issue an approval certificate in Form 3 as set out in the First Schedule; 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.
Duration of the approval certificate.	13. An approval certificate issued under these Regulations shall expire on the thirty- first day of December of the year of issue.
Renewal of approval certificate.	14. (1) A gross mass verifier may apply for renewal of the approval certificate at least two months before the expiry.
	(2) An application for renewal of an approval certificate shall be in accordance with regulation 12.
Suspension or cancellation of approval certificate.	15. (1) The Director-General may, by notice set out in Form 4 of the Schedule, suspend or cancel an approval certificate where—
	(a) the gross mass verifier is convicted of an offence under the Act or any other written law;
	(b) there has been failure to comply with any term or condition to which the approval certificate is subject to;
	(c) the gross mass verifier is under liquidation or insolvency proceedings; or
Cap. 513.	(d) the certificate of verification issued under the Weights and Measures Act has expired.
	(2) Where the Authority suspends or revokes an approval certificate, the Director-General shall, within thirty days of making the decision, notify the gross mass verifier of such decision.
Review.	16. (1) A person aggrieved by the decision of the Director-General under regulation 12 or 15 may apply in writing to the Director-General for a review of that decision within thirty days of receipt of that decision.
	(2) The application under sub-regulation (1) shall be in writing and shall state the grounds upon which it is lodged.
	(3) The Director General shall within thirty days of receipt of the application, communicate his or her decision in writing to the person lodging the application stating reasons for the decision.
	(4) Where the Director General has not communicated his or her decision to the person lodging the application for review within the time specified in sub-regulation (3) the Director General shall be deemed to have made a decision to allow the application.

	(5) A person aggrieved by a decision made upon review under this regulation may appeal in accordance with the provisions of the Act.
Obligations of a gross mass verifier.	17. (1) A gross mass verifier shall—
Cap. 513.	(a) ensure that the equipment used in obtaining verified gross mass is certified and verified by persons licensed under the Weights and Measures Act.
	(b) produce, upon request, a valid certificate of verification for each equipment used in obtaining verified gross mass;
	(c) maintain records of their operations.
	(2) Where a port facility operator verifies the gross mass of the packed container under regulation 5, the port facility operator shall be required to—
	(a) maintain records of compliance with gross mass verification of all packed containers loaded and discharged; and
	(b) avail to the Director-General reports on gross mass verification of packed containers that the Director-General may deem necessary; and
	(c) comply with the provisions of this regulation.
Intercepted containers.	18. Where a packed container for export having a gross mass certificate is intercepted for any reason causing unpacking of the container, the shipper shall re-verify the gross mass and obtain a new gross mass certificate.
Inspection and audit.	19. In ensuring compliance with the requirements of these Regulations, the Authority shall—
	(a) conduct inspections and audits of the facilities of port facility operators and gross mass verifiers during working hours;
	(b) conduct annual audits on the level of compliance with the verified gross mass requirements;
	(c) maintain a database of approved gross mass verifiers.
PART III – METHODS OF OBTAINING VERIFIED GROSS MASS OF A PACKED CONTAINER	
Choice of method of obtaining verified gross mass.	20. When obtaining verified gross mass of a container, a shipper shall use Method 1 or Method 2, subject to other provisions under these Regulations.

Method 1 of obtaining verified gross mass.	21. (1) Method 1 involves weighing and determining the gross mass of the whole packed container after packing and sealing the container.
	(2) If the verified gross mass of a packed container is obtained by weighing the container while it is on a road vehicle, the tare mass of the road vehicle shall be subtracted to obtain the verified gross mass of the packed container.
	(3) The tare mass of the road vehicle shall be obtained by weighing the road vehicle before loading the packed container or after offloading the packed container.
	(4) If two packed containers on a road vehicle are to be weighed, their gross mass should be determined by weighing each container separately.
Method 2 of obtaining verified gross mass.	22. (1) Method 2 involves determining gross mass of a packed container by weighing all individual packages and cargo items, including the mass of pallets, dunnage and other packing and securing material to be packed in the container, and adding the tare mass of the container to the sum of the single masses.
	(2) Individual, original sealed packages that have the accurate mass of the packages and cargo items including any other material such as packing material and refrigerants inside the packages clearly and permanently marked on their surfaces, do not need to be re-weighed when they are packed into the container.
	(3) Any third party that has performed some or all of the packing of the container should inform the shipper of the mass of the cargo items and packing and securing material that the party has packed into the container in order to obtain the verified gross mass of the container.
Cap. 513.	(4) The weighing equipment used to verify the weights of individual packages, dunnage, lashing materials and pallets by the shipper or the third party must have a valid certificate of verification issued under the Weights and Measures Act.
	(5) Method 2 shall not be used to verify gross mass of a packed container for cargo items of scrap metal, rough stones, unbagged grain and other cargo in bulk.
PART IV – MISCELLANEOUS PROVISIONS	
Offence and penalty.	23. (1) A port facility operator, ship agent, master or shipper who loads a packed container on board a ship which exceeds maximum gross mass

