

ACTS SUPPLEMENT

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Act 18

Inland Water Transport Act

2021

INLAND WATER TRANSPORT ACT, 2021

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INLAND WATER TRANSPORT ACT, 2021

An Act to provide for regulation of inland water transport; to provide for registration and licensing of vessels; to provide for the safety of life and navigation on inland waterways; to provide for the prevention of pollution and protection of marine environment and marine security; to provide for regulation of ports; to provide for the repeal of Vessel (Registration) Act, Cap. 362; the Ferries Act, Cap. 355; the Inland Water Transport (Control) Act, Cap. 356; Part XII of the Uganda Railways Corporation Act, Cap. 331; and to consolidate the law relating to shipping and for related matters.

DATE OF ASSENT: 14th August, 2021

Date of Commencement: 1st October, 2021

BE IT ENACTED by Parliament as follows:

PART I—PRELIMINARY**1. Commencement**

This Act shall come into force on the date of publication in the *Gazette*.

2. Purpose of the Act

The purpose of this Act is to regulate, co-ordinate and oversee maritime safety, security, training, search and rescue, and to prevent marine pollution on inland waterways.

3. Application

(1) This Act applies to—

- (a) every vessel registered in Uganda; and
- (b) any other vessel while in a port or place within the waters under the jurisdiction of Uganda.

(2) This Act does not apply to—

- (a) vessels of the Uganda People's Defence Forces; and
- (b) vessels of the Uganda Police Force.

(3) For the avoidance of doubt, where this Act does not make provision for any matter relating to a vessel or structure in a port on or a place in, or within Lake Victoria, the Lake Victoria Transport Act, 2007 shall apply.

4. Interpretation

In this Act, unless the context otherwise requires—

“accommodation” means any space intended for the use of persons, including passengers who normally live on board a vessel, and includes the galley, storage space for provisions, toilets and washing facilities, laundry facilities, landings and gangways, but not the wheelhouse;

“authorised employee” means an employee of the Port Administrator empowered to perform any functions in relation to which the expression is used;

“bareboat” means a boat or vessel hired without crew, stores or bunkers;

“bareboat charter” means a shipping agreement for hiring or leasing of a vessel for a period of time during which a vessel owner provides only a vessel while the charterer provides the crew with the stores and bunkers and pays all operating costs;

“cargo vessel” means a vessel which is not a passenger vessel;

“certificate of competency” means a certificate issued to a person by the Maritime Administration or a competent authority of a foreign State which entitles the person to be employed in the capacity stated in the certificate;

“certificate of foreign registry” means a certificate possessed by a foreign vessel issued by a competent authority in the State of origin of a vessel;

“certificate of registration” in relation to a vessel, means the certificate of registration of a vessel issued by the Maritime Administration under this Act;

“currency point” has the meaning assigned to it in Schedule 1;

“dangerous goods” means goods that, by reason of their nature, quantity or mode of stowage are either singly or collectively liable to endanger the lives of the passengers or imperil a vessel, and includes all substances classified in the International Maritime Dangerous Goods Code (IMDG Code) or any International Maritime Organization (IMO) publication as dangerous goods for carriage on inland waterways, and any other substance or article that the shipper has reasonable cause to believe might meet the criteria for such classification;

“distressed member of the crew” means a member of the crew or an apprentice found in distress by reason of having been shipwrecked, discharged or left at a port or place other than the port of engagement;

“equipment” in relation to a vessel, includes everything or article belonging to or used in connection with, or necessary for the navigation and safety of a vessel;

“existing vessel” means a vessel other than a new vessel;

“fishing vessel” means a vessel used for or intended to be used for or in connection with fishing but does not include a vessel used or intended to be used for fishing, other than for profit or a vessel used or intended to be used wholly for the purpose of conveying persons wishing to fish for pleasure;

“freeboard” means the distance measured vertically downwards, amidst vessels, from the upper edge or the deck line to the upper edge of the related load line;

“grain” includes millet, wheat, maize (corn), oats, rye, barley, rice, pulses, sesame and seeds;

“home port” means the port of registration of a vessel or the place at which a vessel is habitually kept when not on voyage;

“inland waterways” means any lake or navigable portion of rivers in Uganda;

“licence” means a licence issued under this Act;

“life-saving appliance” includes lifeboat, lifebuoy, life jacket or life-raft used to protect human life at sea;

- “load line certificate” means an international load line certificate or local load line certificate issued under section 100;
- “Load Line Convention”, means the International Convention on Load Lines, 1966;
- “logbook” includes official logbook, deck logbook or engine room logbook;
- “marine casualty” means any casualty or accident involving any vessel other than a vessel exempted by this Act, that occurs upon the inland waterways;
- “maritime” means the transportation of goods or passengers on waterways;
- “Maritime Administration” means the department responsible for maritime safety and security in the Ministry responsible for transport;
- “maritime curriculum” means a curriculum developed for study of seafarers;
- “master” means a person having command of a vessel;
- “mate” means a person second in command to a person in charge of a vessel;
- “member of the crew” means a person employed in any capacity on board a vessel;
- “Minister” means the Minister responsible for transport;
- “navigation mark” means a lighthouse, beacon, busy traffic separation scheme mark, vessel routing mark and any mark used for navigation;

“near shore limits” means the limits of a lake measuring ten nautical miles from the nearest shoreline;

“new vessel” means a vessel the keel of which is laid, or is at an equivalent stage or production after the commencement of this Act;

“official logbook” means the logbook required to be kept under section 68;

“oil mixture” means any substance containing any oil having an oil content of more than fifteen parts per million by volume;

“open waters” means areas of inland waterways within which the conditions are such that it is appropriate to apply the highest standards of safety to vessels operating on inland waterways;

“owner” means the registered owner of a vessel and includes the agent of the owner and in the case of a vessel which is the subject of a charge or hire-purchase agreement, the person in possession of a vessel under the terms of that agreement;

“passenger” means any person carried on a vessel except—

- (a) a person employed or engaged in any capacity on the business of a vessel;
- (b) a person on board a vessel, either in pursuance of the obligation laid upon the master to carry shipwrecked, distressed or other persons, or by reason of any circumstance that the owner, master or the charterer, if any, would have prevented or forestalled; and
- (c) a child under one year of age;

“passenger vessel” means a vessel which is constructed for, or which is habitually or on any particular occasion used for carrying more than twelve passengers and includes a vessel provided for the transportation or entertainment of lodgers at any institution, hotel, boarding house, guest house or other establishment;

“pleasure vessel” means—

- (a) a vessel, including a dive boat, which at the time it is used is—
 - (i) wholly owned by an individual or individuals and used only for the sport or pleasure of the owner or the immediate family of the owner; or
 - (ii) owned by a body corporate and a person using it is an employee, officer or shareholder of the body corporate, or a member of his or her immediate family;
- (b) a vessel on voyage or excursion and the owner does not receive any payment for or in connection with operating a vessel or carrying any person, other than a contribution to the direct expenses of the operation of a vessel incurred during the voyage or excursion; or
- (c) any vessel wholly owned by or on behalf of a club formed for the purpose of sport or pleasure, which is used only for the sport or pleasure of the member of the club or the immediate family of the member, and for the use of which any charges levied are paid into club funds and applied for the general use of the club;

“port” means a place or area on a lake or river designated as such by notice and includes an inland port;

“Port Administrator” means a person responsible for managing and maintaining a port;

“port of engagement” means a port at which a member of the crew is employed by an owner or master of a vessel to work on board a vessel;

“port of registry” in relation to a vessel, means the port at which a vessel is registered or is provisionally registered;

“private port” means an inland port owned and operated by a private person;

“proper return port” in relation to a member of the crew, means a port agreed upon at the time of his or her discharge;

“receiver of wreck” means the receiver of wreck designated under section 127;

“reception facility” means facility at the port used to receive shipboard residues and mixtures containing oil, noxious liquids or garbage;

“rescue co-ordination centre” means a unit responsible for promoting efficient organisation of search and rescue services and for coordinating the conduct of search and rescue operations within a search and rescue area;

“rescue sub-centre” means a unit composed of trained personnel and provided with equipment suitable for the expeditious conduct of search and rescue operations;

“salvor” a person engaged in salvage of a vessel, life or cargo lost in inland waterways;

“seafarer” means a person who fulfills the conditions to be employed or engaged in any capacity on board a vessel;

“small vessel” means a vessel of less than 25 gross tons and not more than 3 metres in length;

“surveyor” includes any person or company designated under section 87;

“tanker” means a cargo vessel constructed or adapted for the carriage of bulk inflammable liquid cargo;

“vessels of traditional build” means dug outs and canoes constructed of wood;

“vessel” includes every description of water craft, including non-displacement craft and seaplanes, used or capable of being used as a means of navigation on water;

“wages” includes emoluments;

“wheelhouse” means the space in which all the equipment necessary for navigating and controlling a vessel is installed;

“wreck” includes flotsam, jetsam, lagan and derelict found in or on the shores of the inland waterways, the whole or any portion of the vessel lost, abandoned, stranded or in

distress, any portion of cargo, stores or equipment of the vessel, and any portion of the personal property on board a vessel which is lost, stranded, abandoned or in distress, and includes, when found in the inland waterways or on the shores of the inland waterways—

- (a) goods which are cast into the lake and sunk and remain under water;
- (b) goods which are cast or fall into inland waterways and remain floating on the surface of the lake;
- (c) goods which are sunk into inland waterways, but are attached to a floating object in order that they may be found again;
- (d) goods which are thrown away or abandoned; and
- (e) a vessel abandoned without hope or intention of recovery.

PART II—ADMINISTRATION AND JURISDICTION

5. Maritime Administration to administer this Act

(1) The Maritime Administration shall be responsible for the administration of this Act.

(2) Notwithstanding subsection (1), the Maritime Administration shall, while administering this Act, follow the duly established employment and reporting structures within the Ministry responsible for transport.

(3) The Maritime Administration is designated as the Maritime Administration Unit for purposes of section 11 of the Lake Victoria Transport Act, 2007.

6. Functions of the Maritime Administration

The Maritime Administration shall perform the following functions—

- (a) regulate, coordinate and control the shipping activities in the inland waterways;
- (b) act as the registrar of seafarers and vessels;
- (c) act as registrar of vessels and crew for purposes of section 31 (1) and 118 (1) of the Lake Victoria Transport Act, 2007;
- (d) issue, renew, suspend, cancel or withdraw certificates, licences, authorisations and exemptions granted under this Act and regulations made under this Act;
- (e) maintain a register of vessels containing the names and particulars of vessels flying the Uganda flag;
- (f) take necessary measures to ensure safety on inland waterways with regard to the construction, equipment and seaworthiness of vessels, the manning of vessels, labour conditions and the training of the crew, the use of signals, the maintenance of communications and the prevention of collisions, taking into account the applicable international instruments;
- (g) issue guidelines with regard to matters relevant to the administration of inland waterways;
- (h) regulate and control navigation and ensure safety in navigation;
- (i) promote the effective and efficient management and operation of inland waterways;

- (j) in consultation with relevant stakeholders, oversee the training and assessment of seafarers for certification in accordance with International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW), 1978;
- (k) issue certificates of competency;
- (l) regulate the management of ports and port services;
- (m) establish and manage rescue co-ordination centres and rescue sub-centres;
- (n) develop and provide national search and rescue services;
- (o) create awareness of search and rescue programmes;
- (p) cooperate in the conduct of any inquiry held by another State into any marine casualty or incident of navigation;
- (q) set security levels and ensure the provision of security-level information to vessels registered under this Act; and
- (r) perform any and all functions as may be conferred by the Minister under this Act.

PART III—REGISTRATION AND LICENSING

7. Obligation to register a vessel

A person who intends to employ a vessel in navigation of inland waterways or fly a Ugandan flag shall register the vessel with the Maritime Administration.

8. Application for registration

(1) A person shall apply for the registration of a vessel to the Maritime Administration using Form 1 as prescribed in Schedule 2 to this Act.

