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Bill No. 23

Inland Water Transport Bill

2020

THE INLAND WATER TRANSPORT BILL, 2020

MEMORANDUM

1. The object of the Bill is to provide for regulation of inland water transport by providing for registration and licencing of vessels, the safety of life and navigation on inland waterways, the prevention of pollution and protection of marine environment and marine security, regulation of ports, repealing 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 in Uganda and any other matters related to water transport.
2. The Inland Water Transport subsector is characterized by disjointed and old laws and standards which require immediate review and harmonization. At present the sub sector is regulated under the 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 most of these laws were enacted during colonial times when this subsector was performing at minimal level.
3. There are a number of things that have emerged since colonial times including the standard operating procedures, the types

- of vessels, the new trends and dynamics in the water/maritime transport management, increased number of users, increased accidents and conduct of investigations and the need to conform to regional and international Conventions that Uganda is party to.
4. Further to the above, Uganda acceded to the International Maritime Organisation Conventions which compels State Parties to comply with international standards for safety of lives, vessels, and environment. The Bill seeks to domesticate these Conventions through incorporation of these Conventions. In the same vein certain provisions of the Lake Victoria Transport Act, 2007 that were not yet operationalized have been operationalized by the Bill
 5. The current laws regulating water transport in Uganda are not harmonised and this often leads to overlap of mandates when any attempt is made at implementation. For instance, matters relating to ports are provided for under the Uganda Railways Corporation Act, Cap. 331 while the Inland Water Transport (Control) Act, Cap 356 refers to a board established under the Traffic and Road Safety Act as the board responsible for licencing of Vessels. This is not conducive for water transport developments and subsequent regulation.
 6. There has been no established institution with clear functions to regulate and enforce safety measures on water transport in Uganda and the current laws have weak sanctions and penalties for the offenders of the laws in maritime transport.
 7. Hence the need to improve and harmonise the legislation in this subsector taking into account the emerging trends and ensure that the law is sufficiently relevant to Uganda's development plans.

THE SALIENT PROVISIONS OF THE BILL

8. The Bill comprises of 160 clauses.

9. PART I—PRELIMINARY

Clause 1 of the Bill is on citation of the Bill.

It provides “This Act may be cited as the Inland Water Transport Act, 2020”. Clause 2 of the Bill is on commencement, Clause 3 states the purpose of the Bill and Clause 4 is on the application while Clause 5 is on interpretation.

10. PART II—ADMINISTRATION AND JURISDICTION

Clauses 6 to 8 of the Bill provide for administration and jurisdiction of the Bill. The administration of the Act is the responsibility of the department of Maritime Administration in the Ministry responsible for transport. At the same time, the department of Maritime Administration is designated as the Maritime Administration Unit for purposes of section 11 of the Lake Victoria Transport Act, 2007. The functions of the Maritime administration are outlined in Clause 7 of the Bill.

11. PART III—REGISTRATION AND LICENSING

Clauses 9 to 35 of the Bill are on registration and licencing of vessels. A vessel can be registered by any person who intends to employ it in navigation of inland waterways or fly a Ugandan flag. The registration of a vessel is done by the Maritime Administration which will issue a certificate of registration and maintain a register book of all vessels.

Under Clause 10 of the Bill, person may register a vessel on bareboat terms. This applies to a vessel which is registered under the law of any country other than Uganda or is chartered on bareboat charter terms to a charterer who is a Ugandan.

Under Clause 15 of the Bill, the Maritime Administration shall maintain a register of vessels under construction until the construction of the vessels is complete.

Clause 22 of the Bill allows the owner of a vessel to use a vessel as a mortgage, charge or lien and the Maritime Administration

shall maintain a register of mortgages, charges and liens respectively, on vessels registered or licenced under this Act.

Clause 23 of the Bill provides that a person, company, organisation or partnership that intends to use a vessel for carriage of goods or passengers in inland waterways shall apply to the Maritime Administration for a licence. This section does not apply to fishing vessels.

Under Clause 24 of the Bill, the following vessels are 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) individual or corporation on bareboat charter in Uganda.

The owner of a vessel shall, before applying for a licence under Clause 23, mark a vessel permanently and conspicuously to the satisfaction of the Maritime Administration.

