

REPUBLIC OF ZAMBIA

THE INLAND WATERS SHIPPING ACT

CHAPTER 466 OF THE LAWS OF ZAMBIA

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THE INLAND WATERS SHIPPING ACT

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CHAPTER 466

The Laws of Zambia

*(1)INLAND WATERS SHIPPING

*This Act has been confirmed by an Order made under section 735 of the Merchant Shipping Act, 1894, of the United Kingdom. (S.I. 1961 No. 1509 of the United Kingdom.)

An Act to make provision for the survey, registration and safety of certain vessels used on inland waters of Zambia, for the safety of passengers and cargo, for the competency of masters and crews and for matters incidental thereto.

Federal Acts
34 of 1960
13 of 1961
Government Notices
249 of 1964
497 of 1964
Statutory Instrument
155 of 1965
Act No.
13 of 1994

[3rd November, 1961]

PART I

PRELIMINARY

1. This Act may be cited as the Inland Waters Shipping Act.

Short title

2. In this Act, unless the context otherwise requires-

Interpretation

"appointed date" means the 1st January, 1964;

"certificate of registration" means a certificate of registration issued in terms of section *seven*;

"crew" includes any person employed in a vessel other than the master;

"fishing vessel" means a vessel whose measurement is less than five tons, in whatever way propelled, which is for the time being employed for the purposes of fishing for profit and which does not carry persons other than the master and crew necessary for such purposes;

"harbour" means a place or area designated as a harbour by the Minister in terms of section *twenty-four*;

"home port" means the place at which a vessel is habitually kept when not on voyage;

"inland waters" means such waters as may be declared to be inland waters by the President in terms of section *ten*;

"master" means the person having command or charge of a vessel;

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"navigation mark" includes any beacon, buoy, light, notice and any other mark or aid to navigation provided for the purposes of this Act;

"owner" includes, in the case of a vessel which is the subject of a hire-purchase agreement, the person in possession of the vessel in terms of that agreement;

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"passenger" includes every person carried in a vessel other than the master or crew thereof;

"registrar of vessels" means a registrar of vessels appointed by the Minister in terms of section six;

"surveyor" means any person appointed by the Minister as a surveyor of vessels in terms of section five;

"surveyor's certificate" means a certificate issued by a surveyor in terms of section five;

"ton" means the unit of measurement of the tonnage of a vessel ascertained in the manner prescribed;

"vessel" includes every description of water craft used or capable of being used as a means of transportation on water.

(As amended by G.N. No. 249 of 1964)

PART II

SURVEY AND REGISTRATION OF VESSELS

3. (1) Subject to the provisions of subsection (3), the provisions of this Part shall apply to every vessel used on inland waters which is used for hire or reward or whose measurement exceeds such tonnage, being not less than five tons, as may be prescribed.

Application of Part II

(2) For the purposes of subsection (1), a vessel shall be deemed to be used for hire or reward if she is used in return for payment or material advantage on one or more occasions, whether or not the vessel is used without the services of a master or crew.

(3) There shall be exempted from the provisions of this Part-

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- (a) a vessel operated by the Government which is not ordinarily used for the carriage of members of the public or their goods;
- (b) a vessel used for hire or reward which is less than twenty-five feet in length overall and which is not propelled by machinery or sails;
- (c) a fishing vessel;
- (d) such other vessels or classes of vessels as may be prescribed.

(As amended by G.N. No. 249 of 1964)

4. From and after a date to be notified by the Minister by statutory notice in respect of any inland waters which he may specify, no person shall use or permit to be used on any inland waters so specified a vessel to which the provisions of this Part apply unless-

Vessels to be surveyed and registered

- (a) she has been surveyed and registered in accordance with the provisions of this Act; and
- (b) there is in force in respect of such vessel a valid certificate of registration.

(As amended by G.N. No. 249 of 1964)

5. (1) Before an application for registration of any vessel is made, she shall be surveyed in accordance with the provisions of this Act.

Survey of vessels

(2) For the purposes of this Act, the Minister shall by Gazette notice appoint a surveyor for each port of registry, and an application for the survey of a vessel shall be made by the owner of the vessel in the form and manner prescribed to a surveyor at a port of registry on the inland waters on which the home port of the vessel is situated.

(3) After receipt of an application in terms of subsection (2), the surveyor concerned shall survey the vessel for the purpose of determining-

- (a) whether the vessel is seaworthy;
- (b) whether she is equipped in accordance with the provisions of this Act;
- (c) her description, tonnage, dimensions, name and method of propulsion;
- (d) the geographical limits or areas of inland waters outside which the vessel may not be used having regard to her construction, suitability for navigation and safe operation;

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- (e) the maximum number of passengers and the maximum quantity of cargo to be carried therein;
- (f) the crew to be carried therein and standards of competency to be attained by members of such crew;
- (g) such further matters as may be prescribed.

(4) On completion of his survey in terms of subsection (3) the surveyor shall, if he is satisfied that the vessel is seaworthy and is equipped in accordance with the provisions of this Act, issue a certificate in such form as may be prescribed, setting out the information and his opinion relating to the matters referred to in subsection (3).

(5) Where a surveyor, in the course of a survey in terms of subsection (3), finds a vessel to be unseaworthy or to lack equipment required in terms of this Act, he shall make a full list in writing of all such defects and shall give a copy thereof to the owner of the vessel and shall notify him of the date by which the vessel may be produced for further examination, and after all such defects are subsequently remedied to the satisfaction of the surveyor concerned, he shall issue a certificate in accordance with the provisions of subsection (4).

(6) A surveyor's certificate shall be valid for such period as may be prescribed.

(As amended by G.N. No. 249 of 1964)

6. (1) For the purposes of this Act the Minister shall, by Gazette notice, appoint ports of registry and shall appoint a registrar of vessels for each such port. Ports of registry

(2) Every registrar of vessels shall, in respect of the port of registry for which he is appointed, maintain in the form and manner prescribed a register of vessels registered at that port.

(As amended by G.N. No. 249 of 1964)

7. (1) An application for registration of a vessel shall be made by the owner in the form and manner prescribed to a registrar of vessels at a port of registry on the inland waters on which the home port of the vessel is situated and, unless otherwise prescribed, such application shall be accompanied by a valid surveyor's certificate. Registration of vessels

(2) No person shall be registered as the owner of a vessel until he has made a declaration as to his ownership of the vessel in question and, in respect of vessels of such class as may be prescribed, has included in such declaration a statement of the name and address of any person or persons who will have command or charge of such vessel as master.

(3) As soon as the requirements of this Act preliminary to registration have been complied with, the registrar of vessels to whom application for registration has been made shall enter in the register of vessels for his port-

- (a) where applicable, the details comprised in the surveyor's certificate;
- (b) the name and address of the registered owner;
- (c) where applicable, the name and address of the master;

and shall issue to the owner a certificate of registration setting out the particulars respecting the vessel in the register of vessels and such other particulars as may be prescribed.

(4) A registrar of vessels shall not register a vessel which has been brought to inland waters from outside Zambia unless he is satisfied by such proof as he may require that the provisions of the Customs and Excise Act applicable to the vessel have been complied with.

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(As amended by G.N. No. 249 of 1964)

8. (1) Unless otherwise provided in terms of this Act, every certificate of registration shall remain in force and be deemed to be a valid certificate of registration for such period as may be prescribed.

Duration and renewal
of certificates of
registration

(2) Application for renewal of a certificate of registration shall be made by the owner of the vessel in the form and manner prescribed at any time not earlier than one month before such certificate expires, and shall in all cases be accompanied by a valid surveyor's certificate.

(3) Where the owner of a vessel has made application for renewal of a certificate of registration in accordance with the provisions of subsection (2), the certificate of registration shall be treated as remaining in force and be deemed to be a valid certificate of registration until the owner is notified in writing of the result of his application.

9. (1) Subject to the provisions of subsection (2), when any particular concerning a vessel in respect of which a certificate of registration is in force is so altered as not to correspond with the particulars concerning her contained in the register of vessels in terms of subsection (3) of section seven, the owner shall, not later than twenty-one days after such alteration, submit the certificate of registration to the registrar of vessels by whom it was issued and notify him of the reasons for such submission and such registrar shall make all necessary amendments in the certificate and in the register of vessels. A registrar in his discretion may issue a new certificate of registration instead of amending a certificate in terms of this subsection and may cancel a certificate and delete the relevant entries in the register when he is satisfied that a vessel is permanently removed from or is permanently incapacitated for use on inland waters.

Amendments in
certificates of
registration and
register

(2) Where an amendment in a certificate of registration or a register is required by reason of-

- (a) an alteration in the dimensions, superstructure or tonnage or a permanent alteration in the method of propulsion of the vessel or the addition of a superstructure to the vessel; or
- (b) the use for hire or reward of a vessel which was not used for that purpose when the certificate of registration was last issued or renewed;

the registrar of vessels concerned shall not make any such amendment unless the certificate of registration submitted to him in terms of subsection (1) is accompanied by a valid surveyor's certificate issued, as the case may be, after the completion of the alteration described in paragraph (a) or within such period as may be prescribed before the use of the vessel for hire or reward.

(3) When an owner fails to comply with the provisions of subsection (1) the certificate of registration in question shall, unless the registrar of vessels concerned otherwise directs, be no longer deemed to be a valid certificate of registration.

(4) Subject to the provisions of this section, the registration of a vessel may be transferred from one port of registry to another on written application by the owner to the registrar of vessels at the existing port of registry. Every such application shall be accompanied by the certificate of registration for the vessel in question.

(5) Upon receiving an application in terms of subsection (4), the registrar concerned shall transmit notice thereof to the registrar of vessels at the intended port of registry together with the certificate of registration and a copy of all particulars relating to the vessel as noted in the register under his control. On the receipt of such documents, the registrar of vessels at the intended port of registry shall, subject to the provisions of subsection (6), enter in his register of vessels all the particulars relevant to the vessel in question and shall issue a new certificate of registration and thereafter the vessel shall be considered for the purposes of this Act as being registered at the new port of registry.

(6) Where, in the case of an application to transfer the registration of a vessel in terms of subsections (4) and (5), the intended port of registry is not on the same inland waters as the existing port of registry, the registrar of vessels at the intended port of registry may, before complying with the provisions of subsection (5), have regard to the suitability of the vessel for safe navigation on the inland waters on which the intended port of registry is situated and may require a surveyor to survey the vessel and report to him as to such suitability. If a surveyor so required reports that any alteration in the construction, condition or equipment of the vessel is necessary to make her safe for navigation on the inland waters on which the intended port of registry is situated, the registrar of vessels at such port shall not register a vessel in terms of subsection (5) until a surveyor is satisfied that such alteration has been made.

(7) Where the registration of a vessel is transferred to a new port of registry in terms of subsections (4) and (5), the new certificate of registration issued in terms of subsection (5) shall, unless otherwise provided in terms of this Act, remain in force and be deemed to be a valid certificate of registration until the date of expiry of the certificate which it replaces, so, however, that if it has been issued after a survey required in terms of subsection (6), its period of validity shall commence on the date on which it is issued.

(As amended by No. 13 of 1961)

PART III

INLAND WATERS AND INTERNATIONAL ARRANGEMENTS

10. The President may, by statutory order, declare any lake or river or part thereof to be inland waters for the purposes of this Act. Declaration of inland waters

(As amended by G.N. No. 249 of 1964)

11. (1) The President may, under such conditions as he may deem necessary, conclude agreements with the government of any country which borders on any lake or river of which a part has been declared to be inland waters and in any such agreement may make arrangements- Agreement with certain other countries

- (a) for the recognition and effect in such country of documents issued for the purposes of this Act, and for the recognition and effect in Zambia of documents issued in such country in relation to vessels, masters or crews;
- (b) for the use on inland waters of vessels registered in such country and the use on the waters of such country of vessels registered in terms of this Act;
- (c) generally for the safety of passengers and crews aboard and the navigation of vessels used on inland waters and on the waters of such country.

(2) Every agreement concluded in terms of subsection (1) shall be published in the *Gazette*.

(As amended by G.N. No. 249 of 1964)

12. Where the President is satisfied that the enforcement of any provision of this Act in regard to vessels of any country would be inconsistent with the obligations of the Republic under any treaty, convention or agreement entered into by that country and the Republic, he may, by statutory order, suspend the operation of that provision with regard to vessels of that country so far as he may deem necessary to enable the aforementioned obligations to be fulfilled. Power to suspend provisions inconsistent with treaties

*(As amended by G.N. No. 249 of 1964
and S.I. No. 155 of 1965)*

PART IV

SURVEYORS AND INQUIRES

13. (1) A surveyor or any other person or member of a class of persons generally or specially authorised thereto by the Minister may at any time go on board and inspect any vessel used on inland waters and if such surveyor or person certifies in writing that the vessel is unsafe he may, if in his opinion the case so requires, direct the master of such vessel forthwith to put in to the nearest suitable berth or anchorage or, if she is berthed or at anchor, to remain berthed or at anchor, and if he so directs a person shall not, other than for the purpose of so putting in to a berth or anchorage, use such vessel in navigation upon inland waters until a surveyor has certified in writing that such vessel is no longer unsafe or unless she is so used in accordance with such other directions as the surveyor or authorised person may deem necessary for the purposes of safety.

Powers of inspection and unsafe vessels

(2) For the purposes of this section, a vessel shall be unsafe if the surveyor or other person authorised in terms of subsection (1) is satisfied that the vessel, by reason of her defective condition or equipment or lack of equipment or by reason of undermanning (which expression includes the incompetence of the master or crew) or of overloading or improper loading, is unfit to navigate upon that part of the inland waters where she is found without danger to human life, having regard to the nature of the service for which such vessel is intended to be employed.

14. (1) Any police officer, and any surveyor exercising the powers conferred or carrying out the duties imposed upon him in terms of this Act, may-

General powers of surveyors and police officers

- (a) go on board any vessel at all reasonable times and inspect the vessel or any part thereof or any of the machinery, boats, equipment or articles on board or any certificates of competency of the master or any member of the crew;
- (b) enter any dock, boathouse or other premises where a vessel or any machinery, boats, equipment or part of a vessel may be;
- (c) examine and make extracts from and copies of-
 - (i) any document issued in terms of or recognised for the purposes of this Act; or
 - (ii) any log, record or other document relating to the construction or operation of a vessel;
- (d) require from any person an explanation of any entry in any log, record or document referred to in paragraph (c) and seize any such log, record or document as in his opinion may afford evidence of an offence under this Act;
- (e) in the exercise of the powers conferred by paragraph (a) or (b) take with him one or more assistants or police officers.

(2) The powers conferred in terms of subsection (1) may be exercised also by a person appointed to make inquiries or as a member of a board of inquiry in terms of subsection (2) or (3) of section *seventeen*.

(3) Any registrar of vessels and any other person authorised by the Minister may examine and make entries from and copies of-

- (a) any document issued in terms of or recognised for the purposes of this Act; or
- (b) any log, record or other document relating to the construction or operation of a vessel;

and for that purpose may at all reasonable times go on board any vessel or enter any place in which the document, log or record may be.

(4) A person who, on being required to do so, fails or refuses to produce to an authorised person or does not make available for examination by an authorised person a document, log or record referred to in this section which he has in his possession or control or of which he is the holder or, as the case may be, which is required to be displayed or kept in a vessel in terms of this Act shall, subject to the provisions of subsection (5), be guilty of an offence.

(5) The holder of a certificate of competency or like document recognised for the purposes of this Act who fails to produce the certificate or document when required to do so by an authorised person shall not be guilty of an offence if, within twenty-one days of the date he was required to produce the certificate or document-

- (a) he produces the certificate or document to the authorised person; or
- (b) he produces or sends the certificate or document to the officer in charge of the central registry of vessels established in terms of this Act together with a statement giving the name of the authorised person and describing the circumstances in which he was required to produce the certificate or document.

(6) The officer in charge of the central registry of vessels referred to in paragraph (b) of subsection (5) shall, as soon as a certificate or document is produced or sent to him in terms of that paragraph-

- (a) record the particulars of the certificate or document; and
- (b) return the certificate or document to the person by whom it was produced or sent; and

- (c) notify the authorised person by whom the production of the certificate or document was required that the certificate or document has been so produced or sent to him.

(7) In this section, "authorised person" means a police officer, surveyor, registrar of vessels or other person authorised by or in terms of this section to examine a document, log or record referred to in this section.

(As amended by No. 13 of 1961)

15. (1) Subject to the provisions of subsections (2) and (3), where any vessel is sunk, stranded or abandoned on any inland waters in such a manner as in the opinion of a surveyor to be or to be likely to become an obstruction or danger to navigation, it shall be lawful but not obligatory for a surveyor-

Removal of wreck by surveyor

- (a) to take possession of and raise, remove or destroy the whole or any part of the vessel, her equipment, stores, fuel, cargo or ballast; and
- (b) to light or buoy any such vessel or part until the raising, removal or destruction thereof; and
- (c) with the consent of the Minister and in such manner as the Minister may direct, to sell the vessel, her equipment, stores, fuel, cargo, ballast or part so raised or removed together with any other property recovered in the exercise of his powers under this section and out of the proceeds of the sale to reimburse himself for the expenses incurred by him in relation thereto and the surveyor shall hold the surplus, if any, of the proceeds for the persons entitled thereto:

Provided that-

- (i) except in the case of property which is of a perishable nature or which would deteriorate in value by delay, a sale shall not be made in terms of this section until at least four weeks' notice of the intended sale has been given by notice published in the *Gazette* and by advertisement in a newspaper circulating in Zambia;
- (ii) at any time before any property is sold in terms of this section, the owner thereof shall be entitled to have it delivered to him on payment to the surveyor of the fair market value thereof, to be ascertained by agreement between the surveyor and such owner or failing agreement by some person nominated for the purpose by the Minister, and the sum paid to the surveyor as the value of any property under this provision shall for the purposes of this section be deemed to be the proceeds of the sale of that property.

(2) Where any vessel, equipment, stores, fuel, cargo, ballast or other property recovered by a surveyor in the exercise of his powers under subsection (1) constitutes uncustomed goods as defined in section *two* of the Customs and Excise Act, the surveyor concerned shall deliver such goods to an officer for disposal in accordance with the provisions of that Act.