(2) The application for registration of a vessel shall be accompanied by the following information—

- (a) a construction certificate of a vessel to be registered;
- (b) the instruments of transfer of a vessel, where the applicant is not the first owner;
- (c) three proposed names of the vessel;
- (d) the name of the owner and master of the vessel;
- (e) number of shares per owner;
- (f) a description of vessel in terms of material used for construction;
- (g) the intended purpose of a vessel;
- (h) the tonnage of a vessel or passenger capacity;
- (i) the size and length of the keel;
- (j) the number of applicable life-saving appliances;
- (k) the number of the crew to work on a vessel;
- (l) proof of payment of prescribed registration fees; and
- (m) any other relevant information as may be prescribed by the Minister, by regulations.

9. Registration

The Maritime Administration shall, on receipt of the application, after inspecting the vessel and being satisfied with the information provided, register the vessel in the register of vessels.

10. Certificate of registration

The Maritime Administration shall, upon registration of a vessel, issue a certificate of registration.

11. Register of vessels

(1) The Maritime Administration shall keep and maintain a register of vessels in which shall be entered—

- (a) the name of a vessel;
- (b) the year of manufacture of a vessel;
- (c) the official number of a vessel;
- (d) the details of ownership of a vessel;
- (e) the name of the master of a vessel;
- (f) a description of a vessel in terms of material used for construction;
- (g) the purpose of a vessel;
- (h) the tonnage of a vessel or passenger capacity;
- (i) the size and length of the keel;
- (j) the number of life-saving appliances;
- (k) the number of the crew to work on a vessel;

- (l) the particulars in respect to the origin of a vessel as stated in the declaration of ownership;
- (m) the instruments of transfer of a vessel; and
- (n) where a vessel was previously registered in another State, evidence that the previous certificate of registration has been surrendered to the registrar of vessels or any competent authority within that State and has been cancelled.

(2) The register shall be available for public inspection at a fee prescribed by the Minister by regulations made under this Act.

(3) A person who has an interest in a vessel may, during working hours and upon payment of the prescribed fee, obtain a certified copy of any entry made on the register of the vessel.

12. Registration of bareboat charter

(1) A person who intends to use a vessel on bareboat charter terms shall comply with this section.

(2) This section applies to any vessel which—

- (a) is registered under the law of any country other than Uganda; or
- (b) is chartered on bareboat charter terms to a charterer who is a Ugandan.

(3) A vessel to which this section applies shall be registered in accordance with this Act.

(4) A certificate of registration of a vessel registered under this section shall remain in force until the end of the charter period, unless terminated by the Maritime Administration for breach of conditions for registration under this Act.

(5) The Maritime Administration shall not register a vessel under this section without proof that registration in the original registry has been cancelled for the time of the bareboat charter.

(6) During the period for which a bareboat charter is registered, a vessel shall—

(a) fly the Ugandan flag; and

(b) be governed by this Act.

(7) The Minister may make regulations under this section for regulating bareboat charters.

13. Register of vessels under construction

(1) The Maritime Administration shall maintain a register of vessels under construction until the construction of the vessels is complete.

(2) The Maritime Administration shall monitor and continuously inspect a vessel under construction from the date of the signing of the contract for construction until the vessel is complete and registered in accordance with this Act.

14. Issuance of construction certificate

The Maritime Administration shall, upon registration of a vessel after completion of construction, issue a construction certificate.

15. Annual examination of certificate of registration

(1) The owner of a vessel shall, once in each year, submit the certificate of registration to the Maritime Administration for examination.

(2) The Maritime Administration shall, upon examination of the certificate of registration submitted under subsection (1) and being satisfied with the status of the certificate—

(a) sign and seal on the back of the certificate; and

(b) indicate the date of examination,

as a record of authenticity and correctness of the certificate of registration.

16. Change of ownership or master

(1) Where a change of ownership of a vessel occurs, the intended owner shall apply to the Maritime Administration for a new certificate of registration.

(2) The Maritime Administration shall, upon verification of the change of ownership of a vessel and on payment of a prescribed fee, issue a new certificate of registration to the intended owner and cancel the former certificate of registration.

(3) Where the intended owner of a vessel fails to comply with subsection (1), the vessel shall be treated as belonging to the former owner.

17. Certificate of registration to be kept on board

The master of a vessel registered under this Act shall have the certificate of registration on board a vessel at all times.

18. Certificate of registration to be produced

The master shall, whenever required, produce the certificate of registration of the vessel to the Maritime Administration.

19. Change in name or alteration of the vessel after registration

(1) A person shall not make any change in the name or make major alterations or repairs that modify the structural soundness or characteristics of a registered vessel without the approval of the Maritime Administration.

(2) Where the Maritime Administration has granted the approval under subsection (1) and the alteration is made on a vessel, the owner or master of a vessel shall, within thirty days after alterations, notify the Maritime Administration.

(3) The Maritime Administration shall, on receipt of the notice of alteration of a vessel under subsection (2), require the owner or master of the vessel to submit the certificate of registration.

(4) Upon receipt of the certificate of registration under subsection (3), the Maritime Administration shall, within twenty one days and upon payment of a prescribed fee, register the alterations of the vessel and;

- (a) retain the original certificate of registration and issue a new certificate of registration containing the description of the vessel as altered; or
- (b) endorse and sign on the original certificate of registration, a memorandum of the alteration.

(5) The Maritime Administration shall not register any alteration made on a vessel without a report of the surveyor on the seaworthiness of the vessel.

20. Tonnage of each vessel to be described on official papers

The certificate of registration or other official papers relating to a vessel shall contain the description and tonnage of each vessel, and the name of the owner and master.

21. Mortgages, charges and liens

(1) The owner of a vessel may use a vessel as a mortgage, charge or lien.

(2) The mortgagor shall within seven days after a mortgage, charge or lien has been created on a vessel, notify the Maritime Administration.

(3) The Maritime Administration shall maintain a register of mortgages, charges and liens on vessels registered or licenced under this Act.

22. Licensing of vessels to carry on business

(1) A person who intends to use a vessel for trade in carriage of goods or passengers on inland waterways shall apply to the Maritime Administration for a licence.

(2) This section does not apply to fishing vessels.

23. Vessels eligible for application for a licence

A vessel owned by—

- (a) the Government of Uganda;
- (b) a citizen of Uganda;
- (c) a company, organisation or partnership registered in Uganda;
- (d) an individual or company in possession of a vessel registered outside Uganda; or

(e) an individual or corporation on bareboat charter in Uganda, is eligible to apply for a licence under section 22.

24. Requirements for application for licence

An application under section 22 shall contain the following particulars—

- (a) the type of vessel to be licenced;
- (b) the certificate of registration of the vessel;
- (c) the construction and horsepower of the vessel;
- (d) the total number of the crew to be carried on a vessel;
- (e) the number of passengers a vessel is intended to carry;
- (f) the intended area of operation of a vessel and the services to be provided;
- (g) the places between which a vessel is intended to navigate;
- (h) seaworthiness certificate;
- (i) proof of payment of application fees as may be prescribed by the Minister, by regulation; and
- (j) any other particulars as the Maritime Administration may require in relation to the application.

25. Marking of vessels

(1) The owner of a vessel shall, before applying for a licence under section 22, mark a vessel permanently and conspicuously to the satisfaction of the Maritime Administration as follows—

- (a) the name of the vessel on each side of the bows of the vessel;
- (b) the name of the vessel and the port of registry on the stern of the vessel, on a dark background in white or yellow letters or on a light background in black letters of not less than ten centimetres in length and of proportionate breadth;

- (c) the registration number and net tonnage of a vessel shall be permanently marked on the main part of a vessel's permanent structure that is readily visible and accessible in such manner as may be specified by the Maritime Administration;
- (d) a scale of feet denoting the draught of water of a vessel shall be marked on each side of a vessel stem and of the stem post of a vessel written in Roman capital numerals or in figures, not less than six inches in length, the lower line of such letters or figures to coincide with the draught line denoted thereby;
- (e) the letters and figures shall be marked by being cut in and painted in a contrasting colour so as to be clearly visible, or in such other way as the Maritime Administration may approve; and
- (f) in the case of a vessel built after the date of metric conversion—
 - (i) a scale of decimeters, or metres and decimeters, denoting a draught of water shall be marked on each side of the stem of a vessel and stem post in figures at two-decimeter intervals and at intervening two decimeter intervals;
 - (ii) if the scale is in metres and decimeters, the capital letter "M" shall be placed after each metre figure; and
 - (iii) the top figure of the scale showing both the metre and except where it marks a full metre interval, the decimeter figure, the lower line of the figure, or figure and letters as the case may be, shall coincide with the draught line denoted thereby.

(2) This section does not apply to small vessels and vessels of traditional build.

26. Issue of licence

(1) The Maritime Administration shall, within thirty days from receiving the application, consider the application and may, if satisfied that the applicant meets all the requirements, issue a licence.

(2) In exercising the powers under subsection (1), the Maritime Administration shall take into consideration, the following—

- (a) the desirability of encouraging the provision of adequate and efficient services; and
- (b) the coordination of transport on inland waterways.

(3) Where the Maritime Administration refuses to issue a licence, it shall, within fourteen days, provide a written explanation to the applicant, giving reasons for the refusal.

27. Duration of licence

(1) A licence shall be valid for a period of one year from the date of issue.

(2) A short-term licence may be granted for a period of not more than three months to enable a vessel to be used temporarily for—

- (a) seasonal business;
- (b) execution of a particular piece of work; or
- (c) any other purpose of limited duration.

(3) The licence for small vessels and vessels of traditional build may be combined with a certificate of seaworthiness.

28. Maintenance of vessel standards

(1) An owner or master of a vessel to which a licence is granted under section 26 shall—

- (a) ensure that the vessel is maintained in a seaworthy condition; and
- (b) comply with the provisions of any law relating to prevention and control of pollution, the limits of weight, laden and unladen, the loading of vessels and the number of passengers to be carried.

(2) Without prejudice to the generality of subsection (1), the Maritime Administration may attach to the licence any of the following conditions—

- (a) a vessel in respect of which a licence is issued shall only be used in a specified area or over specified routes;
- (b) only specified classes or descriptions of goods shall be carried;
- (c) the specification of the maximum laden weight of a vessel;
- (d) only passengers may be carried on a vessel;
- (e) specification of the maximum number of passengers which may be carried; or
- (f) any other condition.

(3) The Maritime Administration may, at any time, vary any of the conditions of a licence.

(4) A vessel granted a licence under this Act shall use the licence only for the purpose for which the licence has been granted.

29. Renewal of licence

(1) A person may apply for renewal of a licence of a vessel.

(2) An application for renewal of a licence shall be made in accordance with the regulations made under this Act.

(3) Subject to subsection (2), on application for the renewal of the licence, the Maritime Administration may renew the licence.

(4) The Maritime Administration shall not renew the licence of a vessel where a vessel has violated a condition of the licence or provisions of this Act and regulations made under this Act.

30. Power to suspend or revoke licence

(1) The Maritime Administration may suspend or revoke the licence where any of the conditions of the licence have not been complied with.

(2) Where a licence is suspended or revoked under subsection (1), the Maritime Administration shall notify the licence holder in writing and state the reasons for the suspension or revocation.

31. Licence not transferable

A licence issued under this Act shall not be transferable except with the written consent of the Maritime Administration.

32. Appeals in connection with licence

(1) A person may appeal to the Minister—

- (a) against the decision of the Maritime Administration relating to the application for a licence; or
- (b) in relation to the revocation or suspension of the licence, or the variation of any of the conditions of a licence.

(2) The Minister shall, within twenty one days of receiving an appeal, notify the applicant of his or her decision.

(3) A person who is dissatisfied with the decision of the Minister may apply to the High Court.

33. Management of small vessels and vessels of traditional build

(1) The Minister may, by statutory instrument, make regulations for management of small vessels and vessels of traditional build.

(2) The regulations may provide for the following—

- (a) the forms and procedures for licensing;
- (b) registration and change of ownership;
- (c) survey and inspection;
- (d) scope of operation;
- (e) marking of vessel;
- (f) keeping of records; and
- (g) fees.

PART IV—CREW ENGAGEMENT

34. Crew agreement

(1) An owner of a vessel registered and licenced under this Act shall enter into a crew agreement, in writing, with every member of the crew.

(2) The crew agreement shall contain all the internationally accepted standard terms of agreements for members of the crew.

(3) The crew agreement may contain any other terms agreed upon by the owner of a vessel and a member of the crew.

(4) The crew agreement shall—

- (a) be read over and explained to a member of the crew to ascertain that he or she understands the agreement before signing it; and
- (b) be signed in duplicate, with one copy retained by owner of the vessel and the other copy by a member of the crew.