	indicated on the Safety Approval Plate commits an offence and shall be liable upon conviction to a fine not two hundred and fifty thousand shillings or to imprisonment for a term not exceeding fifteen months or to both.
	(2) A port facility operator, a ship agent or a ship master who allows an export container packed with cargo to be loaded onboard a ship without a valid gross mass certificate commits an offence and shall be liable to a fine not exceeding two hundred and fifty thousand shillings, or to imprisonment for a term not exceeding fifteen months, or to both.
	(3) A person who misdeclares verified gross mass of a packed container commits an offence and shall be liable to a fine not exceeding two hundred and fifty thousand shillings, or to imprisonment for a term not exceeding fifteen months, or to both.
Savings.	24. Any certificate of approval issued before the date of entry into force of these Regulations shall remain valid unless revoked or suspended by legislation, licenses, certificates or any other administrative orders, directions or instructions made or issued under the Act or subsidiary legislation.

FIRST SCHEDULE

FORM 1

Reg. 5 (2)



REPUBLIC OF KENYA

VERIFIED GROSS MASS CERTIFICATE			
Certificate Serial No		Shipper	
Container No		Carrier/Shipping Agent	
Container size.		Maximum gross mass of the container as specified in the safety approval plate	
Verified gross mass (Kg/Tonnes)		Name of the Shipper or Third party who obtained the verified gross mass	
Approval No of the shipper or third party who obtained verified gross mass.		Date gross mass was obtained.	
Method used to obtain verified gross mass i.e., Method 1 or Method 2		Relevant special properties of the cargo (e.g., whether the verified gross mass of the cargo is	

		affected by a change in the moisture content).	
I hereby declare that the consignment is fully and accurately described and that the verified gross mass is correct to the best of my knowledge		Signature of authorized persons.	
Official stamp			

FORM 2



Reg. 12 (1)

REPUBLIC OF KENYA

APPROVAL OF SHIPPERS TO OBTAIN VERIFIED GROSS MASS OF A PACKED CONTAINER GROSS MASS

NOTE: READ THE GUIDANCE NOTES OVERLEAF BEFORE FILLING THE FORM

1. Shipper/Third party particulars		
Shippers/Third Party Name		
Postal address		
Physical Address		
Email Address		
Office Number		
ID No. / Company Reg. No.		
Company PIN No.		
2. Documents for submission checklist		
Document Name	Tick [✓]	Official use only
Copy of ID No./ Company Registration Certificate		
Copy of Company KRA PIN		
Valid Copy of certificate of verification for weighing equipment		
Copy of Accredited Quality Management System Certificate e.g., ISO 6346. (if applicable)		
Copy of documented procedure of weighing		
Copy of documented procedure of maintenance of weighing equipment or evidence of there being in place a valid third-party maintenance contract		

Copy of documented procedure for reporting and recording faults of weighing equipment		
Copy of documented procedure of Record keeping		
3. Details of Equipment (list all equipment to be used for the purpose of these Regulations, serial number, validity, capacity and location of the equipment)		
Type of Equipment		
Capacity		
Calibration Certification No (Please attach certified copy of calibration certificate)		Date:
Working Location of the equipment		
Plan of testing the equipment (at least quarterly tests)	Date of 1 st Test	Results
	Date of 2 nd Test	Results
	Date of 3 rd Test	Results
	Date of 4 th Test	Results
Plan of intermediate calibration exercise (at least twice calibrations/year)	Date of 1 st intermediate calibration	
	Date of 2 nd intermediate calibration	
4. Declaration of intended methods of obtaining verified gross mass to be used (YES/NO)		
Method 1		
Method 2		
If YES	(a) Specific equipment for this method	
	(b) Other gears and facilities to support this method	
	(c) Name of Staff to be used to support this method (should be approved under Weights and Measures Act)	
	(d) QMS No (attach certified copy)	

I /We declare that to the best of my/our knowledge and belief all the statements and information contained in this application are true and correct. I/We undertake to notify the Authority of any changes in material information in this declaration.

Name

Date.....

Signature.....