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(3) If the total proceeds of any sale of the vessel or of her equipment, stores, fuel, cargo, ballast or any other property, whether the goods are sold under the provisions of the Customs and Excise Act relating to uncustomed goods or by the surveyor in terms of this section, are insufficient to pay the costs of their removal and of any such sale, including the payment of salvage claims, if any, arising out of such removal and of any sums due in terms of that Act, the excess of such costs over and above the amount realised by any such sale shall be a debt due to the Government from the person who was the owner of such vessel at the time when the vessel was sunk, stranded or abandoned and may be sued for and recovered by action by the Minister in any court of competent jurisdiction.

(As amended by G.N. No. 249 of 1964)

16. In surveying a vessel for the purposes of this Act a surveyor shall have regard, as may be appropriate to the vessel being surveyed, to the standards and requirements relating to the survey of passenger ships, fire appliances and life-saving appliances laid down from time to time in instructions issued to surveyors of ships by the authority which issues such instructions in the United Kingdom and shall, in relation to matters not otherwise prescribed, apply such of those standards and ensure compliance with such of those requirements as may in his opinion be necessary for the seaworthiness of the vessel, her proper equipment and the safety of passengers and cargo carried aboard the vessel on the inland waters on which she is to be used.

Duties of surveyors in relation to surveys

17. (1) The Minister may direct that an investigation shall be made into any shipping casualty in accordance with the provisions of this section and for the purposes of this Act a shipping casualty shall be deemed to occur-

Inquiries as to shipping casualties

- (a) whenever a vessel has been lost, abandoned, stranded or damaged on any inland waters;
- (b) whenever any vessel causes loss or material damage to any other vessel on inland waters;
- (c) whenever any vessel causes loss or material damage to any other vessel and any such vessel is in the course of a voyage to or from a place on inland waters and is found on inland waters;
- (d) whenever loss of life occurs by reason of any casualty happening to or on board any vessel which is on inland waters or is in the course of a voyage to or from a place on inland waters and is found on inland waters;
- (e) whenever any such loss, abandonment, stranding, damage or casualty occurs on waters of which any inland waters form a part and any competent witness thereof arrives or is found at any place in Zambia.

(2) When a shipping casualty occurs, the Minister may appoint a surveyor or any other person to make inquiries as to the causes and circumstances of the shipping casualty and to report thereon to him. Any person so appointed shall have access to and authority to examine any vessel involved in a shipping casualty, the place where the casualty occurred and any documents, material, equipment or components which may be pertinent to his inquiries.

(3) Where it appears to the Minister that it is expedient to hold a formal inquiry into the competency of a master or member of a crew or into the causes and circumstances of a shipping casualty, he may appoint a board of inquiry to conduct such inquiry. The board of inquiry shall consist of-

- (a) a president who-
 - (i) is or has been a Judge of a court having unlimited jurisdiction in civil and criminal matters in some part of Her Britannic Majesty's dominions; or
 - (ii) is and has for not less than ten years been qualified to practice as an advocate or barrister in any court or courts having such jurisdiction; and
- (b) one or more members having knowledge and experience of navigation or engineering or such other special knowledge or experience as the Minister may deem relevant to the circumstances to be investigated.

(4) The powers, rights and privileges of a board of inquiry shall be the same as those conferred upon a commissioner by the Inquiries Act and the provisions of that Act shall, *mutatis mutandis*, apply in relation to an inquiry and to a person summoned to give evidence or giving evidence at an inquiry.

Cap. 41

(5) Any person whose conduct is or is likely to become the subject of inquiry in terms of this Act shall be given not less than fourteen days' notice of the date when the inquiry is due to commence sent by registered post to his last known address. Any such person and any other person who is in any way implicated or concerned in the matter under inquiry may appear at the inquiry in person or be represented by a legal practitioner and any other person who may consider it desirable that he should so appear or be so represented may, by leave of the board of inquiry, appear or be represented in the manner aforesaid.

(6) The Minister may appoint a secretary and such other persons as he may deem necessary to assist with the work of a board of inquiry and there may be paid to its president, members, secretary and any such persons such remuneration and allowances as the Minister, acting on the advice of the Minister responsible for finance, may determine.

(7) Subject to the provisions of subsections (8) and (9), the expenses incurred by a board of inquiry in the exercise of its functions and such sums as may be payable in terms of subsection (6) shall be paid by the Minister out of moneys appropriated for the purpose by Parliament.

(8) A board of inquiry may order that the expenses of holding the inquiry and any expenses incidental thereto, or any part of those expenses, shall be paid by any person if it finds that a shipping casualty was caused by the default or negligence of that person or of any person in his employ.

(9) Any sum ordered to be paid by any person in terms of subsection (8) shall be a debt due to the Minister and may be recovered by the Minister by civil action in a competent court.

(As amended by G.N. No. 249 of 1964 and S.I. No. 155 of 1965)

PART V

GENERAL PROVISIONS

18. (1) Subject to the law governing the public service, the Minister may, for the purposes of this Act, appoint persons as surveyors or registrars of vessels or as surveyors and registrars of vessels and for such other purposes as he may deem necessary for the administration of this Act.

Appointments by the Minister

(2) The Minister may confer all or any of the powers and impose all or any of the duties conferred or imposed upon any person appointed in terms of subsection (1) upon any person or class of persons in the public service or in the Zambia Police Force.

(As amended by G.N. No. 249 of 1964 and S.I. No. 155 of 1965)

19. (1) Where any surveyor, registrar of vessels, police officer, or any other person or member of a class of persons generally or specially authorised by the Minister to exercise the powers conferred by this section, has reason to suspect that an offence in terms of this Act has been committed by any person on board a vessel, it shall be lawful for him or for any other surveyor, registrar of vessels, police officer or person so authorised to require the owner of the vessel to give all information in his possession as to the name, address, description and whereabouts of the master or any other person on board the vessel at the time of the alleged offence. Any owner failing to give such information shall be guilty of an offence unless he shows to the satisfaction of the court that-

Duty to give information

- (a) he did not have the information and could not with reasonable diligence have obtained it; or
- (b) in the case of passengers carried for hire or reward, he did not have the information.

(2) It shall also be lawful for a surveyor, registrar of vessels, police officer or other person authorised in terms of subsection (1) to require any other person to give such information as aforesaid, or any other information which it is in his power to give and which may lead to the identification of the master of and any other person on board the vessel, and if the person required to give such information fails to do so he shall be guilty of an offence unless he shows to the satisfaction of the court that-

- (a) he did not have the information and could not with reasonable diligence have obtained it; or
- (b) in the case of passengers carried for hire or reward, he did not have the information.

20. (1) A person shall not wilfully or negligently-

Damage to navigation marks

- (a) injure any navigation mark; or
- (b) remove, alter or destroy any navigation mark; or
- (c) ride by, make fast to or run foul of a navigation mark.

(2) The provisions of paragraphs (b) and (c) of subsection (1) shall not apply to any person authorised by the Minister to maintain, repair or remove a navigation mark.

(3) The Minister may in any court of competent jurisdiction recover from any person who has contravened the provisions of subsection (1) the expense incurred in repairing or replacing any navigation mark which has been injured, removed, altered or destroyed in contravention of subsection (1).

21. (1) In all proceedings for an offence against the provisions of this Act or for the recovery of damages for injury done by any vessel registered under such provisions, entries in a register of vessels relating to the vessel in question shall be conclusive evidence that any person registered at any date as the owner of such vessel was at that date the owner thereof:

Certain provisions as to legal proceedings

Provided that-

- (i) the provisions of this subsection shall not have effect so as to prevent any proceedings or action being taken or instituted against any person not registered as the owner of such vessel who is beneficially interested therein;
- (ii) the provisions of this subsection shall not affect the rights of any person registered under the provisions of this Act as the owner of a vessel against any person not so registered who is beneficially interested in such vessel;
- (iii) the registration of any vessel shall not confer, take away or affect any title to or interest in such vessel.

(2) For the purposes of proceedings in any court or in any investigation conducted in terms of this Act, a copy or extract from any register of vessels or other record of which a registrar of vessels is in charge, duly certified as true by the registrar of vessels concerned, shall be receivable in evidence on its mere production by any person and shall be of like value and effect as the original register of vessels.

(3) A certificate purporting to have been signed by a person describing himself as a registrar of vessels stating that any provision of this Act as to registration of a vessel or as to the competency of a master or member of a crew has or has not been complied with shall, on its mere production by any person in any court or in the course of any investigation conducted in terms of this Act, be received as *prima facie* evidence of the facts therein stated.

22. The Minister may prescribe an ensign of such colours and design as he may direct which may be worn by such vessels, in such manner and for such purposes as may be prescribed.

Ensign to be prescribed

23. (1) A person who-

Offences and penalties

- (a) for the purpose of obtaining, whether for himself or for any other person, the issue of a document in terms of this Act makes a declaration or statement which he knows to be false in any particular or does not know or believe to be true, or knowingly makes use of a declaration, statement or document containing the same;
- (b) fraudulently imitates, alters, mutilates, destroys or uses, or fraudulently sells, supplies, lends or allows to be used by any other persons any document issued for the purposes of this Act or deemed to have been issued thereunder;
- (c) wilfully obstructs, hinders or resists any other person in the exercise of his powers or the carrying out of his duties under the provisions of this Act;

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- (d) sends or takes or is a party to sending or taking a vessel upon inland waters in such an unseaworthy state that the life of any person is likely thereby to be endangered;
- (e) contravenes or fails to comply with any provision of this Act or any direction or instruction given in terms of this Act;

shall be guilty of an offence.

(2) If the master or a member of the crew of a vessel which is registered or should be registered in terms of this Act by wilful breach of duty or by neglect of duty or by reason of drunkenness-

- (a) does any act tending to the immediate loss, destruction or serious damage of the vessel or tending immediately to endanger the life or limb of a person belonging to or on board the vessel; or
- (b) refuses or omits to do any lawful act proper and requisite to be done by him for preserving the vessel from immediate loss, destruction or serious damage or for preserving any person belonging to or on board the vessel from immediate danger to life or limb;

he shall be guilty of an offence.

(3) Any person found guilty of an offence in terms of this Act shall be liable-

- (a) for a contravention of paragraph (a) of subsection (1) or of subsection (2) or for a failure to comply with any direction given in terms of section *thirteen*-
 - (i) on first conviction, to a fine not exceeding three thousand penalty units or, in default of payment, to imprisonment for a period not exceeding one year, or to such imprisonment without the option of a fine, or to both; and
 - (ii) on the second or a subsequent conviction, to a fine not exceeding six thousand penalty units or, in default of payment, to imprisonment for a period not exceeding two years, or to such imprisonment without the option of a fine, or to both;
- (b) for an offence not referred to in paragraph (a)-
 - (i) on first conviction, to a fine not exceeding seven hundred and fifty penalty units or, in default of payment, to imprisonment for a period not exceeding one month, or to such imprisonment without the option of a fine, or to both; and
 - (ii) on the second or a subsequent conviction, to a fine not exceeding one thousand five hundred penalty units or, in default of payment, to imprisonment for a period not exceeding two months, or to such imprisonment without the option of a fine, or to both.

*(As amended by No. 13 of 1961, G.N. No. 249 of 1964
and Act No. 13 of 1994)*

24. (1) The Minister may by regulation prescribe all matters which by this Act are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out or giving effect to the provisions of this Act. Regulations

(2) Without derogation from the generality of the provisions of subsection (1), the Minister may, in the exercise of the powers conferred upon him by that subsection and in relation to inland waters and vessels used thereon, provide for-

- (a) the measurement of the dimensions and tonnage of vessels and, for this purpose, the supply of information;
- (b) giving effect to any arrangements made under any agreement concluded in terms of section *eleven*;
- (c) the acceptance by a registrar of vessels in lieu of a surveyor's certificate of any certificate to the same or a similar effect issued in any country outside Zambia;
- (d) the allocation of identity marks to vessels and the form and manner in which such marks and other particulars shall be displayed on vessels and on life-saving appliances carried in vessels;
- (e) the number of passengers and crew and the quantity of cargo to be carried in vessels, including provisions for the stowing of cargo and precautions to be observed in the carriage of such goods as the Minister may deem to be dangerous goods;
- (f) the supply of life-saving appliances in vessels and the quantity, quality, description and method of use of such appliances;
- (g) the specifications and conditions with which vessels and equipment installed or carried in vessels shall comply so as to ensure the safety of persons and cargo carried therein and the supply of information and documents relating to the construction and equipment of vessels;
- (h) the establishment and functions of a central registry of vessels and the manner in which information is to be supplied to such central registry by registrars of vessels and by owners of vessels;
- (i) the display of certificates of registration and the keeping of logs in vessels, the form and manner in which certificates of registration shall be displayed and logs shall be kept, the entries, which shall be evidence of the matters stated therein, to be made in logs, the surrender of logs and the notification of the loss of logs to the officer in charge of the central registry of vessels;
- (j) the replacement of certificates which have been lost or destroyed and the renewal of certificates;

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- (k) the classification of vessels, whether by reference to tonnage, dimensions, the purposes for which they are used or otherwise, the classification of persons to be carried by different classes of vessels as masters and members of the crew, the number of persons of each class to be so carried, the standards of competency of those persons, the certificates of competency to be held by those persons as proof of their competency, the qualifications to be held and the examinations to be passed by persons to whom certificates of competency are granted, the holding of such examinations and the appointment of examiners for those purposes and the suspension and cancellation of certificates of competency;
- (l) the measures to be observed for the prevention of collisions and generally for the safety of navigation, including provisions as to the use of lights and signals by sound, flags or otherwise, and provisions as to aids to safe navigation by way of navigation marks, the conveying of instructions and information and the observation of such instructions;
- (m) the application to aircraft which are designed to manoeuvre on water and which are on the surface of inland waters and to persons in charge of such aircraft of any or all of the regulations made in terms of paragraph (l);
- (n) the reporting of accidents to vessels on inland waters or to persons on board such vessels;
- (o) the geographical limits or areas of inland waters outside which vessels or classes of vessels may not be used, having regard to their construction, suitability for navigation and safe operation;
- (p) the fees to be paid and the manner of payment of fees for-
 - (i) the issue, amendment, renewal or replacement of any document issued for the purposes of this Act;
 - (ii) the survey of a vessel;
 - (iii) examinations for masters and members of crews.

(3) The Minister may, by statutory notice, designate places or areas of inland waters or land as harbours in respect of which the Minister may, by statutory instrument, make regulations for the management and control of such harbours and of vessels and persons within them, the powers of persons to effect such control and the payment of fees for services within such harbours and the Minister may make regulations accordingly.

(4) In exercise of the powers conferred by this section the Minister may-

- (a) make different provisions with respect to-
 - (i) different classes of vessels;
 - (ii) different inland waters;
 - (iii) different harbours;

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- (b) empower a surveyor to exempt any vessel from any requirement of regulations made in terms of this section to the extent that the surveyor is satisfied that compliance therewith would be unreasonable or impracticable in the circumstances and that the safety of the vessel or passengers or cargo carried therein would not be endangered by such exemption.

(As amended by No. 13 of 1961
and G.N. No. 249 of 1964)

25. A vessel which, before the appointed date, was used on any waters in the former Protectorate of Northern Rhodesia declared to be inland waters in terms of this Act, shall, on and after that date, be exempted from the requirements of this Act as to survey and registration until the expiry of any certificate issued in respect of such vessel in terms of this Act.

Savings

(G.N. No. 249 of 1964)

26. All the provisions of the British Act known as the Merchant Shipping Act, 1894 (other than those of Part III and Part XIII thereof) are hereby repealed in so far as they relate to vessels registered in terms of this Act.

Repeal of certain provisions of the Merchant Shipping Act, 1894, of the United Kingdom

(As amended by S.I. No. 155 of 1965)

SUBSIDIARY LEGISLATION

INLAND WATERS SHIPPING

CAP 466

SECTION 4-THE INLAND WATERS SHIPPING (DECLARED DATE) NOTICE

Notice by the Minister

*Federal Government
Notice
29 of 1962
Government Notices
249 of 1964
497 of 1964*

1. This Notice may be cited as the Inland Waters Shipping (Declared Date) Notice.

Title

2. It is hereby notified that from and after the appointed date, no person shall use or permit to be used on those parts of Lake Kariba or of Lake Tanganyika which lie within the boundaries of Zambia or of the former Protectorate of Northern Rhodesia a vessel to which the provisions of Part II of the Act apply unless-

Declared date and specification of inland waters

- (a) she has been surveyed and registered in accordance with the provisions of the Act; and
- (b) there is in force in respect of such vessel a valid certificate of registration.

SECTION 4-THE INLAND WATERS SHIPPING (DECLARED DATE) (NO. 2) NOTICE

*Gazette Notice
217 of 1966*

The Laws of Zambia

Notice by the Minister

1. This Notice may be cited as the Inland Waters Shipping (Declared Date) (No. 2) Notice. Title
2. It is hereby notified that from and the 1st July, 1966, a person shall not use or permit to be used on Lake Bangweula a vessel to which the provisions of Part II of the Act, apply, unless- Declared date and specification of inland waters.
- (a) she has been surveyed and registered in accordance with the provisions of the said Act; and
- (b) there is in force in respect of such vessels a valid certificate of registration.

SECTION 4-THE INLAND WATERS
SHIPPING NOTICE

Statutory Instrument
146 of 1975

Notice by the Minister

1. This Notice may be cited as the Inland Waters Shipping (No. 3) Notice. Title
2. It is hereby notified that after the publication of this Notice a person shall not use, or permit to be used a vessel on any of the inland waters specified in the Schedule to this Notice to which the provisions of Part II of the Inland Waters Shipping Act, apply, unless- Specification of declared inland waters. Cap. 466
- (a) she has been surveyed and registered in accordance with the provisions of the said Act; and
- (b) there is in force in respect of such vessels a valid certificate of registration.

SCHEDULE

(Paragraph 2)

INLAND WATERS

The Zambezi River where both sides of the river lie within the borders of Zambia, parts of Lake Mweru which lie within the boundaries of Zambia, Lake Mweru Wantipa, Kafue River, Lwanginga River, Lungwebungu River, parts of Lutembwe River which lie within Zambia, Kashizhi River, Kabompo River, parts of Luapula River which lie within Zambia, Chambeshi River, Kalungwishi River, Luangwa River, Lunsemfwa River and Lukanga Swamps.