(5) Where a substitute is engaged to replace a member of the crew who signed a crew agreement and whose services have ceased as result of death, desertion or other unforeseen cause, the owner or master shall, within twenty four hours before the vessel sets sail, cause the agreement to be read over and explained to the substitute, and the substitute shall sign the agreement in the presence of a witness who shall attest to the signature.

(6) A copy of every crew agreement and any amendment to the crew agreement shall be lodged with the Maritime Administration.

35. Display of specimen crew agreement

The master of a vessel shall, at the commencement of every voyage, place a specimen crew agreement in a conspicuous part of a vessel that is accessible to members of the crew.

36. Employment of persons below eighteen years

(1) A person who has not attained the age of eighteen years shall not—

- (a) be engaged to work on board a vessel unless that person obtains the written consent of his or her parent or guardian;
- (b) be employed to work in the engine room of a vessel unless that person is an apprentice working under supervision;
or

- (c) perform dangerous duties like work with power tools, electrical panels, work at vessel's sides or great heights.

(2) An authorised representative of an apprentice engaged under this section, shall sign a contract of apprenticeship with the owner of a vessel in the presence of a designated officer of the Maritime Administration.

37. Certificate of competency

(1) Every vessel shall be manned by a sufficient and efficient crew to ensure safety of life.

(2) A person shall not man or serve as member of the crew unless he or she possesses a certificate of competency.

(3) The Maritime Administration shall not issue a certificate of competency to a person unless the person is a qualified seafarer.

38. Payment of wages of member of the crew

(1) An owner or master of a vessel shall, within two working days after the arrival of the vessel at the port where the member of the crew is to be discharged or on the discharge of the member of the crew, whichever is the earlier, pay wages to the member of the crew engaged on a vessel.

(2) The final wages of a member of the crew may, with his or her consent, be paid to the registrar of seafarers and the receipt of final wages by the registrar of seafarers shall constitute an absolute discharge to a member of the crew.

39. Account of wages

(1) The owner of a vessel shall, before discharging a member of the crew, deliver to him or her, a full and true account of the wages.

(2) The account of the wages referred to in subsection (1) shall be delivered to a member of the crew within twenty-four hours after the discharge of the member of the crew.

40. Deductions from wages

(1) The master of a vessel shall, during the voyage, enter the various matters in respect of which the deductions are made from wages, in a book kept for that purpose.

(2) The master of a vessel shall, before the member of the crew is discharged, deliver to him or her, a full and true account of the wages which shall indicate the various matters in respect of which any deductions are made during the voyage.

(3) The master of a vessel shall, if required, produce the book kept under subsection (1) at the time of the payment of wages and upon a hearing, before any competent authority, of any complaint or question relating to that payment.

41. Settlement of wages

(1) Subject to subsection (2), where the wages of a member of the crew are not paid or settled as provided in this Part, the wages shall remain payable until the time of final settlement of the wages.

(2) Subsection (1) shall not apply where—

(a) the delay in the payment of the wages of a member of the crew is attributed solely to the act or default of a member of the crew;

(b) a reasonable dispute as to the liability of the owner or master of a vessel arises; or

(c) the delay is due to any other cause outside the control of a member of the crew or the owner or master of a vessel.

(3) Where a member of the crew is discharged from a vessel and the settlement of wages is completed, the member of the crew shall endorse the discharge of crew agreement, and sign a release of all claims in respect of the voyage or engagement for which the wages are settled.

(4) The master of a vessel shall deliver a copy of the release so signed and attested to the Maritime Administration.

42. Payment of wages in advance

A crew agreement may contain a stipulation for payment of wages in advance, to or on behalf of a member of the crew conditionally on commencement of work in pursuance of the crew agreement, or a sum not less than the equivalent of two weeks' wages payable to a member of the crew under the crew agreement.

43. Payment of wages of member of the crew to other person

(1) A crew agreement may contain a stipulation that part of the wages due to a member of the crew, during the absence of a member of the crew from Uganda or the port of registry, be paid to such person and at such times as may be specified in crew agreement.

(2) The amount under subsection (1) shall not exceed fifty per cent of the monthly wages of a member of the crew.

(3) A person who is entitled to payment of wages under this section may claim and recover the amount of the payment as if it were a debt owed to that person.

44. Right to wages and provisions

The right to wages and provisions of a member of the crew shall begin at the time—

- (a) a member of the crew commences work; or
- (b) specified in the agreement for commencement of work or presence on board, whichever is the earlier.

45. Premature termination of service

(1) Where the services of a member of the crew are terminated before the date stated in the crew agreement and a member of the crew is left on shore by reason of being unfit or unable to proceed on the

voyage, the member of the crew shall be entitled to wages for the time served up to the time of the termination and for any travel expenses to the port of engagement.

(2) Where the services of a member of the crew are terminated before the date stated in the crew agreement by reason of the loss or foundering of a vessel on which a member of the crew was employed, the member of the crew shall be entitled to receive wages in respect of each day on which that member of the crew is unemployed for a period of two months from the date of termination of service, at the rate stipulated in the crew agreement.

(3) Subsection (2) shall not apply where a member of the crew obtains other employment on the day or for the period on which that member of the crew is unemployed on the lost or foundering vessel.

46. Annual leave

A member of the crew shall be entitled to an annual leave with pay after six months of continuous service on the vessel or with the same employer.

47. Wages during sickness

(1) A member of the crew is entitled to wages during sickness on board a vessel or on shore.

(2) Notwithstanding subsection (1), where a member of the crew alleges sickness and does not perform his or her duty, and the master has reason to believe that the member of the crew—

(a) is not medically indisposed; or

(b) wilfully concealed the sickness at the time of engagement, the member of the crew shall not be entitled to wages for the time during which he or she did not perform his or her duty by reason of the alleged sickness.

48. Wages on improper discharge

(1) Where there is proof that a member of the crew has been discharged unfairly and in violation of the terms of the crew agreement, the member of the crew is entitled to receive from the owner or master of a vessel, in addition to any wages the member of the crew may have earned, compensation for the loss or damage caused by the discharge.

(2) The member of the crew may recover the compensation as if it were wages duly earned.

(3) The compensation shall not be less than the total amount of the outstanding wages for the remaining period of the crew agreement.

49. Custody of property of deceased member of the crew

(1) Where a member of the crew serving on a vessel dies during a voyage, the master of a vessel shall take charge of the property on the vessel, belonging to the deceased member of the crew.

(2) The master of the vessel shall enter, in the official logbook—

(a) a statement of the amount of money and a description of the personal effects of the deceased; and

(b) a statement of the wages due to the deceased, the amount of deductions, if any, to be made from the wages and the balance of the wages due.

(3) The entry in the official logbook under subsection (2) shall be signed by the master and attested by a mate or another member of the crew.

(4) The master of a vessel may, if the master thinks fit, cause any of the personal effects of a deceased member of the crew to be sold.

(5) The master of a vessel shall, without delay, furnish the registrar of seafarers with a statement of the property of the deceased member of the crew.

(6) In this section, “property” means the money, personal effects, remaining wages or the proceeds of the sale of the property of a deceased member of the crew.

50. Delivery of property of deceased member of the crew

(1) Subject to subsection (2), the property of a deceased member of the crew shall, upon being claimed, be delivered by the master of the vessel, by the most practicable means, to the next of kin of the deceased member of the crew.

(2) Where there is no next of kin of the deceased member of the crew, the property shall be delivered to the Maritime Administration, who shall arrange for disposal of the property in accordance with the relevant laws relating to the distribution or succession of property of deceased persons.

(3) The master may deduct from the proceeds of sale of the property of the deceased member of the crew, any expenses properly incurred by the master in complying with subsection (1).

(4) Upon complying with subsection (1), the master of the vessel shall deliver a statement of account to the Maritime Administration in respect of the property of the deceased member of the crew.

(5) Where no claim to the property of a deceased member of the crew is made, the Maritime Administration shall cause the property to be sold by public auction and the net proceeds shall be dealt with in accordance with the relevant laws relating to the distribution or succession of property of deceased persons.

51. Complaints about working conditions

(1) Where four or more members of the crew consider the conditions of work at any time to be substandard or deficient in quantity or quality, the members of the crew may make a complaint—

- (a) in the first instance, to the owner of a vessel; and
- (b) where there is no improvement, to the Minister or to any authorised officer who may examine the vessel or cause the vessel to be examined.

(2) Where the person carrying out the examination under this section finds that the conditions of work are substandard or deficient in quality, the person shall inform the owner of a vessel in writing.

(3) Where the owner of a vessel does not provide proper working conditions, the owner commits an offence and is liable, on conviction, to a fine not exceeding fifty currency points or to imprisonment for a term not exceeding three months, or both.

52. Compensation for deficient provisions

(1) The master of a vessel in which provisions are supplied to a member of the crew shall keep on board, proper weights and measures for determining the quantities of the provisions supplied.

(2) Where, during the voyage of the vessel, the allowance for provisions supplied to a member of the crew is deficient in quantity or where any of the provisions are substandard, the member of the crew shall receive by way of compensation for the deficiency, an amount of money to be determined by the Maritime Administration.

53. Qualified cook

A vessel of a gross registered tonnage of fifty tons or more shall, where passengers and members of the crew are provided with food, carry a qualified crew cook and a qualified passenger cook.

54. Medical requisites

(1) The owner or master of a vessel shall ensure that a vessel carries medicine, medical stores and appliances in accordance with regulations made under this Act.

(2) Where the Maritime Administration is of the opinion that the medicine, medical stores and appliances on the vessel are deficient in quantity or quality, or are placed in improper receptacles, the Maritime Administration shall give notice of the deficiency, in writing, to the owner or master of the vessel and make a report to the Minister.

(3) The Minister may, upon receiving the report under subsection (2), suspend the certificate of registration or the licence of the vessel and detain a vessel until the Minister is satisfied that the default has been remedied.

55. Expenses for medical treatment or burial

(1) Where a member of the crew of a vessel receives any surgical, medical, dental or optical treatment, the expense of the treatment shall be borne by the owner of a vessel.

(2) Where a member of the crew of a vessel dies and is buried or cremated outside Uganda, the expenses of the burial or cremation shall be borne by the owner of a vessel.

56. Certificate of discharge of member of the crew

Subject to section 38, the master of a vessel shall sign and give to a member of the crew, a certificate of discharge from the vessel, upon payment of the wages of a member of the crew.

57. Seaman's Identification Record Book

(1) The Maritime Administration shall issue a continuous discharge book known as the Seaman's Identification Record Book to every member of the crew engaged on a vessel, which shall contain a record of service of a member of the crew.

(2) The master of a vessel shall, on the discharge of a member of the crew from a vessel, make an entry in the Seaman's Identification Record Book specifying the time and place of discharge and shall sign the entry.

58. Character report

Where a member of the crew is discharged from a vessel, the master of the vessel shall produce a signed report to the Maritime Administration known as a character report, in which the master—

- (a) shall report on the conduct, character and competence of a member of the crew who is being discharged; or
- (b) may state that the master declines to give any report on the conduct, character and competence of a member of the crew who is being discharged.

59. Discharge on change of owner

(1) Where a vessel is sold, transferred or disposed of in any other way, a member of the crew may be discharged or may, in writing, consent to be employed to complete the voyage of a vessel on terms and conditions not less favourable than those stipulated in the crew agreement under which the member of the crew was engaged to serve on a vessel.

(2) Where a member of the crew is discharged under this section, the provisions of this Part relating to the Seaman's Identification Record Book and the return of a member of the crew to the port of engagement shall apply as if the service of the member of the crew had been terminated other than by consent to be discharged during the existence of the crew agreement.

60. Relief and return of member of the crew left behind or where a vessel is wrecked

- (1) Where a member of the crew—

- (a) is left behind at a port other than his or her port of engagement; or
- (b) becomes employed under an agreement entered into outside the port of engagement as a result of the vessel being shipwrecked,

the owner or master of the vessel that last employed the member of the crew shall make such provision for the return, relief and maintenance of the member of the crew until his or her return to his or her port of engagement.

(2) This section applies to a member of the crew who is left behind where a vessel changes ownership in accordance with section 59.