Under Clause 27, 28 and 29 of the Bill, the Maritime Administration may issue a licence within 30 days and the licence is valid for one year subject to renewal. A short-term licence may also be granted for a period of not more than three months to enable a vessel to be used temporarily for seasonal business, execution of a particular piece of work or any other purpose of limited duration.

For small vessels and vessels of traditional build, the licence may be combined with a certificate of seaworthiness.

Clause 35 of the Bill provides that the Minister may, by statutory instrument make regulations for management of small vessels.

12. PART IV—CREW ENGAGEMENT

Clauses 36 to 87 of the Bill are on engagement of the crew taking into account crew agreements, employment of persons below eighteen years, certificate of competency, payment of wages of a member of the crew, custody of property of a deceased member of the crew and general management of contracts of employment of members of the crew.

13. PART V—MANNING OF VESSEL BY COMPETENT OFFICERS

Clauses 88 to 91 of the Bill apply to a passenger vessel and any vessel of a gross tonnage of twenty five tons and above. This Part addresses manning of a vessel by a competent crew to ensure safety of life and property. It also provides that Maritime Administration shall issue a certificate of manning to the vessel upon verification of the qualification documents of the crew and may suspend or cancel the certificate of registration of a vessel or detain a vessel that sails without being manned by sufficient and competent crew.

14. PART VI—SURVEYS AND INSPECTIONS

Clauses 92 to 99 provide for the surveyor. Clause 92 empowers the Minister, 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, to designate an officer or company to be a surveyor of vessels for the purposes of the Act.

The Maritime Administration or an officer or company designated is at the same time deemed as the surveyor appointed

for purposes of section 74 (1) of the Lake Victoria Transport Act, 2007. This Part also provides for the functions and powers of of the surveyor.

15. PART VII—SAFETY OF NAVIGATION AND PREVENTION OF COLLISION

Clauses 100 to 104 provide for the application of 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, to a vessel registered, and licenced under the Act. The Part also seeks to ensure that vessels are navigated according to the required standards. The masters or owners of small vessels are required to always carry on board information on the stability of the vessel, equip vessels with compasses, lights and sound signals, instantly share information on any hazards encountered.

16. PART VIII—LOAD LINES

Clauses 105 to 109 of the Bill provide for load lines on vessels. Load line certificates are to be issued by the surveyor upon inspection of the vessel by a surveyor. This part also provides for the cancellation or suspension of the certificate by the Minister and surrender of the certificate by the owner of the vessel. This Part does not apply to vessels of war, vessels solely engaged in fishing, pleasure vessels not engaged in trade, small vessels and vessels of traditional build.

17. PART IX—CARRIAGE OF BULK CARGO AND DANGEROUS GOOD

Clauses 110 to 117 of the Bill seek to address the carriage of cargo taking into account the different kinds including bulk cargo, dangerous cargo and grain. It also takes care of the standard operating procedures to be observed during carriage of cargo like marking of dangerous goods, displaying signals when handling explosives, inspection of cargo, and disposal of

dangerous goods. This Part also requires compliancy with the Act and 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.

18. PART X—SEAWORTHINESS

Clauses 118 to 121 of the Bill seek to regulate the seaworthiness of a vessel on inland waterways by requiring the owner not to send a vessel onto inland waterways in an unseaworthy condition that endangers the life of any person, property or the environment.

Under Clause 118 of the Bill, 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.

Clause 119 of the Bill puts the liability, in cases of operating unseaworthy vessel, on the owner while Clause 120 empowers the surveyor to detain a vessel where the surveyor believes the vessel is unfit to sail. The Minister may cause the vessel that has been detained to be surveyed to investigate any defects. Where the owner of a vessel proves to the satisfaction of the Minister that there was no reasonable cause for the detention of a vessel, the owner or master of a vessel shall be compensated for any loss or damage sustained by reason of such detention.

19. PART XI—INLAND PORTS

Clauses 122 to 128 of the Bill, provide for the Minister to declare and cause to be published in the Gazette, a place to be an inland port for purposes of the Act and by statutory order, define the territorial limits of inland ports declared under Clause 122.

Under Clause 122 of the Bill, the Minister may alter the list of the inland port declared. Passengers are expected to embark and disembark only at inland ports except that the port authority may authorise the master of any vessel to embark passengers or goods at any place other than an inland port. This also applies to small vessels and vessels of traditional build carrying passengers or goods.