(As amended by S.I. No. 146 of 1975)

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SECTION 10-THE INLAND WATERS SHIPPING
(INLAND WATERS DECLARATION) ORDER

Order by the President

*Federal Government
Notice
372 of 1961
Government Notices
249 of 1964
497 of 1964
Statutory Instrument
14 of 1966
145 of 1975*

1. This Order may be cited as the Inland Waters Shipping (Inland Waters Declaration) Order. Title

2. The following waters are hereby declared to be inland waters for purposes of the Inland Waters Shipping Act: Declaration of inland waters.
Cap. 466

The Zambezi River where both sides of the river lie within the borders of Zambia, parts of Lake Mweru which lie within the boundaries of Zambia, Lake Mweru Wantipa, Kafue River, Lwanginga River, Lungwebungu River, parts of Lutembwe River which lie within Zambia, Kashizhi River, Kabompo River, parts of Luapula River which lie within Zambia, Chambeshi River, Kalungwishi River, Luangwa River, Lunsemfwa River and Lukanga Swamps.

(As amended by S.I. No. 145 of 1975)

SECTION 24-THE INLAND WATERS SHIPPING
(CONSTRUCTION OF VESSELS) REGULATIONS

Regulations by the Minister

*Federal Government
Notice
374 of 1961
Statutory Instrument
92 of 1976*

PART I

PRELIMINARY

1. These Regulations may be cited as the Inland Waters Shipping (Construction of Vessels) Regulations. Title

2. (1) These Regulations shall apply to vessels which are used on inland waters and which are required to be registered in terms of Part II of the Act. Application

(2) These Regulations provide for the minimum specifications and conditions with which vessels referred to in sub-regulation (1) shall comply so as to ensure the safety of persons and cargo carried therein.

3. In these Regulations, unless the context otherwise requires-

Interpretation

"decked vessel" means a vessel which is decked-in to the extent of her overall length;

"half-decked vessel" means a vessel which is not an open vessel nor a decked vessel;

"open vessel" means a vessel which is not decked-in at the forward end to the extent of one-third of her overall length.

PART II

HULL AND CONSTRUCTION REQUIREMENTS

4. (1) A person shall not construct or sell a vessel of any model or type unless he has submitted in duplicate, to the Permanent Secretary, Ministry of Power and Transport, construction plans and detailed specifications for that vessel and obtained approved plans and specifications therefor.

Submission of plans

(2) On first survey, if required by the surveyor, the owner of a vessel or his agent shall submit plans showing construction, material and scantlings of the hull of such vessel. The plans shall also show the passenger accommodation, if any, and, if such accommodation is in an enclosed space, particulars of the entrances and exits.

(As amended by S.I. No. 92 of 1976)

5. (1) In a vessel fitted with an inboard engine which is enclosed within a machinery space, whether such vessel is constructed of wood or steel, there shall be provided a bulkhead to separate such machinery space from the accommodation space.

Bulkheads

(2) The bulkhead referred to in sub-regulation (1) shall be-

(a) made of steel and insulated so as to provide an effective fire division:

Provided that, in the case of an open vessel constructed of wood, the bulkhead may be made of wood if it is constructed and lined to the satisfaction of the surveyor;

- (b) in the case of a vessel provided with seats for passengers, constructed as high as such seats and water-tight to half its height.

6. (1) A vessel, when loaded with weights to represent her normal complement of stores, equipment, full permissible cargo and the full number of persons authorised by the surveyor's certificate to be carried in such vessel at 63 kilograms per person, shall have a clear height of side above water at its lowest point of-

Freeboard

- (a) in the case of a vessel of not more than 457.2 centimetres in length overall, not less than 365.76 centimetres;
- (b) in the case of a vessel of more than 457.2 centimetres but not more than 609.6 centimetres in length overall, not less than 457.2 centimetres;
- (c) in the case of a vessel of more than 609.6 centimetres but not more than 914.4 centimetres in length overall, not less than 422 millimetres;
- (d) in the case of a vessel of more than 914.4 centimetres but not more than 1219.2 centimetres in length overall, not less than 584.2 millimetres;
- (e) in the case of a vessel of more than 1219.2 centimetres but not more than 1524 centimetres in length overall, not less than 685.8 centimetres;
- (f) in the case of a vessel of more than 1524 centimetres in length overall, such height, being not less than 762 millimetres, as the surveyor may consider necessary.

(2) The clear height of side shall be measured-

- (a) in the case of an open vessel, to the top of the upper edge of the upper strake or to the top of the wash strake if one is fitted;
- (b) in the case of a half-decked vessel, to the top of the deck or to the top of the gunwale, whichever measurement gives the smaller height of side;
- (c) in the case of a decked vessel, to the top of the deck at the side.

7. (1) A vessel shall be provided, to the satisfaction of the surveyor, with flooring which shall-

Flooring

- (a) be secured but removable to allow for inspection and cleaning;
- (b) allow rapid drainage of water to the bilges.

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(2) Drain-plugs in the outer skin of a vessel shall not be provided.

8. Provision shall be made in a vessel for the helmsman to have a clear view for safe navigation. Position of helmsman

PART III

BUOYANCY REQUIREMENTS

9. (1) An open vessel shall be provided with internal buoyancy appliances of sufficient capacity to enable such vessel to remain afloat when- Buoyancy appliances or watertight bulkheads

- (a) filled with water;
- (b) loaded with 22.5 kilograms of ballast;
- (c) supporting her normal means of propulsion.

(2) A vessel other than an open vessel shall be provided with such watertight bulkheads, being not less than two, as the surveyor considers necessary.

10. Buoyancy appliances shall consist of-

- (a) air cases constructed of a material approved by a surveyor; or
- (b) in the case of solid buoyancy units, material having a closed cell structure, and recognised as a buoyancy appliance by the authority in the United Kingdom responsible for approving such equipment.

Material and construction of buoyancy appliances

11. No air case shall exceed a length of 121.92 centimetres, and a metal air case exceeding 91.44 centimetres in length, if it is not constructed of corrugated sheets, shall be strengthened by fitting an internal diaphragm at the middle of the length. An internal diaphragm shall also be fitted at the middle of the length of each air case where the perimeter exceeds 152.4 centimetres and its length 63 millimetres.

Special requirements for air cases

12. Buoyancy appliances shall be constructed to the satisfaction of the surveyor.

Construction of buoyancy appliances

PART IV

MACHINERY REQUIREMENTS

13. A vessel fitted with a petrol-driven inboard engine shall comply with the following minimum requirements:

Engine compartments and positioning of fuel tanks

- (a) where the fuel tanks are installed in the engine compartment, the tanks shall be separated from the engine by a fireproof bulkhead or alternatively the tanks shall be lagged to the satisfaction of the surveyor;
- (b) where the engine is not enclosed within a machinery space, it shall be encased with a weatherproof casing and such casing shall be constructed of steel or wood:
 - Provided that wooden casing shall be lined with fireproof sheeting of not less than a quarter of 25.4 millimetres in thickness;
- (c) machinery including shafting shall be fenced where considered necessary by the surveyor to protect persons from injury;
- (d) adequate ventilation shall be provided in engine and fuel-tank compartments;
- (e) a metal tray shall be fitted under the engines and the tray shall-
 - (i) be constructed so as to contain a reasonable quantity of oil without overflowing;
 - (ii) be readily removable for cleaning;
- (f) fuel tanks shall be rigidly installed as far away as practicable from the engine and, where considered necessary by the surveyor, a metal tray, which shall comply with the provisions of paragraph (e), shall be fitted under the fuel tank;
- (g) the fuel-tank filler shall be provided with a vent leading to the open air;
- (h) provision shall be made to ensure that any overflow of fuel is deposited over the side of the vessel and not into the bilges.

14. (1) Batteries shall be installed in and secured to the floor of an adequately ventilated compartment.

Batteries

(2) No battery shall be fitted under a petrol tank, cock or filter.

15. The master or person in charge of a vessel which is used upon inland waters and which is required to be registered in terms of Part II of the Act shall not use such vessel unless it complies with the provisions of these Regulations.

Duty of master or person in charge of a vessel to comply with these Regulations

16. A surveyor may exempt a vessel from any requirement of these Regulations to the extent that he is satisfied that compliance therewith would be unreasonable or impracticable in the circumstances and that the safety of the vessel or passengers or cargo carried therein would not be endangered by such exemption.

Exemptions

SECTION 24-THE INLAND WATERS SHIPPING
(DANGEROUS GOODS) REGULATIONS

*Federal Government
Notice
375 of 1961*

Regulations by the Minister

1. These Regulations may be cited as the Inland Waters Shipping (Dangerous Goods) Regulations. Title
2. In these Regulations, unless the context otherwise requires- Interpretation
- "dangerous goods" means any goods-
- (a) set out in the Schedule; and
 - (b) consigned as cargo in a vessel.
3. A person shall not send or convey by any vessel any dangerous goods unless their nature is distinctly marked on the outside of the package in which such goods are contained. Marking of dangerous goods
4. A person who sends any dangerous goods for shipment shall give written notice of- Notice of consignment
- (a) the nature of such goods;
 - (b) his name and address;
- to the owner or master of the vessel in which such goods are to be carried before or at the time such goods are taken on board such vessel.
5. The owner or master of a vessel shall not take any dangerous goods on board his vessel if such goods are- Owner or master to refuse to accept dangerous goods if not marked or inadequately packed
- (a) not marked; or
 - (b) not adequately packed to withstand the ordinary risks of handling and transport by sea.
6. The owner or master of a vessel shall not take inflammable liquids which are dangerous goods on board his vessel unless adequate ventilation is available in the spaces in which such liquids are to be carried. Inflammable liquids
7. (1) The owner or master of a vessel shall stow dangerous goods which have been taken on board his vessel for carriage in a safe and proper manner. Stowage

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(2) The owner or master of a vessel in which dangerous goods are being carried shall take such precautions as are necessary to prevent unauthorised access to such goods.

(3) A person shall not smoke near or within the confines of a compartment containing dangerous goods.

(4) The owner or master of a vessel shall exhibit appropriate signs inside and, where necessary, outside any compartment containing dangerous goods.

8. The owner or master of a vessel shall not take dangerous goods liable to spontaneous combustion on board his vessel for carriage unless proper precautions are taken for the prevention of the spontaneous combustion of such goods.

Dangerous goods liable to spontaneous combustion

9. The owner or master of a vessel shall not take dangerous goods in the shape of solids which take up water with the production of heat on board his vessel for carriage unless such goods are-

Solids which take up water with the production of heat

- (a) carried in metal drums; or
- (b) protected from water.

SCHEDULE

(Regulation 2)

DANGEROUS GOODS

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1. Acetic acid glacial
2. Acetone and other inflammable organic compounds
3. Acetylene, compressed or liquid, in cylinders filled with a porous substance
4. Acids, in bulk or otherwise
5. Alcohol
6. Ammonia
7. Aniline oil
8. Carbide of calcium
9. Celluloid and its compounds
10. Chlorate of potash and other chlorates
11. Chloroform, in bulk or otherwise
12. Collodion
13. Explosives, including-
 - (a) gunpowder, nitro-glycerine, dynamite, gun-cotton, blasting powders, fulminates, coloured fires, fireworks or any other substances used or manufactured to produce an explosive or pyrotechnic effect;
 - (b) fog-signals, fireworks, fuses, rockets, percussion caps, detonators, cartridges, ammunition and any adaptation or preparation of an explosive;
 - (c) compressed or liquid acetylene in cylinders not filled with a porous substance.
14. Gases, compressed and liquid
15. Hydrofluoric acid
16. Inflammable liquids, including motor spirits and turpentine
17. Inflammable solids, including resin, sulphur, camphor and naphthaline
18. Matches
19. Phosphorus
20. Potassium cyanide and other poisonous compounds
21. Solids giving off highly inflammable gases in contact with moisture, including carbides and mixtures containing the same
22. Solids liable to spontaneous combustion, including hay and cotton waste
23. Solids which take up water with the production of heat, including caustic soda, caustic potash, zinc chloride and unslaked lime
24. Vitriol

SECTION 24-THE INLAND WATERS SHIPPING
(DIMENSIONS AND TONNAGE) REGULATIONS

*Federal Government
Notice
376 of 1961*

Regulations by the Minister

1. These Regulations may be cited as the Inland Waters Shipping (Dimensions and Tonnage) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"decked vessel" means a vessel which is decked-in to the extent of her overall length;

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"half-decked vessel" means a vessel which is not an open vessel nor a decked vessel;

"open vessel" means a vessel which is not decked-in at the forward end to the extent of one-third of her overall length.

3. For the purpose of measuring the dimensions of a vessel, all calculations shall be made by the methods set out in the Schedule. Methods of measuring dimensions of a vessel

4. The tonnage of a vessel shall be ascertained by applying the formula- Formula for ascertaining tonnage of a vessel

$$\left(\frac{\text{breadth in centimetres}}{2} + \frac{\text{girth in centimetres}}{2} \right)^2 \times \text{length in centimetres} \times 0.002.$$

5. A surveyor may call upon the owner of a vessel to supply such information as may be necessary for the purpose of measuring the dimensions and tonnage of such vessel. Owner to supply information

SCHEDULE

(Regulation 3)

METHODS OF ASSESSING DIMENSIONS OF A VESSEL

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1. LENGTH

The length of a vessel shall be measured from the forward edge of the stem along the centre line of the uppermost continuous deck to the outer edge of the plating or planking attached to that deck at the stern. In the case of a vessel having a pointed stern, the length shall be measured from the forward edge of the stem to the aftermost edge of the stern post, and in the case of a vessel having a transom (that is a square stern), the length shall be measured from the forward edge of the stem to the outer edge of the transom plating or planking.

2. BREADTH

The breadth of a vessel shall be measured from the outer edge of the hull plating or planking on one side where attached to the uppermost continuous deck, to the outer edge of the hull plating or planking on the other side, such measurement being made at the point of mid-length of the vessel. In the case of a half-decked vessel, the breadth shall be measured between the outer edges of the hull plating or planking where attached to the half-deck at the point of mid-length, and in the case of an open vessel, the breadth shall be measured between the outer edges of the hull plating or planking at the gunwale and at the point of mid-length.

3. GIRTH

The girth of a vessel shall be measured by marking on both sides of the vessel the height of the uppermost continuous deck at the point of mid-length, then by measuring from the mark on one side downwards in a direction perpendicular to the keel, across the bottom plating and up to the mark on the other side. This measurement should not take in such projections as rolling chocks (bilge keels) and bar keels. In the case of an open vessel or a half-decked vessel, the measurement shall be taken in a similar manner between the gunwales or the height of the half-deck.

4. DEPTH

The depth of a vessel shall be measured from the top of the keel to the under side of the deck plating or planking of the uppermost continuous deck at the point of mid-length. In the case of an open vessel or a half-decked vessel, it shall be measured from the top of the keel to a straight line drawn between the gunwales or half-deck on each side at the point of mid-length.

5. MEASUREMENT OF OPEN VESSELS

In ascertaining the tonnage of an open vessel, the upper edge of the upper strake is to form the boundary line of measurement, and the depth shall be taken from an athwartship line extended from upper edge to upper edge of the said strake at each division of the length.

SECTION 24-THE INLAND WATERS SHIPPING (TRIALS) REGULATIONS

Regulations by the Minister

*Federal Government
Notice
283 of 1962
Government Notice
249 of 1964
Statutory Instrument
6 of 1974*

1. These Regulations may be cited as the Inland Waters Shipping (Trials) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"certificate" means a certificate issued by a surveyor in terms of regulation 4;

"form" means the appropriate form prescribed in the Schedule;

"owner" means the owner of a vessel;

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"vessel" means a vessel whose measurement exceeds 5.08 tonnes.

3. (1) An owner who wishes to test the seaworthiness of his vessel may apply for a certificate by completing Part I of Form No. 1 in duplicate. Application for certificate

(2) The owner shall send the application to the surveyor at least one month before he wishes the trials to begin.

(3) The application shall be accompanied by one copy of each of the constructional plans of the vessel.

4. (1) On receipt of the application the surveyor shall issue a certificate by completing Part II of Form No. 1. Issue of certificate

(2) The certificate shall specify the period not exceeding two weeks during which the trials may take place.

(3) On issuing the certificate the surveyor may impose such conditions upon the owner as he considers necessary or desirable.

(4) The surveyor shall return one copy of Form No. 1 to the owner.

5. (1) If an owner who is in possession of a certificate wishes to be granted a further period during which the trials may take place, he may request the surveyor in writing to grant such further period, giving his reasons for the request. Granting of further period to undergo trials

(2) The request shall be accompanied by the certificate.

(3) On receipt of the request the surveyor may grant a further period during which the trials may take place:

Provided that the surveyor shall not grant such further period where the total period during which the trials may take place would exceed twenty-eight days unless he has examined the vessel and satisfied himself that the extension is necessary.

(4) Where the surveyor grants a further period during which the trials may take place, he shall complete Part III of Form No. 1 and return the certificate to the owner.

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6. (1) An owner shall not test a vessel for seaworthiness on inland waters-

Owner to comply with certain conditions

- (a) unless he is in possession of a certificate issued in respect of such vessel;
- (b) unless the trials take place during the period specified in the certificate;
- (c) unless he complies with the conditions imposed upon him by the surveyor;
- (d) in an area other than the area specified in the certificate;
- (e) in a harbour, anchorage area, shipping lane or channel;
- (f) within 1.6 kilometres of a fishing vessel from which nets have been set.

(2) An owner shall not carry in a vessel undergoing trials-

- (a) a greater number of persons than the number he is authorised by the certificate to carry;
- (b) any cargo or ballast other than the ballast he is authorised by the certificate to carry.

7. An owner shall notify the surveyor in writing of the date on which the trials have been concluded and shall apply immediately thereafter for the survey and registration of his vessel.

Conclusion of trials

8. (1) If at any time the surveyor examines a vessel in respect of which a certificate has been issued and considers her fit for registration, he shall notify the owner in writing accordingly.

Surveyor may require vessel to be surveyed and registered

(2) On receipt of the notification the owner shall immediately apply for the survey and registration of his vessel.

SCHEDULE

THE INLAND WATERS SHIPPING ACT

PART I

APPLICATION FOR A CERTIFICATE FOR A VESSEL TO UNDERGO
TRIALS FOR SEAWORTHINESS

(To be completed in duplicate)

To: The Surveyor of Vessels,
P.O. Box RW .38,
Lusaka.