61. Misconduct endangering vessel or life

A member of the crew, who, by wilful breach of duty or by reason of drunkenness—

- (a) does any act in a manner that may cause immediate loss, destruction or serious damage to a vessel or that may pose an immediate danger to the life of any person on board a vessel or another vessel; or
- (b) refuses or omits to do any lawful act, proper and requisite to be done by a member of the crew, for preserving a vessel from immediate loss, destruction or serious danger to a vessel or any immediate danger to life or limb,

commits an offence and is liable, on conviction, to a fine not exceeding two hundred forty currency points or imprisonment for five years, or both.

62. Inquiry into fitness or conduct of member of the crew by Maritime Administration

(1) Where by way of inspection or complaint, it appears to the Maritime Administration that a member of the crew—

- (a) is unfit to discharge his or her duties by reason of incompetence, misconduct or for any other reason;
- (b) has been negligent in the discharge of his or her duties; or
- (c) has failed to comply with the provisions of this Act and any regulations made under this Act,

the Maritime Administration may carry out an inquiry.

(2) The Maritime Administration may, where it deems fit, suspend the certificate of competency issued to a member of the crew pending the outcome of the inquiry, and require a member of the crew to deliver the certificate of competency to the Maritime Administration.

(3) The Maritime Administration may, after holding an inquiry into the fitness or conduct of the member of the crew under this section—

- (a) disregard the complaint, if the Maritime Administration finds a member of the crew competent and compliant with the Act; or
- (b) if satisfied with any of the circumstances referred to in subsection (1)—
 - (i) suspend or cancel the certificate of competency; or
 - (ii) censure the member of the crew.

(4) Where the Maritime Administration suspends or cancels a certificate of competency under subsection (3), the Maritime Administration shall cause the certificate of competency to be delivered to the Maritime Administration.

(5) The Maritime Administration shall, upon completion of the inquiry, make a report to the Minister.

(6) The Maritime Administration may recover from a member for the crew, any costs incurred under this section.

63. Disqualification of holder of certificate of competency

(1) The Maritime Administration shall, before suspending or cancelling the certificate of competency of a member of the crew by reason of incompetence, misconduct or for any other reason, in writing, give a member of the crew notice of intention to suspend or cancel the certificate.

(2) The notice issued under subsection (1) shall state—

- (a) the reasons why the Maritime Administration considers a member of the crew unfit to be a holder of the certificate of competency; and
- (b) the period within which a member of the crew may make a written response or request to make oral representation to the Maritime Administration, showing cause why the certificate of competency should not be suspended or cancelled.

(3) Upon considering any response or representation made under subsection (2), the Maritime Administration may suspend or cancel the certificate and shall, in writing, inform a member of the crew of the decision taken.

(4) Where, before the date specified in the notice, the Maritime Administration deems it fit for the case to be dealt with by an inquiry, the Maritime Administration shall withdraw the notice of suspension or cancellation and notify the member of the crew.

64. Appeal from inquiry and re-hearing

(1) A member of the crew who is dissatisfied with the decision of the Maritime Administration under section 62 may appeal to the Minister.

(2) Where after receipt of the appeal under subsection (1), it appears to the Minister that—

- (a) new and important evidence which could not be produced at the inquiry is discovered; or
- (b) there are reasonable grounds that a miscarriage of justice may have occurred,

the Minister may order a re-hearing of the whole or part of the case.

(3) Where the Minister orders for the re-hearing, the Minister shall appoint one or more persons and one or more assessors to conduct an inquiry into the decision of the Maritime Administration.

(4) A person conducting an inquiry under this section may—

- (a) confirm the decision taken under section 62 and cancel or suspend the certificate of competency;
- (b) where the decision under section 62 was to cancel the certificate of competency, instead, suspend the certificate;
- (c) where the decision under section 62 was to suspend the certificate of competency, suspend the certificate for a different period; or
- (d) make an order with regard to the costs of the inquiry.

(5) A person conducting an inquiry under this section shall, within two weeks of completion of the inquiry, submit a report to the Minister.

(6) The Minister shall, within twenty one days of receipt of the report under subsection (5), notify the member of the crew of his or her decision.

(7) Where a certificate of competency is suspended or cancelled under this section, the holder of the certificate of competency shall deliver the certificate to the Maritime Administration.

(8) Any costs which a member of the crew is ordered to pay under subsection (4) (d) may be recovered by the Minister.

(9) A person who is aggrieved by the decision of the Minister may appeal to court.

65. Rules for inquiries and appeals

(1) The Minister may, by statutory instrument, make rules for the conduct of inquiries and for re-hearing.

(2) The rules made under this section may provide for the procedure for appointment and summoning of assessors, the manner in which any facts may be proved, the persons allowed to appear, and the notice to be given to a person affected.

66. Failure to deliver suspended or cancelled certificate of competency

A member of the crew who fails to deliver the certificate of competency as required under section 62 (2) or 64 (7) commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding three months, or both.

67. Review by Maritime Administration

Where a certificate of competency is suspended or cancelled, the Maritime Administration may re-issue the certificate or reduce the period of suspension except that the Maritime Administration may re-issue a certificate on the same or a lower rank in place of the suspended or cancelled certificate.

68. Official logbook

(1) A vessel of ten or more metres in length, registered or licenced under this Act shall have an official logbook.

(2) The master of a vessel shall enter or cause to be entered in the official logbook, the following particulars—

- (a) every conviction by a court of a member of the crew and the punishment imposed;
- (b) every offence committed by a member of the crew for which the owner or master intends to institute proceedings, or for which punishment has been imposed on board a vessel;
- (c) every case of illness or injury happening to a member of the crew, the nature of the illness or injury and any medical treatment given;
- (d) every refusal by a member of the crew to take any medicine;
- (e) any marriage, birth or death happening on board a vessel;
- (f) the name of every member of the crew who ceases to be a member of the crew other than by death, stating the place, time, manner and cause of the cessation;
- (g) the wages due to any member of the crew who dies during a voyage, and the gross amount of all deductions to be taken from the wages;
- (h) the sale of the personal effects of any member of the crew with a statement of each article sold and the sum received for it;
- (i) every collision with any other vessel and the circumstances under which it occurred;
- (j) the date and time of posting up in a vessel of a notice containing particulars of the draught and freeboard of a vessel; and
- (k) any other entry authorised by this Act to be entered in the official logbook.

(3) An entry in the official logbook shall be signed by a master of a vessel and a mate.

(4) The master or mate shall keep the information entered in the official logbook confidential, except in accordance with this Act.

(5) The master of the vessel shall, within forty-eight hours after the arrival of the vessel at the final port of destination or on the discharge of the crew, whichever happens first, deliver the official logbook of the voyage to the Port Administrator.

(6) Where the vessel is lost or abandoned, the owner or master of a vessel shall, where practicable, and as soon as possible, deliver or transmit to the Port Administrator, an official logbook duly made out up to the time of the loss or abandonment.

(7) Where the official logbook of the vessel ceases to be required by reason of the transfer of ownership of the vessel, the owner or master of the vessel shall, within fifteen days of the transfer of ownership, deliver or transmit to the Port Administrator, the official logbook duly made out up to the time of the transfer.

69. Deck logbook and engine room logbook

(1) A vessel with a deck or engine room shall carry on board, a deck logbook or an engine room logbook in which shall be recorded particulars relating to the deck watch and the engine room watch respectively.

(2) The entries in the deck logbook and engine room logbook referred to in subsection (1) shall be made in the English language.

70. Breaches in respect of logbook

(1) The master of a vessel who fails to comply with section 68 or 69 commits an offence and is liable, on conviction, to a fine not exceeding forty-eight currency points or to imprisonment for a term not exceeding two years, or both.

(2) A person who wilfully destroys or mutilates a logbook or renders illegible any entry in a logbook or wilfully makes or procures to be made, a false or fraudulent entry in the logbook, commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or to imprisonment for a term not exceeding two years, or both.

71. Loss or abandonment of vessel

Where a vessel is lost or abandoned, the owner or master of a vessel shall deliver to the Maritime Administration, the list of persons and goods on board the vessel at the time of loss or abandonment.

72. Master to deliver documents

(1) Where, during a voyage, the master of a vessel is removed or suspended or for any other reason relinquishes command and is succeeded in command by another person, the master of the vessel shall deliver to the successor, the certificate of registration, the logbook and other documents which relate to the navigation and crew of the vessel which are in the custody of the master of the vessel.

(2) The person taking over command of the vessel under subsection (1) shall immediately enter in the logbook, a list of the documents delivered to him or her by the master of the vessel.

(3) A person who refuses to relinquish command or hand over documents as required under subsection (1), commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or to imprisonment for a term not exceeding two years, or both.

73. Repatriation of member of the crew

(1) Where the crew agreement of a member of the crew terminates at a port other than the port of engagement, the member of the crew shall be returned to the port of engagement at the expense of the owner or master of the vessel.

(2) The responsibility of the owner or master of a vessel under this section shall include—

- (a) payment of the cost of maintenance and any medical treatment until a member of the crew arrives at the port of engagement; and
- (b) ensuring that a member of the crew does not become a charge on the Government of Uganda.

74. Limitation of liability of owner or master of vessel

(1) Where a member of the crew is left at a place or port other than the port of engagement, and remains at the place or port for a period of three months, the owner or master of a vessel who last employed the member of the crew shall make provision for the return of the member of the crew to the port of engagement.

(2) An owner or a master of a vessel who fails to make provision for the return of a member of the crew under subsection (1) shall be responsible for any expenses incurred after the end of the three months period.

75. Crew not entitled to be returned

A member of the crew who is left behind or discharged from the vessel as a result of his or her desertion or imprisonment shall not be entitled to be returned under section 74 at the expense of the owner or master of a vessel.

76. Security by owner or master

Where a member of the crew is left at a port or discharged from the vessel at a port other than the port of engagement, the Port Administrator may demand from the owner or master of the vessel, adequate security or guarantee for the repatriation of the member of the crew to the port of engagement.

77. Statement of personal effects and wages

(1) Where a member of the crew engaged on the vessel is left at a place other than the port of engagement, the master of the vessel shall enter, in the official logbook, a statement of personal effects left on board by the member of the crew and an account of wages due to the member of the crew at the time he or she was left behind.

(2) On the termination of the voyage during which the member of the crew was left behind, the master of the vessel shall, within forty eight hours after the arrival of the vessel at the port at which the voyage terminates, furnish to the Port Administrator, a delivery account and a retention account relating to the member of the crew.

(3) The master of the vessel shall, where required by the Port Administrator, furnish such vouchers as may be necessary to verify the delivery and retention accounts.

(4) The master of the vessel shall deliver to the Port Administrator, the personal effects of the member of the crew as shown in the delivery account.

(5) The Port Administrator shall, upon receipt of the personal effects of the member of the crew under subsection (4), issue a receipt for any personal effects or amount delivered.

(6) The master of a vessel shall retain, out of the wages of a member of the crew, any sum shown in a retention account that appears to the Port Administrator to be owing or payable to the master of a vessel.

78. Exemption from liability

The master of a vessel is not liable for any loss or damage to the personal effects of the member of the crew who is left or discharged at a port other than the port of engagement, where the loss or damage occurred without fault on the part of the master.

79. Termination of service

(1) Where, during the crew agreement, the service of a member of the crew engaged on a vessel terminates otherwise than by the consent of the member of the crew, the master of the vessel shall—

- (a) make an appropriate entry in the Seaman's Identification Record Book of the member of the crew;
- (b) pay to the member of the crew, the wages to which he or she is entitled; and
- (c) make adequate provision in accordance with this Act for the maintenance and return of the member of the crew to a port of engagement.

(2) Where the master of the vessel fails without reasonable cause to comply with subsection (1), the expenses for the maintenance and conveyance of the member of the crew to the port of engagement shall—

- (a) where paid by the member of the crew, be recovered as wages due to that member of the crew; and
- (b) where paid by the Port Administrator, be a charge on a vessel to which the member of the crew belonged.

(3) A charge on the vessel under subsection (2) (b) may be recovered—

- (a) from the owner of the vessel;
- (b) where the vessel is lost, from the person who was the owner of the vessel at the time of the loss; or
- (c) where the vessel is transferred, from either the former or the new owner of the vessel.