For official use

Satisfactory

Not Satisfactory

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GUIDANCE NOTES


1. Use **BOLD LETTERS** in filling the form;
2. Ensure all fields are filled appropriately and all applicable documents are submitted;
3. The following process methods shall be deemed acceptable to fulfill the requirements to establish a verified mass of packed container: -
 - a) The use of Enterprise Resource Planning (ERP), Systems Applications Products (SAP) or similar management processes which are traceable and audit based
 - b) Physically weighing the goods using calibrated and certified equipment, in accordance with manufacturers recommended practices or appropriate ISO standards
 - c) Equivalent/homogenous goods with a known weight per pallet (or other transport unit) in conjunction with the use of ERP and auditability.
4. Under the type of weighing equipment, list all the various type of equipment employed in weighing the packed container or cargo items, packaging materials, pallets, dunnage etc. e.g., scales, weighbridge, lifting weighing equipment etc.;
5. Individual, original sealed packages that have the accurate mass of the packages and cargo items (including any other material such as packing material and refrigerants inside the packages) clearly and permanently marked on their surfaces, do not need to be re-weighed when they are packed into the container.
6. Under the 'brief description of determining packed container gross mass', identify clearly the distinct stages of verifying individual items weights in the production line. In case an Enterprise Resource management tool is used, describe the key elements in determining the packed container Verified Gross Mass, VGM
7. Provide copies of certificate of verification for weighing equipment used in weighing items for the purpose of determining the container VGM
8. Submit the duly filled form to licensing@kma.go.ke OR Send to the address below

**DIRECTOR GENERAL,
KENYA MARITIME AUTHORITY,
BAHARI TOWER, OPP. MBARAKI SPORTS CLUB – MOMBASA,
P.O BOX 95076-80104 MOMBASA
Tel: 041 2318398/9, 0724319344, 0733221322.**

FORM 3

r 12 (4) (a)

Serial No.




REPUBLIC OF KENYA

**RECOGNITION AND AUTHORIZATION
OF VERIFIED GROSS MASS
CERTIFICATE TO VERIFY GROSS MASS
OF A PACKED CONTAINER**


This is to certify that _____ is authorized to
conduct verification of gross mass of packed container
using method 2 as provided in the International
Convention on Safety of Life at Sea, 1974 as amended.

Issued on _____ until _____
subject to compliance with applicable requirements.



DIRECTOR GENERAL

*Note: Method 2 - the sum of individual mass of cargo packages,
packaging material, pallets, dunnage and securing gears where
applicable is added to the tare weight of the container*



FORM 4

r 15 (1)



REPUBLIC OF KENYA

NOTICE OF SUSPENSION/CANCELLATION OF CERTIFICATE OF APPROVAL

Date: _____

To: _____
[Name of Gross Mass Verifier and Address]

Dear Sir/Madam,

RE: SUSPENSION/CANCELLATION OF CERTIFICATE OF APPROVAL NO: _____

This is to notify you that pursuant to Regulation 15 of the Merchant Shipping (Verified Gross Mass of a Packed Container) Regulations, 2025, your Approval Certificate to operate as a Gross Mass Verifier has been:

☐ SUSPENDED

☐ CANCELLED

with effect from _____ [Date] due to: [Check applicable reason(s)]

- ☐ Conviction of an offence under the Merchant Shipping Act or other written law
- ☐ Failure to comply with terms or conditions of the approval certificate
- ☐ Company under liquidation or insolvency proceedings
- ☐ Expiry of certificate of verification under the Weights and Measures Act
- ☐ Other (specify): _____

Details of Non-compliance/Reason for Action:

Period of Suspension (if applicable): From _____ to _____

Requirements for Reinstatement (for suspension):

Terms and Conditions:

1. For suspension: You are required to cease all gross mass verification activities during the suspension period until the requirements for reinstatement are met.
2. For cancellation: You are required to immediately cease all gross mass verification activities and surrender your Approval Certificate to the Authority within seven (7) days of this notice.

You may apply for a review of this decision in accordance with Regulation 16 of the Merchant Shipping (Verified Gross Mass of a Packed Container) Regulations, 2025.

Yours faithfully,

DIRECTOR GENERAL
KENYA MARITIME AUTHORITY

SECOND SCHEDULE

r. 12 (2) (b)

Fees for Verified Gross Mass Service Providers for Methods 1 & 2

S/N	Service offered	Applicable Fees (USD)
1	Application Processing Fee	10
2	Initial Registration Fee	100
3	Annual Renewal Registration Approval Fees	80
4	Late Renewal Fee	50