I/We,
(full name of owner(s) in block capitals)

of the owner(s)
(business address)

of do hereby apply for
(name of vessel in block capitals)

a certificate for the vessel named above to undergo trials for seaworthiness for the period
beginning on
(date)

and ending on
(date)

The base from which and the radius of the area within which the trials are to take place will be
(name of base)

and
(radius in kilometres)

The vessel will carry and
(number of persons) *(type of ballast)*
.....
and appropriate weight)

Date
(Signature of owner)

Copies of the following constructional plans of the vessel are attached-

(a)

(b)

(c)

(d)

(e)

(Serial Nos. of plans)

(As amended by G.N. No. 249 of 1964)

The Laws of Zambia
PART II

CERTIFICATE FOR A VESSEL TO UNDERGO TRIALS FOR
SEAWORTHINESS

I hereby certify that the vessel
(name of vessel)

is authorised to undergo trials for seaworthiness beginning on the
....., 19..... and ending on the 19.....,
(date) (date)

and is accordingly exempted from the provisions of Part II of the Inland Waters Shipping Act during that period.

It is a condition of the issue of this certificate that-

(a) the total number of persons to be carried in the vessel at any one time during the trials shall not exceed
.....(number of persons)

(b) no cargo other than ballast shall be carried in the vessel during the trials;

(c) the type of ballast to be carried in the vessel during the trials shall be
.....
(type of ballast)

(d) the fire-fighting appliances to be carried in the vessel during the trials shall be
.....
(number and type)

(e) the number of life-buoys to be carried in the vessel during the trials shall be
.....
(number of life-buoys)

(f) the number of life-jackets to be carried in the vessel during the trials shall be
.....
(number of life-jackets)

(g) the base from which and the radius of the area within which the trials shall takeplace shall be
.....and
(name of base) (radius in kilometres)

(h)
.....
.....
.....
.....
.....
.....
.....
.....
.....
(any other conditions)

Date.....
(Signature of surveyor)

PART III

GRANT OF FURTHER PERIOD DURING WHICH TRIALS MAY TAKE PLACE

The Laws of Zambia

I certify that I have granted a further period during which the trials may take place from
the 19..... to the
(date)

.....19.....
(date)

Date.....
(Signature of surveyor)

NOTE.-It should be noted that where the further period applied for would result in the total period of the trials exceeding 28 days, the surveyor is required to examine the vessel to satisfy himself that the extension is necessary. In this event the owner may be required to meet the costs of the surveyor's examination.

The Laws of Zambia

SECTION 24-THE INLAND WATERS SHIPPING (CERTIFICATES OF COMPETENCY) (FORMS)
REGULATIONS

Statutory Instrument
147 of 1975

Regulations by the Minister

1. These Regulations may be cited as the Inland Waters Shipping (Certificates of Competency) (Forms) Regulations. Title

2. A certificate of competency to be issued under regulation 4 of the Inland Waters Shipping (Masters and Crews) Regulations shall be in the appropriate form set out for such certificate in the Schedule. Forms of certificates of competency

SCHEDULE

(Regulation 2)

FORMS OF CERTIFICATES OF COMPETENCY

A. No.....

REPUBLIC OF ZAMBIA

CERTIFICATE OF COMPETENCY AS MASTER

THE INLAND WATERS SHIPPING ACT

The Laws of Zambia
(Laws, Volume 26, Cap. 466)

To.....

HAVING BEEN FOUND DULY QUALIFIED to fulfil the duties of Master, Class
of a vessel operating on the inland waters of the Republic of Zambia, the Minister of Transport, in exercise of his powers
under the Inland Waters Shipping (Masters and Crews) Regulations hereby grants you this Certificate of Competency.

SIGNED BY AUTHORITY OF THE MINISTER and dated

thisday of....., 19..... LUSAKA

.....
Permanent Secretary,

Signature of the person to whom this certificate is issued.....

Year of birth.....

Place of birth.....

This certificate is given upon-

(a) production of a certificate of competency-

(i) as.....

(ii) issued by.....

or;

(b) qualifying by examination, in terms of the Inland Waters Shipping (Masters and Crews) Regulations.

(delete inapplicable)

N.B.-Any person other than the rightful holder thereof coming into possession of this certificate should transmit it forthwith
to the Ministry.

The Laws of Zambia

B. No.

REPUBLIC OF ZAMBIA

CERTIFICATE OF COMPETENCY AS ENGINEER

THE INLAND WATERS SHIPPING ACT

(Laws, Volume 26, Cap. 466)

To.....

HAVING BEEN FOUND DULY QUALIFIED to fulfil the duties of Engineer, Class

of a.....vessel operating on the inland waters of the Republic of Zambia, the Minister in exercise of his powers under the Inland Waters (Masters and Crews) Regulations hereby grants you this Certificate of Competency.

SIGNED BY AUTHORITY OF THE MINISTER and dated this day of....., 19....., LUSAKA

.....

Permanent Secretary,

Signature of the person to whom this certificate is issued.....

Year of birth.....

Place of birth.....

This certificate is given upon-

(a) production of a certificate of competency-

(i) as.....

(ii) issued by.....

or;

(b) qualifying by examination, in terms of the Inland Waters Shipping (Masters and Crews) Regulations.

(delete inapplicable)

N.B.-Any person other than the rightful holder thereof coming into possession of this certificate should transmit it forthwith to the Ministry.

The Laws of Zambia

No. C.....

REPUBLIC OF ZAMBIA

CERTIFICATE OF COMPETENCY AS LAUNCHMASTER

THE INLAND WATERS SHIPPING ACT

(Laws, Volume 26, Cap. 466)

THIS IS TO CERTIFY THAT.....
LAUNCHMASTER, has been examined in terms of the Inland Waters Shipping (Masters and Crews) Regulations, and, subject to the provisions of regulation 4 of the said Regulations, has been found competent to be in charge as Launchmaster.

LUSAKA

Date:.....

Permanent Secretary,

The Laws of Zambia

D.No.

REPUBLIC OF ZAMBIA

CERTIFICATE OF COMPETENCY AS ENGINE ATTENDANT

THE INLAND WATERS SHIPPING ACT

(Laws, Volume 26, Cap. 466)

THIS IS TO CERTIFY that.....
ENGINE ATTENDANT, has been examined in terms of the Inland Waters Shipping (Masters and Crews) Regulations, and subject to the provisions of regulation 4 of the said Regulations, has been found competent to attend internal combustion or compression ignition engines.

LUSAKA

Date:

Permanent Secretary,

SECTION 24-THE INLAND WATERS SHIPPING
(LIFE-SAVING APPLIANCES) REGULATIONS

*Federal Government
Notices
378 of 1961
117 of 1962*

Regulations by the Minister

1. These Regulations may be cited as the Inland Waters Shipping (Life-saving Appliances) Regulations. Title

2. These Regulations shall apply to all vessels, other than dug-out canoes, which are used on inland waters, including vessels which are exempted from the provisions of Part II of the Act. Application

(As amended by S.I. No. 93 of 1976)

3. In these Regulations, unless the context otherwise requires- Interpretation

"buoyant apparatus" means flotation equipment, other than lifeboats, life-buoys and life-jackets, which is of a type approved by a surveyor;

"decked vessel" means a vessel which is decked-in to the extent of her overall length;

"half-decked vessel" means a vessel which is not an open vessel nor a decked vessel;

"open vessel" means a vessel which is not decked-in at the forward end to the extent of one-third of her overall length.

4. (1) A vessel of not more than 1524 centimetres in length overall shall carry sufficient buoyant apparatus or life-jackets to accommodate the total number of persons authorised by the surveyor's certificate to be carried in such vessel. Life-saving appliances to be carried

(2) A vessel of more than 1524 centimetres but not more than 3084 centimetres in length overall shall carry-

(a) sufficient lifeboats and, either additionally or alternatively, buoyant apparatus to accommodate the total number of persons authorised by the surveyor's certificate to be carried in such vessel;

(b) a life-jacket for every person on board such vessel.

(3) A vessel of more than 3084 centimetres in length overall shall carry-

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- (a) not less than two lifeboats-
 - (i) of a type approved by a surveyor;
 - (ii) attached to davits;
- (b) sufficient buoyant apparatus to accommodate, with such lifeboats, the total number of persons authorised by the surveyor's certificate to be carried in such vessel;
- (c) a life-jacket for every person on board such vessel.

5. The vessels set out in the first column of the Schedule shall carry the number of life-buoys set out opposite thereto in the second column of that Schedule.

Life-buoys

6. (1) A mechanically propelled vessel with an inboard engine shall carry-

Fire-fighting equipment to be carried by vessels with inboard engines

- (a) in the case of a vessel of not more than 762 centimetres in length overall, one 0.9 kilograms dry powder fire-extinguisher;
- (b) in the case of a vessel of more than 762 centimetres but not more than 1524 centimetres in length overall, two 0.9 kilograms dry powder fire-extinguishers and one 2.25 kilograms dry powder fire-extinguisher;
- (c) in the case of a vessel of more than 1524 centimetres but not more than 2286 centimetres in length overall, three 0.9 kilograms dry powder fire-extinguishers and one 2.25 kilograms dry powder fire-extinguisher;
- (d) in the case of a vessel of more than 2286 centimetres but not more than 3048 centimetres in length overall, four 0.9 kilograms dry powder fire-extinguishers and one 2.25 kilograms dry powder fire-extinguisher;
- (e) in the case of a vessel of more than 3048 centimetres but not more than 4572 centimetres in length overall, two 0.9 kilograms dry powder fire-extinguishers and two 2.25 kilograms dry powder fire-extinguishers;
- (f) in the case of a vessel of more than 4572 centimetres but not more than 6096 centimetres in length overall, four 0.9 kilograms dry powder fire-extinguishers and four 2.25 kilograms dry powder fire-extinguishers;
- (g) in the case of a vessel of more than 6096 centimetres in length overall, six 0.9 kilograms dry powder fire-extinguishers and six 2.25 kilograms dry powder fire-extinguishers.

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(2) A mechanically propelled vessel with an engine of 500 brake horse-power or more shall carry in addition-

- (a) at least one 4.5 kilograms. dry powder fire-extinguisher;
- (b) two 2.25 kilograms dry powder fire-extinguishers for each 500 brake horse-power of the engine to a total of six such additional extinguishers:

Provided that foam, froth or carbon dioxide extinguishers of equivalent capacities may be substituted at the discretion of the surveyor.

7. A mechanically propelled vessel with an outboard motor shall carry one tetrachloride fluid extinguisher of the hand-pump type or one 0.9 kilograms dry powder fire-extinguisher.

Vessels with outboard motors to carry a fire-extinguisher

8. All fire-extinguishers carried in terms of regulations 6 and 7 shall be tested not less than once in any two-year period and the owner shall satisfy the surveyor that such tests have been made by a responsible person and that such extinguishers are capable of efficient operation.

Periodic testing of fire-extinguishers

9. (1) A mechanically propelled vessel of more than 1524 centimetres but not more than 3048 centimetres in length overall shall be provided with at least one hand operated fire-pump of the rotary type complete with a sufficient length of fire-hose to direct a jet of water to any part of such vessel.

Certain vessels to carry fire-pumps

(2) A mechanically propelled vessel of more than 3048 centimetres in length overall shall be provided with-

- (a) at least one mechanically operated fire-pump;
- (b) an additional fire-pump which shall not be required to be operated mechanically. Such additional pump shall-
 - (i) be permanently connected to the water service pipes, if any;
 - (ii) together with its source of power, if any, not be situated in the same compartment as the pump referred to in paragraph (a);
 - (iii) if a hand-pump, be of the rotary type;
- (c) such additional water-pumps as the surveyor may consider necessary, having regard to the safety of the vessel, its cargo and passengers.

(As amended by F.G.N. No. 117 of 1962)

The Laws of Zambia

10. In a vessel equipped with a water-pump, a water suction valve shall be provided which shall be capable of being controlled from outside the machinery space. Water suction valves

11. A mechanically propelled vessel of more than 3048 centimetres in length overall shall be provided with hydrants and fire-hoses. The number and position of the fire-hydrants shall be such that at least one powerful jet of water may be directed into any part of the vessel by means of a fire-hose not exceeding 1828.8 centimetres in length. At least one hose shall be provided for each hydrant: Provision of hydrants and fire-hoses

Provided that the surveyor may, as an alternative to fire-hoses, approve the provision of water service pipes where these are of a sufficient diameter to enable an adequate supply of water to be provided for the efficient operation of at least one fire-hose.

(As amended by F.G.N. No. 117 of 1962)

12. The fire-hoses referred to in sub-regulation (1) of regulation 9 and regulation 11 shall be made of leather, seamless hemp, closely woven flax, canvas or other suitable material and shall be provided with couplings, conductors, other necessary fittings and with a nozzle suitable for dealing with all fires. Requirements for fire-hoses and nozzles

(As amended by F.G.N. No. 117 of 1962)

13. Hoses shall be stored, positioned and protected against damage to the satisfaction of the surveyor. Storage of hoses

14. Fire-fighting equipment shall be kept at hand and in good order so as to be ready for use at all times. Fire-fighting equipment to be at hand and ready for use

15. (1) Means for keeping a vessel clear of water shall be provided- Pumps and bailers

(a) in the case of an open vessel of not more than 3048 centimetres in length overall, by two bailers;

(b) in the case of an open vessel of more than 1524 centimetres but not more than 50 feet in length overall, by one hand operated bilge-pump of either the rotary or semi-rotary type and two bailers;

(c) in the case of a half-decked vessel of not more than 1524 centimetres in length overall, by one hand operated bilge-pump of either the rotary or semi-rotary type and two bailers;

(d) in the case of a decked vessel of not more than 1524 centimetres in length overall, by one hand operated bilge-pump of either the rotary or semi-rotary type;

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- (e) in the case of a vessel of more than 50 feet in length overall, by one power operated bilge-pump which may be worked by the main engine and one hand operated bilge-pump of either the rotary or semi-rotary type:

Provided that one bailer and one 9-litre bucket may be used instead of two bailers.

- (2) Bilge pipes shall have an internal diameter of not less than 31.75 millimetres.

16. (1) A vessel authorised by the surveyor's certificate to carry-

Certain vessels to
carry radio apparatus

- (a) 50 passengers or more; or
- (b) 25 passengers or more if at any time whilst carrying passengers she proceeds more than 8 kilometres from the shore;

shall carry radio apparatus capable under normal operating conditions of transmitting and receiving-

- (i) in the case of Lake Kariba, over a distance of 80 kilometres;
- (ii) in the case of Lake Tanganyika, over a distance of 240 kilometres.

(2) The master or person in charge of such vessel shall cause a radio log to be kept in such vessel.

17. (1) In an emergency, the general emergency signal in a vessel of more than 1524 centimetres in length overall shall be sounded to muster the passengers at the passenger assembly stations for the purpose of abandoning the vessel.

General emergency
signal

(2) The general emergency signal in a vessel referred to in sub-regulation (1) shall consist of a succession of six or more blasts followed by one long blast on the whistle or siren.

(3) The general emergency signal shall only be sounded on the instructions of the master.

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- 18.** A vessel authorised by the surveyor's certificate to carry more than 50 passengers shall carry the following information on cards displayed in the parts of such vessel used as passenger accommodation and printed in English and the appropriate vernacular:
- (a) the passenger assembly stations of such passengers;
 - (b) the nature and meaning of the general emergency signal;
 - (c) the method of putting on a life-jacket.
- 19.** The master of a vessel authorised by the surveyor's certificate to carry more than 100 passengers shall carry out boat drill and fire drill at least once a month. During such drill all equipment shall be thoroughly checked and particulars of such drill shall be recorded in the log of such vessel.
- 20.** The master of a vessel which is required to carry lifeboats in terms of sub-regulation (2) or (3) of regulation 4 shall appoint two competent members of the crew as lifeboatmen to take charge of each such lifeboat, of whom one, in the case of a lifeboat with a motor, shall be a competent member of the engine-room staff to operate the motor of such lifeboat.
- 21.** A lifeboat or buoyant apparatus shall be permanently marked to the satisfaction of the surveyor to indicate its dimensions and the number of persons it is authorised by the surveyor's certificate to carry.
- 22.** A lifeboat or buoyant apparatus shall be fully equipped before the vessel on which it is carried leaves harbour and the equipment shall-
- (a) remain in such lifeboat or buoyant apparatus throughout the voyage; or
 - (b) be stowed in some convenient place where it will be immediately available in the case of an emergency.
- 23.** The master or person in charge of a vessel which is used upon inland waters and which is required to be registered in terms of Part II of the Act shall not use such vessel unless it complies with the provisions of these Regulations.
- 24.** A surveyor may exempt a vessel from any requirement of these Regulations to the extent that he is satisfied that compliance therewith would be unreasonable or impracticable in the circumstances and that the safety of the vessel or passengers or cargo carried therein would not be endangered by such exemption.

SCHEDULE

(Regulation 5)

The Laws of Zambia
LIFE-BUOYS

<i>Vessel</i>	<i>Minimum number of life-buoys</i>
1. A vessel of 609.6 centimetres or more but not more than 914.4 centimetres in length overall.	1
2. A vessel of more than 914.4 centimetres but not more than 1066.8 centimetres in length overall.	4
3. A vessel of more than 1066.8 centimetres but not more than 1219.2 centimetres in length overall.	6
4. A vessel of more than 1219.2 centimetres but not more than 1524 centimetres in length overall.	8
5. A vessel of more than 1524 centimetres but not more than 3048 centimetres in length overall.	10
6. A vessel of more than 3048 centimetres in length overall or such larger number as the surveyor may require.	12

SECTION 24-THE INLAND WATERS SHIPPING (LOGS) REGULATIONS

*Federal Government
Notice
379 of 1961*

Regulations by the Minister

1. These Regulations may be cited as the Inland Waters Shipping (Logs) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"master" means the master of a vessel referred to in paragraph (a) or (b) of regulation 3;

"record" means a record which is required to be kept in terms of sub-regulation (3) of regulation 6.

3. The master of- Keeping of log

(a) a vessel authorised by the surveyor's certificate to carry more than twenty-five passengers; or

(b) a mechanically propelled vessel of 10.16 tonnes or more;

shall, subject to the provisions of regulation 6, keep a log in such vessel.

4. The log shall- Form of log

(a) not be of the loose-leaf type;

(b) be bound with hard covers;

(c) be of a size not less than quarto.