80. Relief to distressed member of the crew

(1) Where a member of the crew—

- (a) is found in any place outside his or her port of engagement as a result of a wreck of the vessel; or
- (b) by reason of having been discharged or left behind from the vessel in any place outside his or her port of engagement, is in distress in that place,

the Port Administrator shall provide relief to the member of the crew.

(2) The relief provided by the Port Administrator under subsection (1) shall cater—

- (a) for the return of the member of the crew at the expense of the owner of the vessel to the port of engagement and for his or her necessary clothing and maintenance until his or her departure for the port of engagement; and
- (b) in the case of a wrecked vessel, for the repayment of any expenses incurred in the conveyance of the member of the crew to his or her port of engagement and for his or her maintenance while being conveyed.

81. Forcing ashore

The master or a member of the crew who wrongfully forces a member of the crew ashore and leaves the member of the crew behind or causes the member of the crew to be wrongfully left behind at any place, commits an offence and is liable, on conviction, to a fine not exceeding ninety six currency points or to imprisonment for a term not exceeding four years, or both.

82. Return of the crew

Where any question arises as to the port of engagement of a member of the crew, the question may be referred to the Maritime Administration

and the decision by the Maritime Administration shall be binding on the master of the vessel and the member of the crew.

PART V—MANNING OF VESSEL BY COMPETENT OFFICERS

83. Application of this Part

This Part applies to a passenger vessel and any vessel of a gross tonnage of twenty five tons and above.

84. Manning to ensure safety

(1) The owner or master of the vessel shall ensure that the vessel is manned by a qualified and competent crew to ensure safety of life and property.

(2) The Maritime Administration shall issue a certificate of manning to a vessel upon verification of the qualification documents of the crew.

85. Sailing undermanned

(1) The Maritime Administration may suspend or cancel the certificate of registration of a vessel or detain a vessel that sails without being manned by a sufficient and competent crew.

(2) Where a vessel sails without being manned by competent crew, the owner and master of the vessel commit an offence and are liable, on conviction, to a fine not exceeding two hundred currency points or to a term of imprisonment not exceeding five years, or both.

86. Assessment and verification panel

(1) The Minister may appoint an ad hoc assessment and verification panel.

(2) The assessment and verification panel shall consist of three persons with at least three years' experience and knowledge in navigation, maritime administration or management of vessel engine room.

(3) The assessment and verification panel appointed under subsection (1) shall—

- (a) verify the validity of certificates issued, in case of contest in the validity of a certificate;
- (b) verify the certificate of a person who holds a foreign certificate of competency and ensure that in case of a non-Ugandan, due diligence is done and a work permit has been obtained; and
- (c) participate in the development of maritime curriculum and setting of examination for seafarers.

PART VI—SURVEYS AND INSPECTIONS

87. Designation of a surveyor

(1) The Minister may, in circumstances where the Maritime Administration has no capacity to conduct a survey or inspection, by notice in the *Gazette* and a newspaper of wide circulation, designate an officer or company to be a surveyor of vessels for the purposes of this Act.

(2) The Minister shall not designate a company under subsection (1) unless the services of the company are acquired in accordance with the Public Procurement and Disposal of Public Assets Act, 2003.

(3) The Maritime Administration, or an officer or company designated by the Minister under subsection (1) is deemed as the surveyor appointed for purposes of section 74 (1) of the Lake Victoria Transport Act, 2007.

88. Survey and inspection

(1) A surveyor shall carry out a survey or inspection of a vessel for the purposes of this Act.

(2) A survey or inspection of a vessel shall be in respect of the condition of the following—

- (a) the hull, boilers and machinery of the vessel;
- (b) the equipment of the vessel including, the tackles, furnishings and appurtenances;
- (c) the construction, arrangement and fittings of the hull and machinery;
- (d) the qualification and number of persons working on a vessel as required under this Act;
- (e) the life-saving, fire fighting and other safety installations and appliances of the vessel;
- (f) the navigation and communication equipment;
- (g) the storage and manner of loading of cargo, including storage of dangerous goods;
- (h) the accommodation facilities of the master, members of the crew and passengers; and
- (i) any other purpose related to the safety, protection of the environment, security and crew matters.

(3) A surveyor shall, on completion of a survey or an inspection, make a report to the Maritime Administration.

(4) A surveyor may make a report setting out the safe limits of operation of a vessel inspected and state his or her opinion on the limits of operation of the vessel.

(5) The Maritime Administration shall, where satisfied that the vessel is seaworthy and equipped in accordance with the provisions of this Act, issue a certificate of seaworthiness.

89. Survey of passenger vessel

(1) A surveyor shall conduct the following surveys on a passenger vessel—

- (a) initial survey, before a vessel is put in service;
- (b) renewal survey, once every twelve months; and
- (c) additional surveys, as may be deemed necessary.

(2) An initial survey under subsection (1) (a) shall include a complete inspection of the structure, machinery and equipment of the vessel, including the outside of the hull of the vessel and the inside and outside of the boilers.

(3) A renewal survey under subsection (1) (b) shall include an inspection of the structure, boilers and other pressure vessels, machinery and equipment, including the outside of the hull of the vessel.

(4) An additional survey under subsection (1) (c) either general or partial, shall be made after repairs resulting from an investigation of a marine survey or whenever any important repairs or renewals are made.

(5) The owner or master of a vessel shall notify the Maritime Administration of any important repairs or renewals made on the vessel.

90. Powers of the surveyor to inspect a vessel

(1) A surveyor may, at any reasonable time, inspect any vessel for the purpose of ensuring that the vessel is in compliance with the provisions of this Act and any regulations made under this Act.

(2) A surveyor may request for information from the owner of a vessel, agent of the owner of a vessel, the master of a vessel, chief engineer or any other person on board or in charge of a vessel, concerning a vessel or any accident that may have occurred on a vessel.

(3) The person from whom information is requested under subsection (2) shall provide full and truthful information.

(4) A person who contravenes subsection (3) commits an offence and is liable, on conviction, to a fine not exceeding six currency points or to imprisonment for a term not exceeding three months, or both.

(5) A surveyor may, in order to facilitate a full and proper survey, require—

- (a) a vessel to be put out of water, where there are clear grounds of damage to the hull;
- (b) operational trials to be conducted on the vessel;
- (c) proof of the strength of the hull by calculations;
- (d) proof by calculation of stability, where necessary, on the basis of an inclining experiment;
- (e) that any machinery of the vessel be put in motion so as to be satisfied of its condition;
- (f) the owner of the vessel to supply a boat, appropriate for the use of the surveyor in case a diving survey is needed;
- (g) the owner or master of the vessel to avail personnel and facilitate the examination of parts of the hull or installations that are not directly accessible or visible; or
- (h) the owner, agent of the owner, the master, engineer or any other person on board or in charge of the vessel to activate or dismantle any machinery of a vessel.

(6) Where a surveyor finds that this Act or regulations made under this Act have not been complied with, the surveyor shall make a report to the owner or master of a vessel, stating the deficiency and the action which is required to rectify the deficiency.

(7) A report made under subsection (6) shall be communicated to the Port Administrator of any port at which the vessel may seek clearance.

(8) The Port Administrator shall not grant clearance to a vessel and may detain a vessel where the deficiency stated in the report under subsection (5) is not rectified.

(9) Where—

- (a) a surveyor considers a vessel to be unsafe;
- (b) a passenger vessel is unfit to carry passengers;
- (c) the machinery or equipment of a vessel is defective in a way which may expose a person on board to serious danger,

the surveyor shall recommend to the Minister that a vessel be detained.

91. Certificates issued by the surveyor

The surveyor shall, where satisfied that the vessel is seaworthy and equipped in accordance with the provisions of this Act, issue a Passenger Vessel Safety Certificate, a Cargo Vessel Safety Certificate, a Cargo Vessel Safety Equipment Certificate, a Cargo Vessel Safety Radio Certificate or Cargo Vessel Safety Construction Certificate.

92. Record of inspection by the surveyor

(1) A surveyor shall make and keep a record of the inspections made and of the certificates issued in such form and with such particulars as the Maritime Administration may direct.

(2) The surveyor shall furnish copies of the record and any other information which the Maritime Administration may require.

93. Responsibilities of owner and master in compliance with management system

(1) Every owner and master of a vessel shall ensure that—

- (a) the condition of a vessel, including its structure, machinery and equipment, is maintained in accordance with this Part;
- (b) after a survey has been done under this Act, no material change is made to the structure, machinery and equipment of the vessel without the approval of the Maritime Administration;
- (c) whenever an accident occurs to the vessel or a defect is discovered which affects the safety, efficiency or completeness of the vessel, including its structure, machinery and equipment, it is reported, at the earliest opportunity to a surveyor; and
- (d) if a vessel is in a port which is not its port of registry, it is reported to the relevant authority of the port of registry of a vessel.

(2) The owner or master of a vessel shall, where material change is made to the structure, machinery and equipment of the vessel in accordance with subsection (1)(b), request the surveyor to carry out a survey on the vessel prior to undertaking a voyage.

**PART VII—SAFETY OF NAVIGATION AND
PREVENTION OF COLLISION**

94. Application of Safety Convention

The International Convention for the Safety of Life at Sea and legal instruments made under it and the International Regulations for

Preventing Collisions at Sea, 1972, shall apply to a vessel registered and licenced under this Act.

95. Stability of vessel

The owner or master of a vessel other than a small vessel or a vessel of traditional build, shall carry on board a vessel, written information regarding the stability of a vessel, necessary for the guidance of the owner or master of a vessel in the loading and ballasting of a vessel.

96. Compasses and navigation

The master of a vessel, other than a vessel of traditional build, shall not navigate a power-driven vessel of not less than three metres long unless that vessel is equipped with at least one calibrated compass.

97. Navigation and other lights and sound signals

(1) The master of a vessel, other than a small vessel or a vessel of traditional build, shall not navigate a vessel unless that vessel is equipped with—

- (a) an efficient signalling lamp or navigational lights; and
- (b) light and sound signals.

(2) The master of a vessel shall be responsible for—

- (a) displaying the lights and shapes on the vessel; and
- (b) making the signals prescribed by this Part and under regulations made under this Act.

98. Owner or master to communicate danger to navigation

(1) The owner or master of a vessel shall, upon encountering any danger to navigation, send information by any means of communication at the disposal of the owner or master, to any vessel in the vicinity and to the nearest search and rescue centre.

(2) For purposes of subsection (1), danger to navigation includes the following—

- (a) a dangerous derelict;
- (b) a storm; or
- (c) any other direct danger to navigation.

PART VIII—LOAD LINES

99. Vessels to which this Part applies

This Part applies to all vessels except—

- (a) vessels of war;
- (b) vessels solely engaged in fishing;
- (c) pleasure vessels not engaged in trade;
- (d) small vessels; and
- (e) vessels of traditional build.

100. Load line certificate

(1) A person shall not sail a vessel without a valid load line certificate.

(2) The Maritime Administration shall issue a vessel with a load line certificate, except an existing vessel of a gross registered tonnage of less than one hundred and fifty tonnes.

(3) The owner or master of a vessel issued with a load line certificate shall, when requested, produce the certificate to the Maritime Administration.

(4) Where the owner or master of the vessel issued with the load line certificate is not able to produce a valid load line certificate, the Maritime Administration may detain the vessel until the certificate is produced.

101. Inspection of a vessel for load line certificate

A surveyor may board a vessel within any port or place in Uganda for the purpose of examining the load line certificate of the vessel.

102. Cancellation or suspension of load line certificate

(1) The Maritime Administration may suspend or cancel a load line certificate where the Maritime Administration has reason to believe that—

- (a) the survey on the basis of which the certificate was issued was fraudulent or made in error;
- (b) the certificate was issued on false or erroneous information;
- (c) since the survey, material alterations have taken place in the hull or superstructure of a vessel; or
- (d) the fittings and appliances for the protection of openings, the guard-rails, the freeing ports or the means of access to the quarters of the crew have not been maintained on the vessel in an effective condition as they were when the certificate was issued.

(2) Where the load line certificate is suspended or cancelled, the Maritime Administration may require the owner or master of the vessel to have a vessel surveyed again before the suspended certificate can be reinstated, or where cancelled, before a new certificate can be issued.

103. Surrender of load line certificate

Where a load line certificate expires or is suspended or cancelled, the owner or master of the vessel to which the certificate relates, shall surrender the certificate to the Maritime Administration.

104. Appeal against suspension or revocation of load line certificate

An owner or master of a vessel who is aggrieved by the decision of the Maritime Administration to suspend or cancel the load line certificate may appeal to the Minister.

PART IX—CARRIAGE OF BULK CARGO AND
DANGEROUS GOODS**105. Carriage of bulk**

(1) The owner or master of a vessel carrying cargo shall, to the extent required, comply with this Act and in respect of the characteristics of the vessel and the voyage in which a vessel is engaged, comply with the relevant provisions of the International Convention for the Safety of Life at Sea (1974), (SOLAS) and Annex III of the International Convention for the Prevention of Marine Pollution from Ships (MARPOL 73/78) of the International Maritime Organisation.

- (2) The cargo referred to in subsection (1) shall include—
- (a) grain cargo in bulk;
 - (b) liquid chemicals in bulk;
 - (c) liquefied gases in bulk;
 - (d) timber deck cargo;
 - (e) livestock; and
 - (f) other cargo in bulk.

106. Carriage of grain

(1) Where grain is loaded on board a vessel, all necessary and reasonable precautions shall be taken to prevent the grain from shifting or contamination.

(2) A surveyor may go on board any vessel in any port in Uganda and inspect any grain loaded on the vessel and the manner in which it is stowed.

(3) A vessel that is not loaded as required under subsection (1) shall be presumed to be unsafe by reason of improper loading.

(4) The owner or master of a vessel or person responsible for the loading of a vessel or who lets a vessel sail laden with the grain, not loaded as required in subsection (1) commits an offence and is

liable, on conviction, to a fine not exceeding six currency points or to imprisonment for a term not exceeding three months, or both.

107. Bulk cargo regulations

The Minister may make regulations for—

- (a) the safe carriage and stowage of bulk cargo; and
- (b) the safe carriage and stowage of grain in accordance with this Act and the safety convention issued by the International Maritime Organisation.

108. Carriage and marking of dangerous goods

(1) A person shall not send by, or carry on, a vessel licenced under this Act any dangerous goods, except in accordance with this Part and regulations made under this Act.

(2) A person shall not send by, or carry on, a vessel any dangerous goods without—

- (a) distinctly marking their nature on the outside of the outermost package containing the goods; and
- (b) giving written notice of the nature of the goods and of the name and address of the sender to the owner or master of the vessel.

(3) The owner or master of a vessel shall not carry on a vessel, dangerous goods unless the owner or master obtains a dangerous goods certificate from the Maritime Administration governing the conditions for the transport of dangerous goods.

(4) The owner or master of the vessel shall not take inflammable liquids that are dangerous goods, on board the vessel, unless adequate ventilation is available in the spaces in which the liquids are to be carried.

(5) The owner or master of a vessel shall take all reasonable precautions to ensure that all dangerous goods that are taken on board a vessel for carriage, are stowed in a safe and proper manner.

(6) The owner or master of a vessel in which dangerous goods are carried shall take such precautions as are necessary to prevent unauthorised access to the goods, including ensuring that a person does not smoke near or inside a compartment containing the dangerous goods.

(7) The owner or master of a vessel shall cause to be exhibited appropriate signs inside and where necessary, outside any compartment used to carry dangerous goods.

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

(9) The precautions required under subsection (8) shall be stated to the Maritime Administration upon demand.

(10) The owner or master of a vessel shall not carry on board a vessel dangerous goods in the form of solids that absorb water when heat is produced unless the goods are—

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

109. Signals to be displayed when handling explosives

The owner or master of a vessel loading, discharging or transferring explosives shall hoist, where it can best be seen, the international code flag “B” and shall display an all-round red light during the hours of darkness.

110. Inspection of goods or refusal to take dangerous goods

(1) The owner or master of a vessel may require any package or parcel intended to be shipped to be opened to ascertain its nature.

(2) The owner or master of a vessel may refuse to take on board any package or parcel which the owner or master suspects might contain any dangerous goods.

111. Disposal of dangerous goods

(1) The owner or master may refuse to load and carry any dangerous goods that are not properly marked.

(2) Where any dangerous goods or any goods which, in the opinion of the owner or master of the vessel, are sent on board a vessel without the marking or the notice required under section 108, the owner or master of the vessel may cause the goods, together with the packaging or container of the goods to be returned ashore or thrown overboard in an emergency.

(3) Where goods are thrown overboard under subsection (2), the master of a vessel shall make an entry in the logbook stating the reasons for this action and shall inform the Maritime Administration of his or her action.

112. Forfeiture of dangerous goods

(1) Where any dangerous goods are sent or carried in a vessel in a manner that would constitute an offence under this Act, the court may order the goods and any packaging or container of the goods to be forfeited.

(2) The court may exercise the powers conferred by subsection (1) notwithstanding that—

- (a) the owner of the goods concerned has not committed any offence in respect of the goods;
- (b) the owner of the goods concerned is not before the court, or has had no notice of the proceedings; and
- (c) there is no evidence showing to whom the goods belong.

(3) The court may, in its discretion, require notice to be given to the owner or shipper of the goods before the goods are forfeited.

PART X—SEAWORTHINESS

113. Sending unseaworthy vessel onto inland waterways

(1) A person shall not send a vessel onto inland waterways in an unseaworthy condition that endangers the life of any person, property or the environment.

(2) A person shall not issue a licence to a fishing vessel that does not possess a certificate of seaworthiness.

(3) For the purposes of this Act, a vessel shall be deemed to be unseaworthy where a surveyor has certified that the vessel is unfit to navigate the inland waterways, by reason of—

- (a) the defective condition of the vessel;
- (b) the defective condition of the equipment of the vessel;
- (c) the lack of equipment of the vessel;
- (d) under-manning or incompetence of the master or crew of the vessel; and
- (e) overloading or improper loading of cargo on a vessel.

(4) For the purposes of this Act, a vessel shall be deemed to be overloaded where the vessel is so loaded as to submerge the load line on each side of the vessel in water.

114. Liability for operating unseaworthy vessel

The owner or master of a vessel registered or licenced under this Act shall take all reasonable precautions to ensure that a vessel is seaworthy and is operated in a safe manner.

115. Detention of unseaworthy vessel

(1) Where a surveyor believes that a vessel is unfit to sail, the surveyor shall submit a written report on the findings of the inspection to the Minister with a recommendation to detain the vessel.

(2) Where a vessel is detained under this section, the owner of the vessel shall be liable to pay a fee for release of the vessel and any other incidental expenses.

(3) The owner or master of a vessel who is aggrieved by the decision of the Minister under this section may appeal to the High Court.

PART XI— DECLARATION AND MANAGEMENT OF INLAND PORTS**116. Inland ports**

(1) The Minister shall, from time to time, declare and cause to be published in the *Gazette*, a place to be an inland port for purposes of this Act.

(2) The Minister shall, by statutory instrument, define the territorial limits of inland ports declared under this section.

(3) The Minister may, by statutory instrument, alter the list of the inland ports declared under this section.

117. Port Administrator

(1) The Minister may engage a person to be a Port Administrator for inland ports owned by Government.

(2) Every private port licenced under this Act shall have a Port Administrator.

(3) The Port Administrator shall be responsible for managing and maintaining efficient operations of inland ports.

(4) The Port Administrator shall maintain a booking office and ticketing office for passengers and cargo within an inland port.

118. Private ports

(1) A person may operate a private port in accordance with this Act.

(2) A person who wishes to operate a private port shall apply to the Maritime Administration for a licence.

(3) The Maritime Administration shall, before issuing a licence under this section take into consideration the following—

- (a) port infrastructure standards;
- (b) safety and security of a port;
- (c) available offshore space;
- (d) safe and clear approach for a vessel to dock;
- (e) availability of appropriate quay;
- (f) environmental compliance; or
- (g) any other requirements as the Minister may, by regulation, prescribe.

(4) The Maritime Administration shall, where it is satisfied that all the requirements under subsection (3) are complied with and upon payment of a prescribed licence fee, grant the licence to the applicant.

(5) Where the Maritime Administration refuses to grant the licence, the Maritime Administration shall, within fourteen working days, provide a written explanation to the applicant, giving reasons for the refusal.

(6) An applicant who is aggrieved by the refusal of the Maritime Administration to grant a license may, within fourteen working days from the date of receipt of the written explanation under subsection (5), appeal to the Minister.

(7) An applicant who is dissatisfied with the decision of the Minister may appeal to the High Court.

119. Duration of a licence

A licence to operate a private port shall be valid for a period of one year from the date of issue.

120. Renewal of a licence

(1) A person may apply to the Maritime Administration for renewal of a licence to operate a private port.

(2) An application for renewal of a licence to operate a private port shall be made in accordance with the regulations made under this Act.

121. Passengers to embark and disembark only at inland port

The master of a vessel shall not, without lawful excuse, embark or disembark any passenger or goods at any place other than an inland port declared under section 116, except that the Port Administrator may authorise the master of any vessel to embark passengers or goods at any place other than an inland port.

122. Master to supply information

The master of any vessel arriving at an inland port shall, if required, produce, to any authorised employee—

- (a) the register of the vessel and its papers;
- (b) a list of the members of the crew;
- (c) a list of the passengers, if any, showing particulars of their gender and occupation;

- (d) a list showing the births, deaths or marriages, if any, which have occurred during the voyage;
- (e) a list showing stowaways, if any, on the vessel; and
- (f) any other information in relation to the vessel, passengers and cargo, as the authorised employee may require.

123. Levy of port rates

(1) There shall be levied upon every vessel entering an inland port other than a vessel belonging to the Government, such port rates and charges as may be prescribed by the Minister, by regulations.

(2) The Port Administrator shall maintain and make available for public inspection, a list of rates and charges applicable to a port.

124. Arrest of vessel for port charges

(1) Where any port charges are owing in respect of any vessel, the authorised employee may arrest the vessel until the amount of the port charges owed are paid.

(2) Where the owner or master of the vessel fails to pay the port charges within seven days from the date of arrest of the vessel, the owner or master of the vessel shall provide to the authorised employee, collateral of financial value not less than the port charges owed.

(3) Upon receipt of the collateral in subsection (2), the authorised employee shall release the vessel to the owner or master of the vessel.

(4) Where, after thirty days of presentation of the collateral under subsection (2), the port charges remain unpaid, the authorised employee may sell the collateral and recover the port charges from the proceeds of the sale.

(5) Where, after recovering the port charges under subsection (4), a balance remains from the proceeds of the sale, the authorised employee shall deliver the balance to the owner or master of the vessel.

125. Powers of the authorised employee

- (1) The authorised employee may, in relation to inland ports—
 - (a) give directions to the master of any vessel within any inland port with regard to the berthing of the vessel, or the removal of that vessel from one berth to another;
 - (b) remove any wreck in, or other obstruction to, an inland port or its approaches or any timber, raft or other thing floating in the port or approaches which endangers or obstructs, or is likely to endanger or obstruct, the free navigation of the port or the use of any wharf or dock there;
 - (c) in case of urgent necessity, take any action in an inland port which, in his or her opinion, may be necessary to prevent any danger to life or shipping; and
 - (d) enter upon any vessel or into any building in an inland port where it is necessary for him or her to do so in the performance of any duty under this Act or if he or she has reasonable grounds for believing that an offence against this Act has been or is about to be committed there.
- (2) The owner of any wreck or other thing removed by authorised employee under subsection (1) (b) shall, without prejudice to any other action which may be taken against him or her, be liable to pay the reasonable expenses of the removal, and the wreck or other thing may be detained by the authorised employee until the expenses are paid.
- (3) Where any wreck or other thing is removed under subsection (1) (b), and the expenses of removal have not been paid within seven days after the removal, the Port Administrator may sell the wreck or other thing by public auction and may, out of the proceeds of sale, retain the expenses of the removal, detention and sale, and shall deliver the balance, if any, to the person appearing to the Port Administrator to be entitled to the proceeds of the sale.

126. Health officer in an inland port

(1) The Port Administrator shall keep and maintain at every inland port a health officer.

(2) The health officer may board any vessel setting a sail or arriving at a port to perform the following roles—

- (a) medically examine any person in the vessel;
- (b) inspect the provisions, medicines and accommodation in the vessel;
- (c) require the master to produce the logbook and any other documents which the health officer may deem necessary for the purpose of ascertaining the state of health of persons in the vessel;
- (d) question any person in the vessel for the purpose of ascertaining the state of health of that person; and
- (e) prohibit any person in the vessel who appears to be infected with, or who has been exposed to the risk of any infection, infectious or contagious disease from leaving the vessel and detain him or her in any hospital or quarantine station.