The Laws of Zambia

5. (1) The master shall enter in such log particulars of all matters relating to the operation of the vessel under his command, and in particular details of-

Particulars to be recorded

- (a) any offence committed on board such vessel and any findings of a court in connection therewith;
- (b) any illness or injury suffered by the master or a member of the crew;
- (c) the discharge, resignation, retirement or death of a member of the crew;
- (d) any shipping casualty deemed to have occurred in terms of subsection (1) of section *seventeen* of the Act.

(2) An entry in a log shall-

- (a) be made as soon as possible after the event to which it relates;
- (b) be dated to show the date of such event and of the entry;
- (c) be signed by the master;
- (d) be made in either ink or indelible pencil.

6. (1) When an application is made for the annual survey of a vessel for the purpose of renewing the certificate of registration, the master shall, within twenty-one days of such application, surrender his log to the registrar of vessels by whom such certificate of registration was issued. The registrar of vessels shall return the log to the master as soon as possible after he has inspected it.

Surrender of log to registrar of vessels or board of inquiry

(2) When an inquiry is being held in terms of section *seventeen* of the Act or an offence is alleged to have been committed in terms of subsection (1) or (2) of section *twenty-three* of the Act and an entry in a log is required as evidence at the inquiry, or by the court trying the alleged offence, the master shall, on being required to do so by a person appointed to make inquiries or as a member of a board of inquiry in terms of subsection (2) or (3) of section *seventeen* of the Act or by the court, surrender his log to such person or court.

(3) Where a log has been surrendered in terms of sub-regulation (1) or (2), the master shall-

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- (a) keep a record of the particulars which he is required to enter in such log in terms of sub-regulation (1) of regulation 5;
- (b) enter such particulars in the log as soon as possible after the log has been returned to him.

(4) Entries in a record shall be made in accordance with the provisions of paragraphs (a) to (d) of sub-regulation (2) of regulation 5.

7. (1) Where a log-

Surrender of log no longer required

- (a) has been filled; or
- (b) is no longer necessary; or

(c) the vessel in which it was kept has been lost or abandoned and the log is available;

the log shall be surrendered to the officer in charge of the central registry of vessels within twenty-one days by the master of the vessel in which such log was kept.

(2) The officer in charge of the central registry of vessels shall retain such log in the central registry of vessels where it shall be open to inspection at all reasonable times.

8. Where a log has been lost or destroyed, the master of the vessel in which such log was kept shall immediately-

Loss or destruction of log

- (a) report the fact of the loss to the officer in charge of the central registry of vessels, together with a description of the circumstances in which the loss or destruction occurred;
- (b) replace such log with a new log;
- (c) enter on the first page of such new log a record of the loss or destruction of the previous log, a description of the circumstances in which the loss or destruction occurred, the fact that the loss or destruction has been reported in terms of paragraph (a) and the date on which such report was made.

9. A person shall not-

Offences

- (a) destroy or mutilate a log or record; or
- (b) destroy, deface, mutilate, alter, erase or render illegible an entry in a log or record; or
- (c) make, procure to be made or assist in making a false or fraudulent entry in or an omission from a log or record.

SECTION 24-THE INLAND WATERS SHIPPING
(MASTERS AND CREWS) REGULATIONS

Regulations by the Minister

*Federal Government
Notices
380 of 1961
118 of 1962
Government Notices
249 of 1964
497 of 1964
Statutory Instruments
155 of 1965
384 of 1966
47 of 1992
71 of 1996
Act No.
13 of 1994*

1. These Regulations may be cited as the Inland Waters Shipping (Masters and Crews) Regulations. Title
2. (1) Subject to the provisions of regulation 3, a vessel which is used for hire or reward and which is of a class specified in Part I, II, III, IV, V or VI of the First Schedule shall not be used upon inland waters unless she carries the master and members of the crew specified in the first column of that Part of that Schedule. Classes of vessels required to carry master and crew
- (2) Subject to the provisions of regulation 3 and of sub-regulation (2) of regulation 6, the master and members of the crew referred to in sub-regulation (1) and specified in the first column of the First Schedule shall hold the certificates of competency specified opposite thereto in the second column of that Schedule.
3. (1) The provisions of sub-regulation (1) of regulation 2 shall not apply to a vessel specified in Part VI of the First Schedule if she carries twelve passengers or less and- Exemptions
- (a) she is not hired complete with crew; or
- (b) she is not used to operate a public transport system.
- (2) Subject to the provisions of sub-regulation (3), in the case of a vessel specified in Part III of the First Schedule-
- (a) if the master is the holder of both a Zambia Masters' Certificate and a Zambia Engineers' Certificate, the engineer may hold a Zambia Engine Attendants' Certificate;
- (b) if the mate is not required to be in sole charge of such vessel at any time when such vessel is under way, the mate need not hold the certificate of competency specified in the second column of that Part of that Schedule.

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(3) If a vessel specified in Part III, IV, V or VI of the First Schedule carries more than twelve passengers she shall carry the master and members of the crew prescribed for a vessel specified in Part II, III, IV or V respectively.

(As amended by G.N. No. 249 of 1964)

4. (1) The Minister shall issue, upon receipt of a fee of two hundred and seventy-eight fee units, a certificate of competency specified in the first column of the Second Schedule to a person who holds-

Issue of certificates of competency

- (a) the United Kingdom certificate of competency specified opposite thereto in the second column of that Schedule; or
- (b) a certificate of competency issued by an authority outside Zambia, other than an authority in the United Kingdom, which the Minister considers to be the equivalent of the United Kingdom certificate referred to in paragraph (a).

(2) The Minister shall issue, upon receipt of a fee of two hundred and seventy-eight fee units, the appropriate certificate of competency to a person who holds a certificate of competency issued by an authority in Zambia which the Minister considers to be the equivalent of a Zambia Masters' Certificate Class I, II or III, a Zambia Engineers' Certificate Class I, II or III, a Zambia Launchmasters' Certificate or a Zambia Engine Attendants' Certificate.

(3) The Minister shall issue a Zambia Masters' Certificate Class III, a Zambia Launchmasters' Certificate, a Zambia Engineers' Certificate Class II or Class III or a Zambia Engine Attendants' Certificate to a person who has passed the examination for such certificate.

(As amended by F.G.N. No. 118 of 1962, G.N. No. 249 of 1964, S.I. No. 47 of 1992, Act No. 13 of 1994 and S.I. No. 71 of 1996)

5. (1) An examination for a certificate of competency referred to in sub-regulation (3) of regulation 4 shall be held by the person appointed as an examiner by the Minister.

Examinations

(2) An application to sit an examination for a certificate of competency shall be made to the Ministry and shall be accompanied by the fee referred to in sub-regulation (3).

(3) The fee to sit an examination specified in the first column of the Third Schedule shall be the fee specified opposite thereto in the second column of that Schedule.

(4) An applicant for an examination shall have the appropriate qualifications set out in the Fourth Schedule.

(5) The syllabuses for the examination shall be the syllabuses set out in the Fifth Schedule.

(6) When the applicant has been notified by the Ministry the name and address of the examiner appointed by the Minister, the applicant shall satisfy the examiner of his qualifications to sit the examination.

(7) The examiner shall-

- (a) on being satisfied with the qualifications of the applicant, notify the applicant of the time and place at which the examination shall be held; or
- (b) if he is not satisfied with the qualifications of the applicant, notify the Ministry responsible for Transport.

(8) Where the Ministry responsible for Transport has been notified by the examiner that he is not satisfied with the qualifications of the applicant, the Ministry shall-

- (a) notify the applicant accordingly;
- (b) return the fee to the applicant.

(9) If the applicant passes the examination, the examiner shall notify the Minister accordingly.

(As amended by G.N. No. 249 of 1964 and S.I. No. 155 of 1965)

6. (1) The Minister may-

Suspension of
certificate of
competency

- (a) suspend for such period as he thinks fit; or
- (b) cancel;

a certificate of competency of a master or member of a crew who-

- (i) has been found to be incompetent or negligent by a formal inquiry held in terms of section *seventeen* of the Act; or
- (ii) has been convicted of an offence under subsection (1) or (2) of section *twenty-three* of the Act and whose appeal, if any, has been abandoned or dismissed.

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(2) A master or member of a crew whose certificate of competency has been suspended or cancelled in terms of sub-regulation (1) shall not, during the period of the suspension or after the cancellation of such certificate, hold any post specified in the first column of the First Schedule which he was qualified to hold before the suspension or cancellation of his certificate of competency without the permission in writing of the Minister.

7. When the Minister suspends or cancels a certificate of competency issued in terms of sub-regulation (1) of regulation 4 to a person who is the holder of a certificate of competency issued by an authority outside Zambia, the Minister shall notify such authority of the suspension or cancellation and the reasons therefor.

Suspension of certificate of competency issued outside Zambia

(As amended by G.N. No. 249 of 1964)

8. If a certificate of competency has been lost or destroyed, the Minister shall issue a duplicate certificate-

Loss or destruction of certificate of competency

- (a) if the Minister requires the production of an affidavit setting out the fact of the loss and the circumstances connected therewith, upon receipt of such affidavit;
- (b) upon receipt of a fee of thirty fee units.

(As amended by Act No. 13 of 1994)

FIRST SCHEDULE

(Regulations 2, 3 and 6 (2))

VESSELS AND CREWS

PART I

VESSELS OF 609.6 TONNES OR MORE

Master and members of crew

Certificate of competency

- | | |
|-------------|---|
| 1. Master | Zambia Masters' Certificate Class I |
| 2. Mate | Zambia Masters' Certificate Class I or II |
| 3. Engineer | Zambia Engineers' Certificate Class I |

PART II

VESSELS OF UNDER 609.6 TONNES BUT NOT UNDER 152.4 TONNES

Master and members of crew

Certificate of competency

- | | |
|-------------|--|
| 1. Master | Zambia Masters' Certificate Class I or II |
| 2. Mate | Zambia Masters' Certificate Class I, II or III |
| 3. Engineer | Zambia Engineers' Certificate Class I or II |

The Laws of Zambia

VESSELS OF UNDER 152.4 TONNES BUT NOT UNDER 50.8 TONNES

<i>Master and members of crew</i>	<i>Certificate of competency</i>
1. Master	Zambia Masters' Certificate Class I, II or III Zambia Masters' Certificate Class I, II or III
2. Mate	or Zambia Launchmasters' Certificate
3. Engineer	Zambia Engineers' Certificate Class I, II or III

PART IV

VESSELS OF UNDER 50.8 TONNES BUT NOT UNDER 30.48 TONNES

<i>Master and members of crew</i>	<i>Certificate of competency</i>
1. Master	Zambia Masters' Certificate Class I, II or III Zambia Engineers' Certificate Class I, II or III
2. Engineer	or Zambia Engine Attendants' Certificate

PART V

VESSELS OF UNDER 30.48 TONNES BUT NOT UNDER 10.16 TONNES

<i>Master and members of crew</i>	<i>Certificate of competency</i>
1. Master	Zambia Masters' Certificate Class I, II or III or Zambia Launchmasters' Certificate
2. Engineer	Zambia Engineers' Certificate Class I, II or III or Zambia Engine Attendants' Certificate

PART VI

VESSELS OF UNDER 10.16 TONNES BUT NOT UNDER 5.08 TONNES

<i>Master and members of crew</i>	<i>Certificate of competency</i>
1. Master	Zambia Masters' Certificate Class I, II or III or Zambia Launchmasters' Certificate

(As amended by G.N. No. 249 of 1964)

SECOND SCHEDULE

(Regulation 4 (1))

UNITED KINGDOM CERTIFICATES

The Laws of Zambia

Zambia certificate

Zambia Masters' Certificate Class I

Zambia Masters' Certificate Class II

Zambia Engineers' Certificate Class I

United Kingdom certificate

United Kingdom Masters' Foreign-going Certificate

United Kingdom Masters' Home Trade Certificate

United Kingdom Mates' Foreign-going Certificate

United Kingdom Second Mates' Foreign-going Certificate

United Kingdom Second Class Engineers' Certificate

(As amended by G.N. No. 249 of 1964)

THIRD SCHEDULE

(Regulation 5 (3))

EXAMINATION FEES

<i>Examination</i>	<i>Fee Units</i>
Zambia Masters' Certificate Class III	28
Zambia Engineers' Certificate Class III	28
Zambia Launchmasters' Certificate	19
Zambia Engine Attendants' Certificate	19

(As amended by S.I. No. 47 of 1992, Act No. 13 of 1994 and S.I. No. 71 of 1996)

FOURTH SCHEDULE

(Regulation 5 (4))

QUALIFICATIONS

The Laws of Zambia

1. ZAMBIA MASTERS' CERTIFICATE CLASS III

An applicant shall-

- (a) be at least 21 years of age;
- (b) produce proof that he has attained a Standard VIII (Grade 9) education, or such lower standard as the examiner may approve having regard to the applicant's nautical skill;
- (c) be in possession of a Zambia Launchmasters' Certificate;
- (d) have served a minimum of three years as a Launchmaster or, with this qualification, as a mate of a vessel specified in Part III of the First Schedule, or watch-keeping officer of a vessel specified in Part I or II of that Schedule;
- (e) hold a first-aid certificate approved by the examiner;
- (f) produce a reference as to his good conduct and sobriety.

2. ZAMBIA LAUNCHMASTERS' CERTIFICATE

An applicant shall-

- (a) produce proof that he has attained a Standard VI (Grade 7) education or such lower standard as the examiner may approve having regard to the applicant's nautical skill;
- (b) produce proof that he has served four years as an apprentice or deck hand in any capacity up to boatswain.

3. ZAMBIA ENGINEERS' CERTIFICATE CLASS II

An applicant shall-

- (a) be at least 21 years of age;
- (b) have served an apprenticeship of not less than four years as a fitter in an engineering workshop where compression ignition or steam engines are made or repaired;
- (c) have-
 - (i) served for not less than one year as an assistant engineer in a vessel or vessels of not less than 150 tons; or
 - (ii) served for not less than six months as an assistant engineer in a vessel or vessels of not less than 150 tons whilst in possession of a Zambia Engineers' Certificate Class III:

Provided that of the qualifying service afloat no account shall be taken of any period exceeding two weeks during which the vessel was at her home port but shall include any refit period provided the applicant was actively engaged in such refit;

- (d) produce-
 - (i) documentary proof that he has served the necessary apprenticeship and had the necessary qualifying service afloat;
 - (ii) a reference as to his good conduct and sobriety.

4. ZAMBIA ENGINEERS' CERTIFICATE CLASS III

An applicant shall-

- (a) be at least 21 years of age;
- (b) have served an apprenticeship of not less than four years as a fitter in an engineering workshop where compression ignition or steam engines are made or repaired;
- (c) have served for not less than six months as an assistant engineer in a vessel or vessels of not less than 50 tons. Of this qualifying period no account shall be taken of any period exceeding two weeks during which the vessel was at her home port but shall include any refit period provided the applicant was actively engaged in such refit;
- (d) produce-
 - (i) documentary proof that he has served the necessary apprenticeship and had the necessary qualifying service afloat;
 - (ii) a reference as to his good conduct and sobriety.

5. ZAMBIA ENGINE ATTENDANTS' CERTIFICATE

An applicant shall have served for one year as an assistant engine attendant and have had special training in internal combustion or compression ignition engines.

(As amended by G.N. No. 249 of 1964)

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FIFTH SCHEDULE

(Regulation 5 (5))

SYLLABUSES

The Laws of Zambia

1. ZAMBIA MASTERS' CERTIFICATE CLASS III

An applicant shall-

- (a) be able to read and write either English or a vernacular;
- (b) have a knowledge of the Rule of the Road, the compass and the principles on which the compass works;
- (c) pass a sight and colour test;
- (d) be able to take a bearing by compass and lay a position and course off on a chart;
- (e) be able to read a chart;
- (f) have a knowledge of the marks on a lead-line and the use of lead on any particular area of inland water;
- (g) have a knowledge of the International Code of Signals in so far as, in the opinion of the examiner, it is necessary for him to know them, and of local signals;
- (h) know how to moor and unmoor a vessel, keep clear anchor, and how to carry out an anchor;
- (i) be able to manage a small steamship in rough weather on a lake;
- (j) be able to describe the effect produced on the direction of the ship's head by going ahead or astern, with a right- or left-handed screw, when the rudder is ported or starboarded;
- (k) be able to rig a sea-anchor;
- (l) be able to manage a ship's boat in rough sea;
- (m) have a knowledge of dunnaging and stowing cargo;
- (n) have a knowledge of the winds and currents and weather generally on a lake;
- (o) be able to answer questions also on-
 - (i) seamanship, both theoretical and practical;
 - (ii) such matters as fire-fighting, accidents and life-saving equipment.

2. ZAMBIA LAUNCHMASTERS' CERTIFICATE

An applicant shall-

- (a) be able to read and write either English or a vernacular;
- (b) pass a sight and colour test;
- (c) have a knowledge of first-aid;
- (d) have a knowledge of the Rule of the Road;
- (e) be able to handle launches and boats;
- (f) be able to answer questions in regard to seamanship and be able to knot and splice ropes and wires;
- (g) be able to answer questions on fire-fighting, accidents and life-saving;
- (h) be able to read and understand the compass and answer questions on local pilotage.

3. ZAMBIA ENGINEERS' CERTIFICATE CLASS II

An applicant shall-

- (a) be able to read and write English;
- (b) write a mathematics paper in which he will be required to know how to solve simple problems relating to-
 - (i) cubic capacity of fuel tanks;
 - (ii) specific gravity of liquids;
 - (iii) engine horse-power;
 - (iv) capacity of electrical generators;
 - (v) pressure on a bulkhead due to the flooding of a compartment;
 - (vi) fuel consumption;
 - (vii) capacity of plunger-type pumps and simple levers;
- (c) in the case of an applicant for a Steam Certificate, write an engineering paper in which he may be called upon to-
 - (i) describe the process of raising steam from cold in a marine boiler and the precautions to be taken and the reasons for taking them;
 - (ii) describe the precautions to be taken on opening a steam valve under pressure and the reasons for taking

THE INLAND WATERS SHIPPING (NAVIGATION) REGULATIONS

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SECTION 24-THE INLAND WATERS SHIPPING (NAVIGATION) REGULATIONS

Regulations by the Minister

*Federal Government
Notices
381 of 1961
119 of 1962
Government Notice
249 of 1964
Statutory Instrument
155 of 1965
94 of 1976*

PART I

PRELIMINARY

1. These Regulations may be cited as the Inland Waters Shipping (Navigation) Regulations. Title

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2. These Regulations shall apply to all vessels, other than dug-out canoes, used on inland waters except where such regulations conflict with regulations in force in a place or area designated as a harbour under subsection (3) of section *twenty-four* of the Act, in which case such harbour regulations shall apply. Application

(As amended by S.I. No. 94 of 1976)

3. (1) In these Regulations, unless the context otherwise requires- Interpretation

"height above the gunwale" means height above the uppermost continuous deck or gunwale;

"length of tow" means the length of tow measured from the stern of the towing vessel to the stern of the last vessel towed;

"prolonged blast" means a blast of from four to six seconds' duration;

"short blast" means a blast of about one second's duration;

"visible", when applied to lights, means visible on a dark night with a clear atmosphere;

"whistle" includes a siren.