(4) In this section, “health officer” means a medical practitioner appointed to discharge the duties of a health officer at an inland port or any other person, with necessary qualifications, delegated by the health officer to perform any of his or her duties under this section.

PART XII—WRECK AND SALVAGE**127. Designation of receiver of wreck**

(1) The Minister shall, by notice in the *Gazette* and a newspaper of wide circulation designate, a receiver of wreck.

(2) The receiver of wreck designated by the Minister under subsection (1) shall be deemed as the receiver of wreck appointed for purposes of section 188 (1) of the Lake Victoria Transport Act, 2007.

128. Duty to attend to vessels in distress

Where any vessel is wrecked, stranded or in distress at any place on or near the shores of the inland waterways, the receiver of wreck shall immediately proceed to the place where a vessel is stranded, wrecked or distressed, and shall, on arrival—

- (a) take command of all persons present; and
- (b) assign such duties and give such directions to each person as the receiver of wreck deems fit for the preservation of a vessel and safety of the life of the persons on the vessel, the cargo and equipment.

129. Power to require assistance

(1) The receiver of wreck may, for purposes of protecting persons, cargo or any vessel which is wrecked, stranded, abandoned or in distress, require—

- (a) any person to assist the receiver of wreck;
- (b) the master or members of the crew of any vessel at hand to render assistance; or
- (c) the use of any machinery, vehicle or equipment that is obtainable.

(2) The receiver of wreck may, without warrant, arrest any person who plunders or does any damage to any vessel which is wrecked, stranded, abandoned or is in distress and may request any person to assist with the arrest.

(3) The receiver of wreck shall, within twenty four hours after the arrest, hand over the arrested person to the police.

130. Right to pass over adjoining lands

(1) Where a vessel is wrecked, stranded or in distress at any place on inland waterways, a person may, for the purpose of rendering assistance to the vessel, the lives of persons, cargo or equipment of the vessel—

- (a) enter and pass through any adjoining land, without being obstructed by the owner or occupier of the land; and
- (b) use any adjoining land for placement of cargo or other articles recovered from the vessel, without causing any unreasonable damage to the land.

(2) Any damage sustained by an owner or occupier of the adjoining land in consequence of the exercise of the rights granted under subsection (1) shall create a charge on the vessel, cargo or article in respect of or by which the damage is caused.

(3) The amount payable in respect of the damage shall, in case of dispute, be determined by court and shall, in default of payment, follow the court process on execution of judgment.

131. Power to examine persons

(1) Where a vessel is in distress on inland waterways, the receiver of wreck shall examine any person who was on the vessel at the time of the distress of the vessel or any person able to provide the following information—

- (a) the name and description of the vessel;
- (b) the name of the owner and master of the vessel;
- (c) the names of the owners of the cargo and passengers on the vessel;

- (d) the port from which the vessel sailed and to which the vessel was bound;
- (e) the occasion of the distress of the vessel;
- (f) the services rendered; and
- (g) any other matters relating to the vessel or to the cargo on the vessel, as the receiver of wreck may deem fit.

(2) The receiver of wreck shall—

- (a) record the results of the examination under subsection (1); and
- (b) post a copy of the results of the examination in the office of the receiver of the wreck for the inspection of interested persons.

(3) The receiver of the wreck shall, for the purposes of this section, have the power to administer an oath.

132. Duty to deliver wreck to receiver

(1) Where a person takes possession of a wreck on inland waterways, the person shall, as soon as possible, deliver the wreck to the receiver of wreck.

(2) The receiver of wreck may dispense with the delivered wreck upon such condition as the receiver deems fit.

133. Concealing of wreck

(1) Where the receiver of a wreck reasonably believes that the wreck—

- (a) is in possession of a person who is not its owner; or
- (b) is concealed by any person,

the receiver of wreck may apply to a court for a search warrant to recover the wreck.

(2) The receiver of wreck may, upon obtaining a search warrant, enter any premises or any other place, including any vessel and search, seize, recover and detain any wreck.

134. Notice of wreck

(1) Where the receiver of wreck takes possession of any wreck, the receiver of wreck shall, within forty-eight hours of taking possession, cause to be displayed in a conspicuous place in the office of the receiver of wreck, a description of the wreck and any mark by which it is distinguished.

(2) The receiver of wreck shall transmit the description of the wreck and any mark by which the wreck is distinguished, to the Minister, who shall cause the description of the wreck to be immediately published in a newspaper of wide circulation.

(3) The receiver of wreck may give such other publicity of the description of the wreck as the receiver of the wreck may deem fit.

135. Owner's right to wreck

The owner of wreck shall be entitled to the wreck or the proceeds of sale of the wreck upon—

- (a) establishing a claim to the wreck to the satisfaction of the receiver of wreck within six months from the time the wreck came into the possession of the receiver of wreck; and
- (b) paying the salvage fees, expenses due and any duty.

136. Unauthorised sale of wreck

A person shall not sell any wreck, cargo or equipment of any vessel, which is stranded or in distress without the approval of the receiver of wreck.

137. Boarding wrecked vessel

A person shall not, without leave of the master of the vessel and without authorisation of the receiver of wreck, board any vessel which is wrecked, stranded or in distress.

138. Interference with wreck

A person shall not—

- (a) obstruct or hinder the rescue of a vessel stranded, or in danger of being stranded, or in distress on the inland waterways;
- (b) obstruct or hinder the rescue of any equipment or cargo on a vessel or of the wreck;
- (c) conceal, deface or obliterate any mark on any wreck;
- (d) carry away or remove any part of a vessel stranded or in danger of being stranded or in distress; or
- (e) carry away or remove any part of the cargo or equipment of a vessel or any wreck.

139. Unclaimed wreck

(1) Where any wreck in possession of the receiver of wreck has not been claimed by any person within six months from the time the receiver took possession of the wreck, the receiver of wreck shall sell or cause to be sold the wreck and pay the proceeds of the sale into the Consolidated Fund.

(2) The receiver of wreck shall, before paying into the Consolidated Fund the proceeds of the sale under subsection (1), deduct—

- (a) the expenses incurred in the sale of the wreck;
- (b) the fees of the receiver of wreck, where the receiver of wreck designated by the Minister is not a staff of the Maritime Administration;

- (c) payment to the salvor of such amount of salvage as the receiver of wreck shall determine; and
- (d) any other reasonable expenses incurred in respect of the wreck.

140. Removal of wreck in port

(1) Where a vessel is sunk, stranded or abandoned in any port under the control of a Port Administrator or in such manner as in the opinion of the Port Administrator, constitutes an obstruction or danger to navigation, the Port Administrator may—

- (a) take possession of the vessel or part of the vessel until the vessel is raised, removed or destroyed;
- (b) light or buoy the vessel or part of a vessel until a vessel is raised, removed or destroyed; and
- (c) subject to subsection (3), sell or cause to be sold a vessel or part of the vessel when so raised or removed together with any other property recovered in the exercise of the powers of the Port Administrator under this section.

(2) Where the Port Administrator exercises the powers conferred under subsection (1) (c), the Port Administrator shall—

- (a) hold any surplus of the proceeds from the sale on deposit to pay to any person who has a claim to the proceeds or any part of the proceeds;
- (b) be reimbursed by any person who has a claim to proceeds for expenses incurred in relation to the vessel and any property recovered from the vessel.

(3) Except in the case of property which is of a perishable nature or which would deteriorate in value, the Port Administrator shall give seven days' notice in the *Gazette* and a newspaper of wide circulation before exercising the powers of sale under subsection (1) (c).

(4) At any time before any property is sold under this section, the owner of the property is entitled to take possession of the property upon payment of a prescribed fee to the Port Administrator.

141. Payment for services of salvor

(1) Where services are rendered wholly or in part, on inland waterways, by a salvor in saving life from a vessel registered or licensed under this Act, the owner of the vessel shall pay to the salvor a reasonable amount of salvage, including expenses incurred.

(2) Where a vessel is wrecked, stranded, run aground or is in distress at any place in, or near the inland waterways and a salvor assists the vessel or saves any cargo or equipment of the vessel or the wreck, the owner of the vessel or the wreck shall pay the salvor a reasonable amount for the salvage and a refund of all expenses incurred.

(3) For the purpose of determining the amount to be paid to the salvor, the salvor and the owner of the vessel or wreck may, where there is disagreement, request the receiver of wreck to appoint a valuer to value the property salvaged so as to determine the amount to be paid to the salvor by the owner of the vessel or wreck.

(4) Where the property salvaged is of no value, the receiver of wreck shall use his or her discretion and determine the amount to be paid to the salvor.

142. Detention of salvaged property

(1) Where a salvor is entitled to salvage or to a refund of expenses incurred by the salvor and the owner has not paid the amount

due to the salvor, the receiver of wreck may, at the request of the salvor detain the vessel, cargo, wreck or any equipment of the vessel until payment is made to the salvor.

(2) The receiver of wreck may release any detained vessel, cargo or equipment where security is given to the satisfaction of the receiver of wreck.

(3) Nothing in this Part shall preclude the salvor from enforcing his or her rights under courts of law.

PART XIII—PREVENTION OF POLLUTION FROM VESSELS

143. Prohibition of pollution

(1) A person shall not discharge or dump any oil mixture or any kind of waste or sewage from the vessel into inland waterways.

(2) For purposes of this section, waste shall not include the following—

- (a) the discharge of oil or oil mixture from the vessel for the purpose of securing the safety of the vessel, preventing damage to the vessel or cargo or saving life;
- (b) the escape of oil or oil mixture resulting from an accident that damages the vessel leading to unavoidable leakage; provided that all reasonable precautions are taken after the occurrence of the damage or discovery of the leakage for the purpose of preventing or minimising the escape; or
- (c) the dumping of waste or the discharge of sewage where this is necessary to secure the safety of the vessel or the health of persons on board the vessel or to save lives.

144. Reception facilities and discharge of waste

(1) The Port Administrator shall provide adequate reception facilities at ports and terminals on the inland waterways for the

reception from vessels of oily waste, sewage and garbage and ensure that the discharge of the oily waste, sewage and garbage is made without causing undue delay.

(2) An owner or master of a vessel having on board oily wastes or other wastes, sewage or garbage for discharge shall give seven days' notice in advance, of the requirement for reception facilities to the Port Administrator where the discharge is to be made.

(3) Oil wastes, other waste, sewage and garbage shall only be discharged from a vessel into appropriate facilities.

145. Oil record book

(1) A vessel which uses oil as fuel shall maintain on board the tanker or vessel, an oil record book.

(2) The Minister may, by regulations, prescribe the form and manner in which the oil record book is to be maintained, the nature of the entries to be made in the oil record book, the time and circumstances in which the entries are to be made, the custody and disposal of the oil record book and any other matter relating to the oil record book.

146. Pollution emergency plan

The owner of a vessel of a gross tonnage of fifty tons or more and an owner or operator of a loading or unloading facility within the inland waterways, shall have in place a pollution emergency plan.

147. Pollution contingency plan

The Minister shall cause to be made, a contingency plan for prevention of pollution and spillage on the inland waterways.

148. Information regarding marine pollution incidents

The owner or master of a vessel shall report to the Minister, any marine pollution incident involving the vessel or which the owner or master of the vessel witnesses or observes on the inland waterways.

149. Insurance

The owner of a vessel shall ensure that a vessel has an insurance policy to insure against the loss of lives and property on the vessel.

PART XIV—INVESTIGATIONS INTO MARINE CASUALTIES**150. Investigation of marine casualties**

(1) The Minister shall cause an investigation to be made under this Act, in case of any marine casualty.

(2) A marine casualty shall be deemed to have occurred where—

- (a) there is loss, stranding, grounding, abandonment or damage to a vessel;
- (b) there is a loss of life or serious injury to any person, caused by fire on board the vessel or any accident to the vessel or a life boat of a vessel; and
- (c) there is any damage caused by the vessel, and at the time the damage occurred, the vessel was registered or licenced under this Act, and the vessel or a life boat of the vessel was on the inland waterways.

(3) The Minister shall, where a casualty occurs, cause a preliminary investigation into the matter, to be made, to determine the cause of the casualty.