(2) For the purposes of these Regulations-

(a) a mechanically propelled vessel which is under sail and is not being propelled mechanically shall be deemed to be a sailing vessel, and a vessel which is being propelled mechanically, whether under sail or not, shall be deemed to be a mechanically propelled vessel;

(b) a vessel on the water shall be deemed to be "under way" when she is not at anchor, made fast or aground.

4. (1) The regulations concerning lights shall be complied with in all weathers from sunset to sunrise. Lights

(2) Subject to the provisions of sub-regulation (3), the only lights other than the lights prescribed in these Regulations which a vessel shall display between sunset and sunrise shall be lights which cannot be mistaken for and which do not impair the visibility or distinctive character of such prescribed lights.

(3) No vessel shall display red or green lights in any manner other than in the manner prescribed in these Regulations.

5. (1) The master or person in charge of a vessel shall cause- Duties of masters in respect of lights, etc.

(a) the lights and shapes prescribed in these Regulations to be displayed;

(b) the signals prescribed in these Regulations to be given;

(c) the actions prescribed in these Regulations to be taken;

in the vessel under his command or in his charge in accordance with the provisions of these Regulations.

(2) The master or person in charge of a vessel shall cause a proper look-out to be kept at all times in such vessel.

6. In complying with these Regulations, the master or person in charge of a vessel shall have due regard to all dangers of navigation and collision and to any other special circumstances which may render a departure from them necessary in order to avoid immediate danger.

Departures from these Regulations

PART II

LIGHTS

7. A mechanically propelled vessel when under way shall display-

Navigation lights to be carried by certain mechanically propelled vessels

(a) in the case of a vessel of 3048 centimetres or more in length overall-

- (i) on or in front of the foremast, or, in the case of a vessel without a foremast, in the forepart of the vessel, at a height above the gunwale of not less than 609.6 centimetres, a bright white light so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass (225 degrees), so fixed as to show the light 10 points (112 1/2 degrees) on each side of the vessel, that is, from right ahead to 2 points (22 1/2 degrees) abaft the beam on either side, and of such a character as to be visible at a distance of at least 2 kilometres;
- (ii) on the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass (112 1/2 degrees), so fixed as to show the light from right ahead to 2 points (22 1/2 degrees) abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 3.2 kilometres. Such light shall be fitted with an inboard screen so as to prevent it from being seen across the bows;
- (iii) on the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass (112 1/2 degrees), so fixed as to show the light from right ahead to 2 points (22 1/2 degrees) abaft the beam on the port side, and of such a character as to be visible at a distance of at least 3.2 kilometres. Such light shall be fitted with an inboard screen so as to prevent it from being seen across the bows;

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- (iv) when being overtaken by another vessel, from her stern towards such other vessel a white or flare-up light. The white light may be fixed and carried in a lantern but in such case the lantern shall be so constructed, fitted and screened that it shall throw an unbroken light over an arc of the horizon of 12 points of the compass, that is to say, for 6 points from right aft on each side of the vessel so as to be visible at a distance of at least 1.6 kilometres and such light shall be carried as nearly as practicable on the same level as the sidelights;
- (b) in the case of a vessel of 762 centimetres or more but less than 3048 centimetres in length overall-
 - (i) in the forepart of such vessel or on or in front of the funnel where it can best be seen at a height above the gunwale of not less than 1524 centimetres, a bright white light constructed and fixed as provided in sub-paragraph (i) of paragraph (a) and of such a character as to be visible at a distance of at least 3.2 kilometres;
 - (ii) green and red sidelights constructed and fixed as provided in sub-paragraphs (ii) and (iii) of paragraph (a) and of such a character as to be visible at a distance of at least 1.6 kilometres, or a combined lantern showing a green light and a red light from right ahead to 2 points (22 1/2 degrees) abaft the beam on the starboard and port sides respectively. Such lantern shall be carried not less than 91.5 centimetres below the white light:

Provided that a vessel of 762 centimetres or more but less than 1066.8 centimetres in length overall may display, in lieu of the lights referred to in sub-paragraphs (i) and (ii), a combined tricolour lantern so constructed as to show the lights to the extent required by the provisions of sub-paragraphs (i), (ii) and (iii) of paragraph (a).

8. A vessel, other than a dumb barge or a mechanically propelled vessel referred to in regulation 7, when under way shall-

Navigation lights to be carried by other vessels

- (a) in the case of a vessel of 762 centimetres or more in length overall, display an all round white lantern at a reasonable height above the gunwale visible at a distance of 1.6 kilometres;
- (b) in the case of a vessel of less than 762 centimetres in length overall, only be required to have ready at hand an electric torch or a lighted lantern showing a white light which shall be displayed in sufficient time to prevent a collision.

9. A mechanically propelled vessel of 762 centimetres or more in length overall used on Lake Kariba shall carry an efficient spotlight or searchlight kept ready for use.

Certain vessels to carry spotlights or searchlights

10. (1) A mechanically propelled vessel of 762 centimetres or more in length overall when-

Towing lights

- (a) towing one or more vessels; and

(b) the length of the tow exceeds 9144 centimetres;

shall, in addition to the lights referred to in regulation 7, display a second white light 121.92 centimetres vertically below the white light referred to in sub-paragraph (i) of paragraph (a) or in sub-paragraph (i) of paragraph (b) of regulation 7 and similar to it. For the purpose of towing, such mechanically propelled vessel may display a white light on her stern for the vessel being towed to steer by but such light shall not be visible forward of the beam.

(2) A dumb barge being towed when the length of the tow exceeds 9144 centimetres shall display the sidelights referred to in sub-paragraph (ii) of paragraph (b) of regulation 7.

(3) The sternmost of any vessels, other than a dinghy, being towed when the length of the tow exceeds 9144 centimetres shall display from her stern an all round white light of such a character as to be visible at a distance of at least 1.6 kilometres.

11. A vessel when at anchor or made fast in or near a navigable channel shall display forward where it can best be seen at a height above the gunwale of not more than 1524 centimetres a white light in a lantern so constructed as to show a clear, uniform and unbroken light visible all round the horizon at a distance of at least 1.6 kilometres.

Lights for vessels at anchor

12. (1) A vessel of 1524 centimetres or more in length overall which is not under control and which is in or near a navigable channel shall display, in lieu of the light referred to in sub-paragraph (i) of paragraph (a) or sub-paragraph (i) of paragraph (b) of regulation 7, where they can best be seen, two red lights in a vertical line, one over the other, not less than 182.88 centimetres apart and of such a character as to be visible all round the horizon at a distance of at least 3.2 kilometres. By day she shall carry in a vertical line, one over the other, not less than 1862 centimetres apart where they can best be seen, two black balls or shapes each not less than 182.88 centimetres in diameter.

Lights and shapes for vessels not under control

(2) Such vessels shall only display sidelights when making way through the water.

(3) The lights and shapes referred to in sub-regulation (1) shall be taken by other vessels as signals that the vessel showing them is not under control and cannot therefore get out of the way but not as signals of a vessel in distress and requiring assistance.

(4) A vessel of less than 1524 centimetres in length overall shall, when not under control, have ready at hand either an electric torch or a lighted lantern showing a white light which shall be exhibited in sufficient time to prevent a collision.

PART III

NAVIGATION

13. (1) A vessel shall, in fog, mist, heavy rainstorms or any other conditions similarly restricting visibility, proceed at a moderate speed having careful regard to the existing circumstances and conditions. Speed to be moderate in fog, etc.

(2) A vessel hearing, during such weather conditions, the sound signals of a vessel forward of her beam but whose exact position cannot be ascertained shall take such precautions as reducing speed and stopping or reversing engines as the circumstances dictate, and shall then navigate with caution until danger of collision is past.

14. (1) A mechanically propelled vessel of 1524 centimetres or more in length overall shall be provided with- Sound signals in fog, etc.

(a) an efficient bell;

(b) a klaxon horn or an efficient whistle, hand, power or mouth operated and audible at a distance of 1.6 kilometres.

(2) A mechanically propelled vessel referred to in sub-regulation (1) shall make the following sound signals in fog, mist, heavy rainstorms or any other conditions similarly restricting visibility, whether by day or night-

(a) when making way, at intervals of not more than two minutes, a prolonged blast;

(b) when under way, but stopped and making no way through the water, at intervals of not more than two minutes, two prolonged blasts with an interval of about one second between them;

(c) when at anchor or made fast in or near a navigable channel, a vessel shall, at intervals of not more than one minute-

(i) ring her bell rapidly for about five seconds; or

(ii) sound three blasts in succession, namely one short, one prolonged and one short blast;

(d) when towing, engaged in laying or picking up a navigation mark, engaged on survey operations, under way and unable to get out of the way of an approaching vessel or unable to manoeuvre, at intervals of not more than one minute, three blasts in succession, namely one prolonged blast followed by two short blasts;

(e) when aground, at intervals of not more than one minute, three blasts in succession, namely, one prolonged blast followed by two short blasts and three separate and distinct strokes on the bell immediately before and after each such signal;

to give warning of her position.

(3) A vessel other than a vessel referred to in sub-regulation (1) shall, in similar circumstances, not be obliged to give the signals referred to in sub-regulation (2), but if she does not she shall make some other efficient signal at intervals of not more than one minute.

15. When two sailing vessels are approaching one another so as to involve risk of collision, one of them shall keep out of the way of the other as follows:

Two sailing vessels approaching each other

- (a) a vessel which is running free shall keep out of the way of a vessel which is close-hauled;
- (b) a vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack;
- (c) when both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other;
- (d) when both are running free with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward;
- (e) a vessel which has the wind aft shall keep out of the way of the other vessel.

16. (1) When two mechanically propelled vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

Vessels meeting end on

(2) The provisions of sub-regulation (1) shall only apply to cases where vessels are meeting end on or nearly end on in such a manner as to involve risk of collision and shall not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

17. (1) When two mechanically propelled vessels are crossing, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Vessels crossing

(2) When a mechanically propelled vessel and a sailing vessel are approaching one another so as to involve risk of collision, the mechanically propelled vessel shall keep out of the way of the sailing vessel.

18. Where one of two vessels is required by these Regulations to keep out of the way of another, the other shall keep her course and speed:

Course and speed

Provided that when a vessel which is required to keep her course and speed finds that a collision cannot be avoided by the action of the giving-way vessel alone, such vessel shall take such action as will best avert a collision.

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19. A vessel which is required to keep out of the way of another vessel shall, if the circumstances of the case permit, avoid crossing ahead of the other.

Crossing ahead

20. A mechanically propelled vessel which is required by these Regulations to keep out of the way of another vessel shall, on approaching her, if necessary slacken her speed, stop or reverse.

Mechanically propelled vessels to keep out of the way of other vessels

21. (1) Notwithstanding anything contained in these Regulations, every vessel overtaking another vessel shall keep out of the way of the overtaken vessel.

Overtaking vessels

(2) A vessel coming up with another vessel from any direction more than 2 points (22 1/2 degrees) abaft her beam, that is, in such a position, with reference to the vessel which she is overtaking, that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel, and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Regulations, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

(3) If the overtaking vessel cannot determine with certainty whether she is forward of, or abaft, the direction referred to in sub-regulation (2) from the other vessel, she shall assume that she is an overtaking vessel and keep out of the way.

22. In narrow channels a mechanically propelled vessel shall, when it is safe and practicable, keep on that side of the fairway, or mid-channel, which lies on the starboard side of such vessel.

Mechanically propelled vessels in narrow channels

23. (1) A vessel not engaged in fishing shall, when under way, keep out of the way of a vessel fishing with nets, lines or trawls.

Vessels to keep out of the way of fishing vessels

(2) Nothing in this regulation shall confer upon a vessel engaged in fishing the right to obstruct a navigable channel used by vessels other than fishing vessels.

24. (1) When vessels are in sight of one another, a mechanically propelled vessel of 50 feet or more in length overall when under way, in taking any action authorised or required by these Regulations to be taken, shall indicate that action by the following signals on her whistle or klaxon:

Sound signals between vessels

(a) one short blast to mean "I am altering my course to starboard";

(b) two short blasts to mean "I am altering my course to port";

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- (c) three short blasts to mean "My engines are going astern".

(2) When a mechanically propelled vessel of 1524 centimetres or more in length overall which is required to keep her course and speed is in sight of another vessel and is in doubt whether sufficient action is being taken by the other vessel to avert a collision, she may indicate such doubt by giving at least five short and rapid blasts on the whistle or klaxon. The giving of such a signal shall not relieve a vessel of her duty-

- (a) to take any action required by these Regulations to be taken;
- (b) to indicate that action by the signals referred to in sub-regulation (1).

25. A vessel shall extend courtesy by reducing speed or stopping engines if necessary so as not to inconvenience or endanger another vessel by her wash.

Consideration for other vessels

26. (1) A person in charge of a vessel shall not navigate such vessel in a manner or at a speed likely to-

Handling of vessels in a dangerous or reckless manner

- (a) endanger the safety of any person in that or any other vessel;
- (b) cause damage to any other vessel or to any moorings, jetty or other property.

(2) A person shall not conduct himself in a manner likely to-

- (a) endanger the safety of any person in any vessel;
- (b) cause damage to any vessel, or to any moorings, jetty or other property.

PART IV

GENERAL

27. (1) The master or person in charge of a vessel, on receiving a signal of distress or information from any source that a vessel or aircraft is in distress, shall proceed with all speed to the assistance of such vessel or aircraft, informing it and any monitoring station, if possible, that he is doing so, unless-

Action on receipt of a distress signal

- (a) he is unable to do so; or

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- (b) in the special circumstances of the case it is unreasonable for him to do so; or
- (c) he is released under the provisions of sub-regulation (2).

(2) The master or person in charge of a vessel shall be released from the obligation imposed upon him by sub-regulation (1) when-

- (a) he is informed by-
 - (i) the vessel or aircraft in distress; or
 - (ii) the master or person in charge of a vessel which has reached the distressed vessel or aircraft;that assistance is no longer necessary; or
- (b) he is informed by any monitoring station that his services are no longer required; or
- (c) he is informed by the master or person in charge of another vessel that such other vessel is proceeding to the aid of the vessel or aircraft in distress and reasonably expects to reach the vessel or aircraft in distress before he will be able to do so.

(3) If-

- (a) the master or person in charge of a vessel, on receiving a signal of distress or information from any source that a vessel or aircraft is in distress, is unable; or
- (b) in the special circumstances of the case, it is unreasonable for such master or person in charge of a vessel;

to go to the assistance of the vessel or aircraft in distress, he shall forthwith cause a statement to be entered in the log of the vessel or, if there is no log, cause other record to be kept of his reasons for not going to the assistance of such vessel or aircraft.

28. (1) Nothing in this regulation shall prevent the use by a vessel in distress of any means at its disposal to attract attention, make known its position and obtain help. Distress signals

(2) When a vessel on the water is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately:

The Laws of Zambia

- (a) a gun or other explosive signal fired at intervals of about a minute;
- (b) a continuous sounding of whistle, klaxon or bell;
- (c) rockets or shells, throwing red stars, fired one at a time at short intervals;
- (d) a signal made by radiotelegraphy or by any other signalling method consisting of the group
· · · - - - · · · in the Morse Code;
- (e) a signal sent by radiotelephony consisting of the spoken word "Mayday";
- (f) the International Code Signal of distress indicated by N.C.;
- (g) a signal consisting of a square flag having above or below it a ball or anything resembling a ball;
- (h) flames on the vessel as from a burning tar or oil barrel;
- (i) a rocket parachute flare showing a red light.

(3) No person shall use any of the signals referred to in sub-regulation (2) or any signals which may be confused with such signals except for the purpose of indicating that a vessel is in distress.

29. No vessel shall proceed nearer than a point 91.44 metres upstream from the boom above the Kariba Dam wall without the permission of the Minister.

Boom above Kariba
Dam wall

30. When a shipping casualty is deemed to have occurred in terms of subsection (1) of section *seventeen* of the Act, the master or person in charge of the vessel involved and any witness to such casualty shall, within 48 hours of such casualty, report the circumstances to the nearest surveyor, registrar of vessels, police officer or harbourmaster who shall, if he considers the circumstances warrant such action, immediately notify the Permanent Secretary.

Reporting of shipping
casualties

*(As amended by G.N. No. 249 of 1964
and S.I. No. 155 of 1965)*

31. (1) The Minister may publish from time to time by Gazette notice such "Notices to Mariners" and "Shipping Notices" as he may consider necessary for the conveying of instructions and information to mariners.

Notices to mariners
and Shipping notices

The Laws of Zambia

(2) The owners, masters and persons in charge of vessels shall comply with any instructions given by notice published in terms of sub-regulation (1).

(As amended by F.G.N. No. 119 of 1962
and G.N. No. 249 of 1964)

SECTION 24-THE INLAND WATERS SHIPPING (NAVIGATIONAL AIDS) REGULATIONS

Federal Government
Notice
45 of 1963

Regulations by the Minister

1. These Regulations may be cited as the Inland Waters Shipping (Navigational Aids) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"navigational aid" means-

(a) a red or green light, whether such light is flashing or continuous, or a flashing white light; or

(b) a marker buoy or beacon;

designed for the purpose or capable of guiding a person in charge of a vessel, whether erected on the land or situated in or on the water.

3. The Minister may erect and maintain such navigational aids as, in his opinion, traffic justifies or risk requires. Erection of navigational aids

4. (1) No person shall erect a navigational aid without the prior approval of the Minister in writing. Approval of Minister

(2) A navigational aid erected in terms of sub-regulation (1) shall be erected to the satisfaction of the Minister.

5. (1) No person shall obscure either partly or wholly a navigational aid erected in terms of regulation 3 or 4. Navigational aids not to be obscured

(2) If the Minister is of the opinion that any object is obscuring a navigational aid either partly or wholly, he may, by notice in writing, order the person responsible for the object obscuring the navigational aid to remove the object or to alter it so that it ceases to obscure the navigational aid.

(3) Where a person has received an order from the Minister in terms of sub-regulation (2) he shall, within seven days of the receipt of the order, remove the object or alter it so that it ceases to obscure the navigational aid.

(4) Where a person fails to remove or alter the object in terms of sub-regulation (3), the Minister may cause such object to be removed or altered so that it ceases to obscure the navigational aid.

6. A navigational aid erected in terms of regulation 4 shall be-

- (a) maintained in good working order by the person who erected it;
- (b) removed if, in the opinion of the Minister, it is not satisfactorily maintained;
- (c) modified, resited or adjusted if, in the opinion of the Minister, it is necessary in the interests of the safety of shipping.

Maintenance of navigational aids

7. No person shall modify, remove, extinguish or resite a navigational aid erected in terms of regulation 4 without the prior approval of the Minister in writing.

Modification, etc., of navigational aids

8. No person shall display, from sunset to sunrise, a red or green light, whether such light is flashing or continuous, or a flashing white light if-

- (a) in the case of a red, green or white light situated in or on the water, such light is not a navigational aid or a light displayed in terms of the Inland Waters Shipping (Navigation) Regulations;
- (b) in the case of a red, green or white light erected on the land, such light is situated so that, in the opinion of the Minister, it is likely to confuse a person navigating a vessel.

Display of lights forbidden in certain circumstances

SECTION 24-THE INLAND WATERS SHIPPING (SECTION 24 (3) HARBOURS) DESIGNATION NOTICE

Notice by the Minister

Federal Government Notice 383 of 1961 Statutory Instrument 109 of 1986 49 of 1993

1. This Notice may be cited as the Inland Waters Shipping (Section 24 (3) Harbours) Notice.

Title

2. The area described in the Schedule is hereby designated as a harbour for the purposes of subsection (3) of section *twenty-four* of the Act.

Designation of harbour

The Laws of Zambia

SCHEDULE

(Paragraph 2)

MPULUNGU HARBOUR

Starting from Beacon H.502, the boundary passes in a straight line southwards to Beacon H.500; thence in a straight line westwards for a distance of 274.32 metres; thence in a straight line north-westwards to the lake shore; thence continuing in the same straight line across the waters of the lake to the southern shore of Mkombula Island; thence eastwards along the lake shore for a distance of 1.6 kilometres; thence in a straight line south-eastwards across the waters of the lake to Beacon N; thence in a westerly direction along the lake shore to the point of starting; which area is delineated and bordered green on a plan numbered LA816, signed by the Director of Surveys and dated the 17th day of September, 1929, a copy whereof is deposited at the office of the Resident Secretary, Northern Province.

(Paragraph 2)

MULAMBA HARBOUR

Starting from point j on the bank of the canal the boundary proceeds eastwards for a distance of 10 metres to Beacon J on bearing 273.29.42 degrees; continuing eastwards on the same bearing for a distance of 526.23 metres to Beacon H; thence on a bearing of 199.30.40 degrees for a distance of 128.20 metres to Beacon G; thence on a bearing of 163.24.10 degrees for a distance of 89.77 metres to Beacon F; thence on a bearing of 73.20.50 degrees for a distance of 49.31 metres to Beacon E; thence on a bearing of 166.20 degrees for a distance of 126.66 metres to Beacon D; thence on a bearing of 189.05.50 degrees for a distance of 87.72 metres to Beacon C; thence on a bearing of 202.51.10 degrees for a distance of 112.75 metres to Beacon B; thence on a bearing of 141.12.30 for a distance of 168.25 metres to Beacon A; thence continuing north-westwards for a distance of 2 metres on a bearing of 141.12.30 degrees to point a on the east bank of the canal; thence along the bank of the canal to point j, the point of starting, which area is delineated and bordered red on Diagram No. 406/1986, signed by the Government Surveyor and dated 15th April, 1986, copy whereof is deposited at the office of the Surveyor-General, Lusaka, Zambia.

(As amended by S.I. No. 109 of 1986)

NARRATIVE DESCRIPTION OF STAND NO. 607 SIAVONGA HARBOUR

Starting from Beacon A the boundary follows a straight line on a bearing of 285° 27'10" for a distance of 72.63 metres to Beacon B; thence from Beacon B the boundary follows a straight line on a bearing of 242° 52'00" for a distance of 51.07 metres to Beacon C; thence from Beacon C the boundary follows a straight line on a bearing of 265° 06'10" for a distance of 73.80 metres to Beacon D; thence from Beacon D the boundary follows a straight line on a bearing of 4° 07'50" for a distance of 118.96 metres to Beacon E; thence from Beacon E the boundary follows a straight line on a bearing of 77° 07'28" for a distance of 274.19 metres to Beacon F; thence from Beacon F the boundary continues in a straight line on the same bearing for a distance of 2 metres to a point "f" on the shore of Lake Kariba; thence from "f" the boundary follows the Lake Kariba shore line to a point "a"; from point "a" the boundary follows a straight line on a bearing of 285° 27'10" for a distance of 2 metres to Beacon A, the point of starting, which area in extent 2.0504 Hectares is delineated and bordered red on Diagram No. 83/1993 signed by the Government Surveyor and dated 18th February, 1993, a copy whereof is deposited at the office of the Surveyor-General, Lusaka, Zambia.

(As amended by S.I. No. 49 of 1993)

THE INLAND WATERS SHIPPING (SECTION 24 (3) HARBOURS) REGULATIONS

ARRANGEMENT OF REGULATIONS

PART I

PRELIMINARY

Regulation

1. Title
2. Interpretation

PART II

POWERS OF HARBOURMASTERS

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4. Harbourmasters' directions to be obeyed
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9. Places for repairs or beaching
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12. Closing of roads and wharves, etc.
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15. Berthing and movement within harbour
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28. Warehouses
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30. Entrances to harbours
31. Fire-fighting operations
32. Animals
33. Objects dangerous to shipping
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35. Smoking prohibited
36. Guns and explosives
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SECTION 24-THE INLAND WATERS SHIPPING (SECTION 24 (3) HARBOURS) REGULATIONS

Regulations by the Minister

*Federal Government
Notices
382 of 1961
157 of 1962
218 of 1962
Government Notices
249 of 1964
497 of 1964
Statutory Instruments
6 of 1974
57 of 1977
5 of 1978
192 of 1979
Act No.
13 of 1994*

The Laws of Zambia

PART I

PRELIMINARY

1. These Regulations may be cited as the Inland Waters Shipping (Section 24 (3) Harbours) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"dangerous goods" means any goods specified in the Schedule to the Inland Waters Shipping (Dangerous Goods) Regulations;

"foreshore" means the lake shore between the high and low seasonal watermarks;

"harbour" means a place or area designated as a harbour under subsection (3) of section *twenty-four* of the Act;

"harbourmaster" means a person appointed by the Minister in terms of subsection (1) of section *eighteen* of the Act to administer and manage a harbour;

"small craft" means a vessel of under 1524 centimetres in length overall, a dug-out canoe or a dhow;

"warehouse" includes any building, place, vessel or vehicle used in a harbour for the purpose of warehousing or depositing goods.

(As amended by G.N. No. 249 of 1964)

PART II

POWERS OF HARBOURMASTERS

3. A harbourmaster may give directions for the carrying into effect of the provisions of these Regulations. Harbourmasters may give directions

4. (1) Subject to the provisions of sub-regulation (2), all persons within a harbour shall comply with the directions referred to in regulation 3. Harbourmasters' directions to be obeyed

(2) The master or person in charge of a vessel may, if he reasonably believes that such directions will endanger the safety of the vessel under his command or in his charge, refuse to comply with such directions.

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5. (1) Subject to the provisions of sub-regulation (2) of regulation 4, in the case of refusal or neglect to comply with the directions of the harbourmaster, such harbourmaster may do or cause to be done all acts necessary for the purpose of carrying such directions into effect.

Harbourmasters may enforce compliance

(2) All reasonable expenses incurred in his doing such acts may be recovered from the persons refusing or neglecting to comply with such directions.

6. A harbourmaster may direct any person within the harbour to leave such harbour.

Harbourmasters may order persons to leave harbour

7. A harbourmaster may, in the case of an emergency, cut or cause to be cut any rope, warp, cable or hawser endangering the safety of any vessel in the harbour.

Cutting lines in emergency

8. A harbourmaster may order the removal of any object in the harbour which, in his opinion, obstructs or impedes the use of or work in any part of such harbour.

Removal of obstructions in harbours

9. (1) A harbourmaster shall set aside in the harbour a place where vessels may be repaired and small craft may be beached.

Places for repairs or beaching

(2) No person shall repair a vessel or beach a small craft in any place outside the place set aside by such harbourmaster for repairs or beaching without the permission of such harbourmaster.

10. (1) A harbourmaster shall set aside in the harbour places where vehicles may be parked.

Parking places

(2) No person shall park a vehicle in a place outside the places set aside by such harbourmaster for parking without the permission of such harbourmaster.

11. (1) A harbourmaster may issue to owners or crews of vessels or individuals who wish to enter or leave a harbour entry or departure permits prescribed in the Schedule hereto.

Entry and departure permits

(2) No person shall enter or leave a harbour unless he is in possession of a permit issued by the harbourmaster in terms of sub-regulation (1) authorising him to enter or leave such harbour.

(As amended by S.I. No. 57 of 1977)

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12. A harbourmaster may close or impose conditions upon the use of any road, wharf, jetty, quay or warehouse or any part thereof within the harbour.

Closing of roads and wharves, etc.

13. All acts or directions authorised by the Act or these Regulations to be done or given by a harbourmaster may, subject to his control, be done or given by a deputy or assistant of such harbourmaster.

Exercise of powers of harbourmasters by assistants

PART III

CONTROL OF VESSELS IN HARBOURS

14. The owners or agents of a vessel proposing to call at a harbour for the purpose of loading or unloading cargo weighing 20.32 tonnes or more shall, at least twenty-four hours before the arrival of such vessel, give notice to the harbourmaster of the expected date and time of arrival of such vessel and particulars of the nature and quantity of cargo to be loaded or unloaded.

Notification of arrival of a vessel

15. A vessel shall occupy the berth assigned to her by the harbourmaster and shall move to any other berth if directed to do so by such harbourmaster.

Berthing and movement within harbour

16. (1) Ropes shall only be made fast to dolphins, buoys, mooring posts or bollards provided for that purpose and no wire-rope shall be used unless the bollards and the edge of the coping of the wharf or jetty are protected from chafe to the satisfaction of the harbourmaster.

Vessels' moorings

(2) Chain cables shall only be used for mooring alongside a wharf or jetty with the permission of the harbourmaster.

17. (1) A vessel shall only use mooring buoys which are the property of the Government with the permission of the harbourmaster.

Buoys and marks

(2) No buoys shall be laid down and no leading marks shall be erected within a harbour without the permission of the harbourmaster.

(As amended by G.N. No. 249 of 1964)

18. (1) Where a mooring buoy has been dragged from its position or damaged by a vessel, the master or owner of such vessel shall bear the cost of replacing it.

Displaced moorings

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(2) The master of a vessel which hooks or gets foul of a mooring buoy which is the property of the Government shall not, except in the case of an emergency, lift such buoy for the purpose of unhooking or getting clear but shall immediately report the occurrence to the harbourmaster and await his directions.

(As amended by G.N. No. 249 of 1964)

19. (1) Subject to the provisions of sub-regulation (2), no vessel shall proceed at a speed of more than five knots within a harbour. Speed in harbour

(2) A vessel may proceed at a speed of more than five knots within a harbour if such vessel is only able to maintain steerage way at a speed of more than five knots.

20. Small craft within a harbour shall at all times make way for- Small craft to give way

- (a) vessels of 1524 centimetres or more in length overall which are under way; or
- (b) vessels engaged in towing.

21. (1) Notice in writing of the arrival of a vessel carrying dangerous goods shall be given by the agent of such vessel to the harbourmaster before her arrival or by the master of such vessel immediately on her arrival. Dangerous goods

(2) The International Code Flag "B" shall be displayed conspicuously in a vessel carrying, loading or unloading dangerous goods and shall be kept flying-

- (a) until such dangerous goods are unloaded; or
- (b) if such dangerous goods are being carried or loaded, until such time as she leaves harbour.

(3) No dangerous goods shall be loaded or unloaded-

- (a) without the permission of the harbourmaster;
- (b) at a time and place other than the time and place appointed by the harbourmaster.

(4) Notwithstanding anything contained in this regulation, a vessel carrying dangerous goods which-

- (a) weigh less than 22.5 kilogrammes;
- (b) are packed in a magazine or container designed for the carriage of dangerous goods;

need not comply with the provisions of this regulation.

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22. (1) The master of a vessel of 50.8 tonnes or more at anchor or berthed in a harbour shall provide a safe and proper gangway so arranged as to admit a free and safe passage to and from the vessel. Provision of a gangway

(2) The master of a vessel referred to in sub-regulation (1) shall place a life-buoy with line attached near each gangway and at night shall attach a Holmes or similar light to such life-buoy.

(3) In the case of vessels embarking or disembarking passengers, the gangway shall be provided with a guest-warp.

PART IV

LOADING OR UNLOADING OF CARGOES

23. (1) The master or agent of a vessel, if required to do so by the harbourmaster, shall, within twenty-four hours of the vessel's arrival in a harbour, deliver to such harbourmaster a copy in duplicate of the manifest or report of cargo inwards giving detailed weights or measurements and the value of such cargo. Manifest of cargo

(2) The master or agent, if required to do so by the harbourmaster, shall, within twenty-four hours after the vessel's departure, furnish a manifest in duplicate of the cargo shipped or transhipped to such vessel and the value of such cargo.

(3) The master or agent shall, as soon as possible, notify the harbourmaster of subsequent amendments to any outward or inward manifest.

24. A harbourmaster may require a person desiring to ship goods to deliver them to a place appointed by such harbourmaster not less than three hours before the scheduled departure of the vessel on which they are to be conveyed, together with consignment notes specifying the respective marks or numbers on the packages or articles to be shipped, their number, description and weight, the name and address of the consignee and the port or railway station of destination. Shipping of goods and documents

25. A person shall pay the fees for any services within a harbour which are specified in the Schedule. Payment of fees

26. (1) Fees payable to a harbourmaster upon goods to be landed, shipped or transhipped shall be paid or sufficient security furnished for their payment before orders will be given for their shipment, delivery or forwarding. Fees to be prepaid

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(2) A harbourmaster may prevent the removal of any goods if the fees payable by the consignee are unpaid.

(3) Fees shall be collected by the harbourmaster on all cargo loaded or unloaded across or upon any wharf, jetty, quay or foreshore:

Provided that such fees shall not be collected on cargo loaded into or unloaded from a dug-out canoe.

27. (1) Goods for shipment or collection shall be stored at the places directed by the harbourmaster. Storage of goods

(2) The harbourmaster may refuse to store any goods because-

- (a) of their size; or
- (b) of the way in which they are packed; or
- (c) he considers that they are dangerous or harmful.

(3) The storage of goods shall be at the risk of the owner of such goods.

PART V

GENERAL

28. No person shall enter a warehouse except for the purpose of collecting or depositing goods or any matter connected therewith without the permission of the person in charge of such warehouse. Warehouses

29. No person shall climb upon the roof of any shed or upon any crane, lighthouse, signal station or navigation mark or cut or remove any timber, wood, vegetation or growth or remove any sand, stone, ballast or shingle in or from a harbour without the permission of the harbourmaster. Trespassers

30. No person entering or leaving a harbour shall do so except through the harbour entrances or exits provided for the purpose, except in the case of an emergency. Entrances to harbours

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- 31.** A person in a harbour shall not-
- (a) disregard the directions of the fire-master, police officer or harbourmaster in the event of an outbreak of fire; or
 - (b) obstruct or in any way interfere with the fire-fighting operations.
- 32.** The owner or person in charge of an animal shall ensure that such animal is properly secured at all times when it is within a harbour.
- 33.** (1) A person shall not place any object likely to be a danger to vessels in the waters of a harbour.
- (2) If an object referred to in sub-regulation (1) falls into the water from a vessel in the harbour, the master or person in charge of such vessel shall recover such object from the water or, if he is unable to do so, shall notify the harbourmaster immediately of the location of such object.
- 34.** A person shall not smoke or use a naked light in the hold or near an open hatch of a vessel carrying, loading or unloading dangerous goods.
- 35.** A person shall not smoke within a shed or within any part of a harbour where no smoking notices are exhibited.
- 36.** A person shall not fire a gun or rocket or cause an explosion in a harbour without the permission of the harbourmaster.
- 37.** A diver shall not work within a harbour without the permission of the harbourmaster.
- 38.** A person shall not discharge water from the bilges of a mechanically propelled vessel in a harbour.

Fire-fighting operations

Animals

Objects dangerous to shipping

Smoking: vessels carrying dangerous goods

Smoking prohibited

Guns and explosives

Divers

Discharging of bilge water

(F.G.N. No. 218 of 1962)

The Laws of Zambia

FIRST SCHEDULE
PART 1

(Regulation 11)

PRESCRIBED FORMS

FORM 1
(Section 24(3))
(Regulation 11)

THE INLAND WATERS SHIPPING ACT

ENTRY PERMIT FOR VESSELS

Name of vessel.....

Nationality.....

Name of captain or owner.....

Number of passengers.....

Vessel arriving from.....

Date of arrival.....

Date.....

Signature of
harbourmaster.....

Harbour.....

(As amended by S.I. No. 57 of 1977)

THE INLAND WATERS SHIPPING ACT

DEPARTURE PERMIT FOR VESSELS

Name of vessel.....
Nationality.....
Name of captain or owner.....
Number of passengers.....
Vessel departing for.....
Date of departure.....
Date..... Signature of
harbourmaster.....
Harbour.....