151. Full investigations

(1) The Minister may on receiving a report of the preliminary investigation determine whether there is need for a full investigation of the matter or the matter is concluded at that level.

(2) Where the Minister has determined that there is need for a full investigation, the Minister shall appoint a team of experts to carry out the investigation.

(3) The team of experts appointed under subsection (2) shall comprise of an advocate of at least twelve years working experience in Uganda, who shall be assisted by five experts with requisite skills and knowledge in maritime matters and other matters incidental to the investigation.

(4) The team of experts shall investigate and review the circumstances surrounding the casualty and any other incidents or occurrences.

(5) The team of experts—

(a) shall report directly to the Minister; and

(b) may utilise the resources of the Maritime Administration during the investigations.

(6) The team of experts shall have the right of entry at any casualty site to investigate and inspect the scene, retrieve recorders and other materials or information pertinent to the casualty, including vessel parts or material on the ground hit by the vessel and may examine any other records or documents related to the occurrence, such as vessel log books, maintenance records and personnel records.

(7) The team of experts shall liaise with the Maritime Administration in carrying out investigations.

152. Powers and duties of the investigation team

(1) The team of experts shall, while carrying out the investigations, have the following powers—

(a) free access to vessels and places where business is conducted in relation to the operation of vessels as well as access to any relevant area or place of casualty, wreck or structure, including cargo, equipment or debris;

- (b) immediately collect evidence and carry out a controlled search for and removal of wreckage, debris and other components or substances for examination or analysis;
- (c) initiate examination or analysis of the items referred to in paragraph (b) and have free access to the results of such examinations or analysis;
- (d) free access to and a right to copy and use all relevant information and recorded data, including Voice Data Recording, in connection with a vessel, voyage, cargo, crew or any other person, object, conditions or circumstances;
- (e) free access to the results of the examination of or analysis of tests made on samples from the bodies of victims involved in the casualty;
- (f) free access to the results of examination or tests made on samples taken from relevant persons;
- (g) interview persons involved, in the absence of others whose interests could be considered as hampering the investigation;
- (h) obtain survey reports and other relevant information from the surveyor, the owner of the vessel and companies or persons approved as safety responsible, pursuant to the International Safety Management Code, members of the crew and the organisations of the shipping industry as well as from relevant parties; and
- (i) make recommendations to the Minister to suspend or revoke a certificate.

(2) The team of experts may, while carrying out an investigation, collect information and request assistance from the relevant authority in any State involved, including flag and port State surveyors, coast guard officers, vessel traffic services and search and rescue services as well as from shipping companies, pilots and other port and maritime personnel.

(3) The team of experts shall make a report of the investigations to the Minister within four months from the time of appointment.

(4) The Minister may, extend the time stipulated in subsection (3) for a period not exceeding four months.

(5) The Minister shall, within one month of receiving the report under subsections (3) or (4), publish or cause the publication of the report in a newspaper of wide circulation.

153. Rules relating to inquiries and investigations

(1) The Minister may make rules for the conduct of preliminary investigations under section 150(3) and full investigations under section 151.

(2) Rules made under this section may provide for the appointment of assessors.

PART XV—GENERAL PROVISIONS

154. Offences

(1) A person who—

- (a) makes a declaration or statement which he or she knows to be false in any material particular or which he or she does not believe to be true, or who knowingly makes use of a declaration, statement or document containing a false statement or declaration;

- (b) fraudulently imitates, forges, destroys, uses, sells, supplies, lends or allows to be used by another person, any document issued under this Act;
- (c) wilfully obstructs, prevents, hinders or resists an authorised officer in the exercise of his or her duties under this Act;
- (d) on being required to produce a document under this Act to a surveyor, registrar of vessels, police officer or an authorised officer, fails or refuses to do so;
- (e) sends or, while in charge or command of a vessel, takes upon the inland waterways, a vessel registered or licensed under this Act without a competent crew;
- (f) sends or takes or is a party to sending or taking a vessel registered or licenced under this Act, upon the inland waterways in an unseaworthy condition that may endanger the life of any person on board a vessel;
- (g) contravenes or fails to comply with any provision of this Act or any direction or instruction given under this Act,

commits an offence and is liable, on conviction, to a fine not exceeding two hundred currency points or imprisonment for a period not exceeding five years, or both.

(2) Where an owner, master or member of the crew of a vessel, registered or licenced under this Act, wilfully breaches a duty or by neglect of duty or by reason of drunkenness—

- (a) does any act which tends to cause the immediate loss, destruction or serious damage of a vessel or tends to immediately endanger the life or limb of a person belonging to or on board a vessel; or

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

the owner, master or member of the crew commits an offence and is liable, on conviction to a fine not exceeding forty eight currency points or to a term of imprisonment not exceeding two years, or both.

- (3) A person who—

- (a) knowingly makes a false character report;
- (b) forges or fraudulently alters any certificate of discharge or character report or copy of a character report; or
- (c) fraudulently uses any certificate of discharge or character report, that is forged or altered or that does not belong to that person,

commits an offence and is liable, on conviction to a fine not exceeding forty eight currency points or to imprisonment for a term not exceeding two years, or both.

(4) The owner or master of a vessel which sets sail in contravention of the requirements of section 28 commits an offence and is liable, on conviction to a fine not exceeding twenty four currency points or imprisonment for a term not exceeding one year, or both.

(5) A person who knowingly or recklessly furnishes a document or information which is false or misleading in a material particular in connection with an application for the licence commits an offence and is liable, on conviction, to a fine not exceeding ninety eight currency points or imprisonment for a term not exceeding four years, or both.

155. Regulations

(1) The Minister may make regulations generally for giving effect to the provisions of this Act.

(2) Without prejudice to subsection (1) the Minister may make regulations providing for—

- (a) fees and charges payable for services rendered under this Act;
- (b) marking, registration and licensing of vessels;
- (c) regulation of small vessels and vessels of traditional build;
- (d) inspection, survey and measurement of tonnage of vessels;
- (e) crew and seafarers;
- (f) design and construction of vessels;
- (g) carriage of goods and passengers, including carriage of dangerous goods;
- (h) safety management system of vessels not exceeding a tonnage of 500 tonnes;
- (i) regulation of ports;
- (j) shares, mortgages, charges and liens in vessels;
- (k) seaworthiness of the vessel;
- (l) search and rescue;
- (m) inspection of equipment on vessels;
- (n) load line, collision and general safety on inland water ways;
- (o) safety measures to be taken in relation to vessels, employers, employees, owners and users;
- (p) prevention of marine pollution;
- (q) facilitation of maritime traffic; and
- (r) such other matters as are necessary for carrying out the purposes of this Act.

156. Repeal

The following enactments are repealed—

- (a) the Vessels (Registration) Act, Cap. 362;
- (b) the Ferries Act, Cap. 355;
- (c) the Inland Water Transport (Control) Act, Cap. 356; and
- (d) Part XII—sections 71–79 of the Uganda Railways Corporation Act, Cap. 331.

157. Savings

(1) Any statutory instrument made under the Vessels (Registration) Act, Cap. 362, the Ferries Act, Cap. 355, the Inland Water Transport (Control) Act, Cap. 356 and Part XII—sections 71–79 of the Uganda Railways Corporation Act, Cap. 331 repealed by section 156 of this Act, shall, with necessary modification, continue in force in so far as it is consistent with this Act, until revoked by statutory instrument made under this Act.

(2) Nothing in this Act shall be taken to invalidate the certificate of registration of a vessel which immediately before the commencement of this Act was valid.

(3) Any legal proceedings, investigation, application process pending under the repealed Acts before the commencement of this Act may be continued under this Act.

158. Transitional provisions

Any licence or certificate issued under enactments repealed by section 156 of this Act, in respect of which its validity still subsists immediately before the commencement of this Act, shall be deemed to have been issued under this Act and shall remain in force for the time specified in it and its renewal, suspension and cancelation shall be done in accordance with this Act.

SCHEDULE 1**CURRENCY POINT***Section 4*

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2*Section 8***FORM 1****APPLICATION FOR REGISTRATION OF VESSELS**

I understand that every person who provides false or misleading information commits an offence under this Act.

A – VESSEL NAME AND PORT OF REGISTRY

I/We wish to apply for the name

- I. 1st choice name of vessel requested
- II. 2nd choice name of vessel requested.....
- III. 3rd choice name of vessel requested.....
- IV. Port of registry / Intended port of registry.....

B – PARTICULARS OF VESSEL

- (a) Type of propulsion (state one, for example) Self-propelled, Sail, Auxiliary or None/any other (state if other)
- (b) Method of propulsion (select one for example) Single screw, Twin screw, Triple screw, Jet, Other
- (c) Particulars of propelling engines:
 - I. Number of engines.....
 - II. Description (state one, for example) Gas, Diesel, Other ...
 - III. Propulsion power (state one) BHP, kW.....
- (d) Engine power
- (e) Speed knots
- (f) Length:

(The length of your vessel is the distance measured from the outside of the forward end to the outside of the aft end of the hull shell).

Length (m.cm)
- (g) Gross tonnage
- (h) Net tonnage
- (i) Type of tonnage (state one, for example) Assigned formal tonnage or Calculated tonnage.....

(State the tonnage measurement and calculations where the measurement has been carried out by Vessel owner or Appointed tonnage measurer (tonnage measurement carried out by the appointed measurer shall be accompanied by a certificate of survey) (this section is not applicable for assigned formal tonnage (AFT))*

- (j) Type of construction (state one, for example), carvel/flush, clinker, diagonal, moulded, riveted or welded
- (k) Hull construction materials (tick appropriately)(a) aluminium..... (b) aluminium and rubber..... (c) composite..... (d) concrete..... (e) Fabric/ GRP (f) iron..... (g) reinforced plastic
- (l) Hull serial number
- (m) Name of builder Place (City) and year of build Province/State Country
- (n) Intended use of vessel (if non-pleasure, the Descriptor of Vessel must be completed).

Tick appropriately: Pleasure Non-Pleasure

Descriptor of vessel (Tick the proper descriptor)

- I. Fishing (excludes sport fishing)
- II. Passenger
- III. Tug
- IV. Cargo
- V. Yacht (pleasure craft)
- VI. (f) other (specify)

- (o) If your vessel is an air cushion vehicle (ACV), give details

- I. State the weight (KG) of the vessel.....

- II. Model designation
- (p) The vessel is, or has previously been registered in Uganda or a foreign country (select one) No Yes.....
- (q) If the vessel is available, give details below:
- I. Official number
- II. Registered name
- III. Port of registry
- IV. The vessel is recorded as a vessel under construction (tick one)
No.....
Yes
- (r) If available the vessel is available, give details below
- I. Record number.....
- II. Temporary name
- III. Port of record.....
- (s) Name of vessel (1st choice)

C DETAILS OF EACH OWNER

- (a) Full name and address and number of shares per owner.
- I.
- II.
- III.
- IV.
- V.
- (b) INDIVIDUAL¹
- I. Date Application signed
- II. Signature of owner.....
- III. Signature of owner.....
- IV. Signature of owner.....
- V. Signature of owner.....
- VI. Signature of owner.....

(c) CORPORATION²

I (Name and title of the representative of the corporation state that I have authority to bind (Name of corporation)

I also state that (Name of corporation) is the name of a corporation which legally exists at the date of this Application, as per the laws of Uganda.

I understand that it is an offence for a person to knowingly make a false or misleading statement in writing and that the penalty can be a fine or imprisonment or both if found guilty in a court of law

Signature of Officer or Director

Date.....

For official use only

The proposed name is hereby approved.....
(name of the vessel)

Fee Paid (yes) (No) (Amount)
(in words)

Reference number.....

Identification number of the 1st owner

Identification number of the 2nd owner

Identification number of the 3rd owner

Identification number of the 4th owner

Identification number of the 5th owner

Date

.....
For Registrar of Vessels

² This Application must be signed by any Officer or Director of the corporation who has the authority to bind the corporation and applicants may be required to provide additional information as requested by the Registrar of vessels.

Act 18

Inland Water Transport Act

■ **2021**

History

Vessels (Registration) Act, Cap. 277

Ferries Act, Cap. 355

Inland Water Transport (Control) Act, Cap. 356

Cross Reference

Uganda Railways Corporation Act, Cap. 331.