(As amended by S.I. No. 57 of 1977)

FIRST SCHEDULE
PART II

(Regulation 2)

(PRESCRIBED FEES)

PART II

FEES PAYABLE AT MULAMBA HARBOUR

The Laws of Zambia

Storage Charges

1. Any person who deposits any consignment of merchandise goods, personal effects, motor-cycles or motor vehicles within any warehouse or harbour area for a period of twenty-four hours or part thereof shall pay storage charges at the following rates:

<i>Weight of Consignment</i>	<i>Fee units</i>
(a) Less than 25 kilogrammes	1
(b) 25 kilogrammes but under 30 kilogrammes	1
(c) 30 kilogrammes but under 40 kilogrammes	1
(d) 40 kilogrammes but under 50 kilogrammes	1
(e) 50 kilogrammes but under 60 kilogrammes	1
(f) 60 kilogrammes but under 70 kilogrammes	2
(g) 70 kilogrammes but under 80 kilogrammes	2
(h) 80 kilogrammes but under 90 kilogrammes	2
(i) 90 kilogrammes but under 100 kilogrammes	2

<i>Weight of Consignment</i>	<i>Rate</i>
(j) 100 kilogrammes	4
(k) for each kilogramme in excess of 100 kilogrammes	1
(l) for each buggage of personal effects	2
(m) for each motor-cycle	8
(n) for each motor vehicle	141

2. Any consignment of merchandise goods, personal effects, motor-cycles or motor cars deposited for a period in excess of fourteen days from the date of deposit shall pay an extra 25 per cent of the applicable rates set out in paragraph 1 for each extra twenty-four hours or part thereof.

(As amended by Act No. 13 of 1994)

SECOND SCHEDULE

(Regulation 2)

PRESCRIBED FEES

PART II

FEES PAYABLE AT MULAMBA HARBOUR

The Laws of Zambia

Storage Charges

1. Any person who deposits any consignment of merchandise goods, personal effects, motor-cycles or motor vehicles within any warehouse or harbour area for a period of twenty-four hours or part thereof shall pay storage charges at the following rates:

<i>Weight of Consignment</i>	<i>Rate</i>
(a) Less than 25 kilogrammes	10.00
(b) 25 kilogrammes but under 30 kilogrammes	10.40
(c) 30 kilogrammes but under 40 kilogrammes	20.00
(d) 40 kilogrammes but under 50 kilogrammes	24.00
(e) 50 kilogrammes but under 60 kilogrammes	30.00
(f) 60 kilogrammes but under 70 kilogrammes	34.00
(g) 70 kilogrammes but under 80 kilogrammes	40.00
(h) 80 kilogrammes but under 90 kilogrammes	50.00
(i) 90 kilogrammes but under 100 kilogrammes	60.00
(j) 100 kilogrammes	100.00
(k) for each kilogramme in excess of 100 kilogrammes	10.00
(l) for each buggage of personal effects	50.00
(m) for each motor-cycle	200.00
(n) for each motor vehicle	350.00

2. Any consignment of merchandise goods, personal effects, motor-cycles or motor cars deposited for a period in excess of fourteen days from the date of deposit shall pay an extra 25 per cent of the applicable rates set out in paragraph 1 for each extra twenty-four hours or part thereof.

(As amended by S.I. No. 49 of 1992 and Act No. 13 of 1994)

SECTION 24-THE INLAND WATERS SHIPPING (SURVEY AND REGISTRATION) REGULATIONS

Regulations by the Minister

*Federal Government
Notices
386 of 1961
120 of 1962
282 of 1962
197 of 1963
Government Notice
249 of 1964
Statutory Instrument
155 of 1965
36 of 1984
48 of 1992
70 of 1996
Act No.
13 of 1994*

PART I

PRELIMINARY

1. These Regulations may be cited as the Inland Waters Shipping (Survey and Registration) Regulations. Title

2. In these Regulations, unless the context otherwise requires- Interpretation

"buoyant apparatus" means flotation equipment, other than life-buoys or life-jackets, designed to support persons who are in the water;

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"decked vessel" means a vessel which is decked-in to the extent of her overall length;

"fee" means the appropriate fee prescribed in the First Schedule;

"form" means the appropriate form prescribed in the Second Schedule;

"half-decked vessel" means a vessel which is not an open vessel nor a decked vessel;

"identity mark" means the number allocated to a vessel by the registrar of vessels in terms of sub-regulation (2) of regulation 7;

"open vessel" means a vessel which is not decked-in at the forward end to the extent of one-third of her overall length.

PART II

EXEMPTED VESSELS

3. The prescribed tonnage for the purposes of subsection (1) of section *three* of the Act shall be 5.08 tonnes. Tonnage

4. (1) The vessels exempted for the purposes of paragraph (a) of subsection (3) of section *three* of the Act shall be- Exempted vessels

- (a) dug-out canoes of 7.62 metres or more in length overall which are used for hire or reward;
- (b) a vessel owned by the Lake Kariba Co-ordinating Committee which is not ordinarily used for the carriage of members of the public or their goods;
- (c) a vessel-
 - (i) whose measurement exceeds 5.08 tonnes;
 - (ii) whose owner is in possession of a certificate issued by a surveyor in terms of regulation 4 of the Inland Waters Shipping (Trials) Regulations;
 - (iii) which is undergoing trials for seaworthiness during the period specified in the certificate.

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(2) Lifeboats or tenders which are carried in or attached to a registered vessel and which are surveyed during the course of the survey of such vessel and are specified in the survey certificate of such vessel shall be exempted from separate registration.

(As amended by F.G.N. No. 282 of 1962 and G.N. No. 249 of 1964)

PART III

SURVEY AND REGISTRATION OF VESSELS

5. (1) An application for-

Application for survey
and registration

- (a) the initial survey and registration of a vessel; or
- (b) the annual survey of a vessel for the purpose of renewing the certificate of registration; or
- (c) the survey of a vessel where an amendment in the certificate of registration of such vessel is required to be accompanied by a valid surveyor's certificate in terms of subsection (2) of section *nine* of the Act;

shall be made by the owner of such vessel on Form 1 to the surveyor for the nearest port of registry on the inland waters on which the home port of such vessel is or is to be situated.

(2) An application in terms of sub-regulation (1) shall be accompanied by the appropriate fee.

6. (1) If the surveyor is satisfied that the vessel is seaworthy and is equipped in accordance with the provisions of the Act, he shall issue a certificate by completing the reverse side of Form 1 accompanied by three copies of Form 2 completed on the obverse side.

Surveyor's certificate

(2) The surveyor shall forward the certificate and the three copies of Form 2 to the registrar of vessels for the nearest port of registry and shall retain a fourth copy of Form 2 for his records.

(3) A surveyor's certificate shall be valid for three months from the date of survey.

7. (1) Upon receipt of the surveyor's certificate and the three copies of Form 2, the registrar of vessels shall issue the owner with a certificate of registration by completing the reverse side of one copy of Form 2.

Registration of vessels

The Laws of Zambia

(2) The registrar of vessels shall, on first issuing a certificate of registration, allocate to the vessel an identity mark.

(3) The certificate of registration shall be valid for one year from the date of issue.

(As amended by F.G.N. No. 120 of 1962)

8. The register of vessels prescribed for the purposes of subsection (2) of section six of the Act shall consist of the copy of Form 1 sent to the registrar of vessels by the surveyor and one copy of Form 2 duly completed by such registrar on the reverse side. Register of vessels

9. (1) There shall be established at the Ministry a Central Registry of Vessels. Central registry of vessels

(2) The officer in charge of the central registry of vessels shall be the Permanent Secretary.

(3) The functions of the central registry of vessels shall be-

- (a) to maintain a register of vessels which are required to be registered in terms of Part II of the Act. The register shall consist of the third copy of Form 2 sent to the registrar of vessels by the surveyor, duly completed by such registrar and sent by him to the officer in charge of such central registry;
- (b) to keep a record of all certificates of competency issued by the Minister under regulation 4 of the Inland Waters Shipping (Masters and Crews) Regulations;
- (c) to retain all logs surrendered to the officer in charge of such central registry under regulation 7 of the Inland Waters Shipping (Logs) Regulations.

(As amended by G.N. No. 249 of 1964 and S.I. No. 155 of 1965)

PART IV

IDENTITY MARKS AND NAMES

10. (1) The identity mark allocated to a vessel shall not be required to be exhibited by a vessel of more than thirty tons. Identity marks

The Laws of Zambia

(2) The identity mark allocated to a vessel shall, in the case of a vessel of thirty tons or less, be clearly and legibly exhibited by such vessel upon each bow so that there shall be not less than 76.2 millimetres and not more than 127 millimetres between the top of the identity mark and the gunwale, and-

- (a) in the case of a vessel of 5.08 tonnes or less, the identity mark shall be not less than 76.2 millimetres in height;
- (b) in the case of a vessel of more than 5.08 tonnes but not more than 30.48 tonnes, the identity mark shall be not less than 254 millimetres in height;
- (c) in the case of a sailing vessel, the identity mark shall, in addition, be exhibited upon each side of the mainsail of such vessel.

(3) Lifeboats and tenders which have not been registered separately and which are carried in or attached to a vessel shall bear the name and port of registry of the vessel in which they are carried or to which they are attached.

11. (1) A vessel of more than 30.48 tonnes shall have her name on each bow and her name and port of registry on the stern in letters of not less than 76.2 millimetres in height. Names

(2) A vessel of 30.48 tonnes or less which has been registered in terms of Part II of the Act shall have her name and port of registry on the stern in letters of not less than 76.2 millimetres in height.

(3) Life-buoys and buoyant apparatus shall bear the name of the vessel in which they are carried.

12. The identity mark or name to be exhibited on a vessel shall-

- (a) be painted in white paint on a dark background; or
- (b) be painted in black paint on a light background; or
- (c) consist of a metal plate attached to the hull on which are raised white metal or brass characters;

Manner in which
identity mark or name
to be exhibited

and shall not be defaced, covered or concealed in any manner whatsoever.

PART V

GENERAL

The Laws of Zambia

- 13.** If, in the opinion of a surveyor, a vessel cannot properly be surveyed without being removed from the water, the surveyor may require the owner to remove such vessel from the water. Removal of vessels from the water
- 14.** If a certificate of registration has been lost or destroyed, the registrar of vessels who issued such certificate shall issue a duplicate certificate- Duplicate certificates
- (a) if the registrar of vessels requires the production of an affidavit setting out the fact of the loss and the circumstances connected therewith, upon receipt of such affidavit;
 - (b) upon receipt of the appropriate fee.
- 15.** When a certificate of registration is required to be amended in terms of section *nine* of the Act, such certificate, on being submitted by the owner to the registrar of vessels for amendment, shall be accompanied by the appropriate fee. Amendment of certificates of registration
- 16.** (1) The owner or person in charge of a vessel which has been registered in terms of Part II of the Act shall display, where it is clearly visible to passengers carried in such vessel, a notice stating- Passengers and cargo
- (a) the maximum number of passengers;
 - (b) the maximum weight of cargo in tonnes;
- which such vessel is registered to carry.
- (2) No person shall-
- (a) carry in a vessel which has been registered in terms of Part II of the Act more than-
 - (i) the maximum number of passengers;
 - (ii) the maximum weight of cargo;which such vessel is registered to carry;
 - (b) use a vessel which has been registered in terms of Part II of the Act for a service other than a service for which such vessel has been registered.

(E.G.N. No. 120 of 1962)

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FIRST SCHEDULE

(Regulation 25)

PART I

PRESCRIBED FEES

	<i>First Survey or Registration Fee units</i>	<i>Subsequent Survey or Registration Fee units</i>	
1. For the survey of vessel other than raft or a dumb barge-			
(a) of 200 tonnes or more	167	150	
(b) of less than 200 tonnes but not less than 100 tonnes		139	111
(c) of less than 100 tonnes but not less than 15 tonnes		128	103
(d) a decked vessel or half decked vessel of less than 15 tonnes not propelled by oars, paddles or poles	111	83	
(e) an open vessel of less than 15 tonnes but more than 4595 millimetres in length over all, not propelled by oars, paddles or poles	100	56	
(f) an open vessel less than 15 tonnes not propelled by oars, paddles or poles	83	56	
(g) a vessel of less than 15 tonnes propelled by oars, paddles or poles	83	56	
2. For the survey of a raft	56	50	
3. For the survey of a dumb barge-			
(a) of 100 tonnes or more	67	56	
(b) of less than 100 tonnes but not less than 15 tonnes		44	42
(c) of less than 15 tonnes	44	42	
4. For the registration of vessel	56	50	

PART II

5. For the issue of a duplicate certificate of registration	-	22	
6. For the amendment of a certificate of registration	-	19	

PART III

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Launch Master's Certificate	-	139
English Attendant's Certificate	-	139
Master Class III Certificate	-	167
Master Class II Certificate	-	194

(As amended by S.I. No. 48 of 1992, Act No. 13 of 1994 and S.I. No. 70 of 1996)

SECOND SCHEDULE

(Regulation 2)

(Obverse)

FORM 1

THE INLAND WATERS SHIPPING ACT

TO: THE SURVEYOR OF VESSELS,

.....
(Part of registry)

I/We,

(full name in block capitals)

of

(business address)

.....

(business address)

and

(residential address)

the owner(s) of the vessel described below, do hereby apply for-

- (a) the survey of that vessel for-
 - (i) first registration;
 - (ii) renewal of certificate of registration;
- (iii) an alteration in the dimensions, superstructure or tonnage or a permanent alteration in the method of propulsion of the vessel or the addition of a superstructure to the vessel;
- (iv) change of use;

(delete inapplicable)

(b) registration of that vessel by the Registrar of Vessels at

.....
(Port of registry)

in terms of Part II of the Inland Waters Shipping Act.

Description of vessel-

- (a) name of vessel.....
- (b) location of vessel awaiting survey
- (c) purpose for which it is intended to use vessel
-
- (d) built by
- (e) date of construction.....

Date

(Signature of owner)

(Reverse)

THE INLAND WATERS SHIPPING ACT

The Laws of Zambia
SURVEYOR'S CERTIFICATE

To: The Registrar of Vessels,

.....

(Port of registry)

I certify that the vessel described overleaf and in the attached Form 2 No. has been surveyed by me and found to be seaworthy and in a fit and proper condition to perform the services set out in Part III of that Form.

This certificate is valid for a period of three months from

.....and may now be registered in terms of Part II of

.....*(date of survey)*

the Inland Waters Shipping Act.

.....

(Signature of Surveyor of Vessels)

Number

THE INLAND WATERS SHIPPING ACT

DETAILS OF VESSEL

PART I

PURPOSE OF SURVEY

The purpose of this survey is for-

- (a) first registration;
- (b) renewal of certificate of registration;
- (c) an alteration in the dimensions, superstructure or tonnage or a permanent alteration in the method of propulsion of the vessel or the addition of a superstructure to the vessel;
- (d) change of use.

(delete inapplicable)

PART II

The Laws of Zambia

DESCRIPTION OF VESSEL

Name of vessel.....Date of construction.....
Builders.....
Full name of owner(s).....
Residential and business addresses of owner(s).....
.....
Port of registry.....Identity mark.....
Type of construction.....
Method of propulsion.....
Tonnage.....Length overall.....Breadth.....Depth.....
Girth.....Hull condition.....
Freeboard (minimum) when loaded to full permissible capacity.....
Hand-pumps (number and type).....Condition.....
Fire-extinguishers (number and type).....
Oars (number).....Anchors (number).....Cable (length,
condition and cross-sectional diameter of links).....
Navigation lights (number and type).....
Sound signals (number and type).....
Lifeboats (number and type).....
to carry (number of persons).....
Fire-buckets (number).....Bailers (number).....
Life-jackets (number of persons).....
Buoyant apparatus (number and type).....
to carry (number of persons).....
Machinery (items and condition).....
.....
Details of superstructure (if any).....

PART III

SERVICES FOR WHICH VESSEL IS TO BE USED

Nature of services.....
Number of crew.....
Maximum number of passengers.....Maximum cargo (tonnes).....
Standards of competency: Master.....
Mate.....
Engineer.....
.....
(Date) (Signature of Surveyor of Vessels)

(Reverse)

THE INLAND WATERS SHIPPING ACT

REGISTRATION CERTIFICATE

I hereby certify that the vessel.....
(name of vessel)

described overleaf has been registered and shall only be used for.....
(nature of services)

for one year from the....., 19.....

The identity mark allocated to the vessel is.....
(Registrar of Vessels)

Port of Registry.....

AMENDMENTS

1. Date.....Port of registry.....
(Registrar of Vessels)

2. Date.....Port of registry.....
(Registrar of Vessels)

3. Date.....Port of registry.....
(Registrar of Vessels)

SECTION 24 (2)(d)-THE INLAND WATERS SHIPPING
(IDENTITY MARKS) REGULATIONS

Statutory Instrument
115 of 1991

Regulations by the Minister

1. These Regulations may be cited as the Inland Waters Shipping (Identity Marks) Regulations. Title

2. The identity marks set out in the Schedule to these Regulations are allocated to the vessels operating in the area specified in the Schedule. Association of identity marks

SCHEDULE

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<i>Area</i>	<i>Identity Mark</i>
Shimungalu (Mazabuka Kafue River)	KF
Kasaka (Kafue River)	KS
Namwala (Kafue River)	KN
Mpulungu (Lake Tanganyika)	LT
Nchelenge (Lake Mweru)	LM
Samfya (Lake Bangweulu)	LB
Siavonga (Lake Kariba)	KG
Chipepo (Lake Kariba)	KG
Sinazongwe (Lake Kariba)	KZ
Mongu (Zambezi River)	ZM
Zambezi (Zambezi River)	ZZ
Livingstone (Zambezi River)	ZL
Chirundu (Zambezi River)	ZC
Luangwa (Luangwa/Zambezi Rivers)	ZLL
Waya (Lukanga Swamps)	LS
Lunsemfwa (Lunsemfwa River)	LR
Kabompo (Kabompo River)	KR
Safwa (Chambeshi River)	CR
Kampinda (Lake Mweru Wantipa)	LN
Copperbelt (Copperbelt Province)	CB
Lusaka City	LC

Endnotes

1 (Popup - Popup)

This Act has been confirmed by an Order made under section 735 of the Merchant Shipping Act, 1894, of the United Kingdom. (S.I. 1961 No. 1509 of the United Kingdom.)