Clause 125 of the Bill provides for the Minister to levy, such port rates and charges as the port authority may, in consultation with the Minister, determine and publish in a tariff notice in the Gazette, on every vessel entering an inland port other than a vessel belonging to the Government.

Under Clause 126 of the Bill, the port authority may arrest the vessel where any port charges are owing in respect.

Clause 128 of the Bill seeks to address the need for a health officer and provides that the port authority shall keep and maintain at every inland port a health officer whose functions are provided thereunder.

20. PART XII—WRECK AND SALVAGE

Clauses 129 to 144 of the Bill empowers the Minister to designate a receiver of wreck. This clause effects section 188 (1) of the Lake Victoria Transport Act, 2007 where by the receiver of wreck designated by the Minister under sub clause (1) of Clause 129 is deemed as the receiver of wreck appointed under section 188 (1) of the Lake Victoria Transport Act. This Part provides for

the duties and powers of the receiver of wreck; the rights of the owner of wreck; prohibits unauthorised sale of wreck, boarding a wrecked vessel, interfering with wreck; provides for how to deal with unclaimed wreck; removal of wreck in a port; payment of services of a salvor and detention of a salvaged property.

21. PART XIII—PREVENTION OF POLLUTION FROM VESSELS

Clauses 145 to 152 of the Bill seek to provide for the management of pollution by, prohibiting the discharge or dumping of any oil or any kind of waste into inland waterways; requiring the port authority to provide for reception facilities for vessels with oily waste, sewage and garbage; ensuring that vessels maintain an oil record book; requiring vessels of a gross tonnage of fifty tons to have in place a pollution emergency plan and the Minister to make a contingency plan for prevention of pollution and spillage on the inland waterways. Under this Part, the owner or master of a vessel shall report to the Minister, any marine pollution incident involving the vessel on the inland waterways, and shall ensure that a vessel has an insurance policy to insure against the loss of lives and property on the vessel.

22. PART XIV—INVESTIGATIONS INTO MARINE CASUALTIES

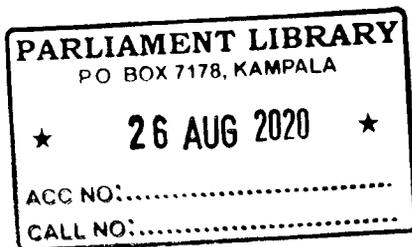
Clauses 152 to 155 of the Bill seek to address procedure for carrying out of Marine Investigations upon occurrence of an accident. This includes the conduct of preliminary and full investigations, the powers and duties of an investigation team and the rules relating to inquiries and investigations.

23. PART XV—GENERAL PROVISIONS

Clauses 156 to 160 of the Bill provide for general matters related to the operation, implementation and enforcement of the Bill once it is passed into law, including the power of the Minister

to make regulations; the offences that may be committed under the law and their penalties; transitional provisions for existing licences and certificates issued under the repealed laws such as the Vessels (Registration) Act Cap 362, the Ferries Act Cap 355, the Inland Water Transport (Control) Act Cap 356, Part XII -sections 71 – 79 of the Uganda Railways Corporation Act, Cap 331; saving of statutory instrument made under repealed laws, valid certificates of registration and legal proceedings, application processes and investigations.

GENERAL EDWARD KATUMBA-WAMALA
Minister of Works and Transport



INLAND WATER TRANSPORT BILL, 2020

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SCHEDULE 2- APPLICATION FORM

A Bill for an Act

ENTITLED

INLAND WATER TRANSPORT BILL, 2020

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 matters connected thereto.

BE IT ENACTED by Parliament as follows:

PART I -PRELIMINARY

1. Title.

This Act may be cited as the Inland Water Transport Act, 2020.

2. Commencement.

This Act shall come into force on the date appointed by the Minister by statutory instrument.

3. 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.

4. 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 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.

5. 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 authority empowered to perform any functions in relation to which the expression is used;

- “bareboat” means a boat or vessel hired without crew, stores or bankers;
- “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 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 the Schedule;
- “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 behind in a port other than the home port of that member;

“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 section 26;

“load line certificate” means an international load line certificate or local load line certificate issued under section 105 (1);

“Load Line Convention”, means the International Convention on Load Lines, 1966;

“marine casualty” means any casualty or accident involving any vessel other than a vessels exempted by this Act, that occurs upon the inland 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;

“member of the crew” means an officer or a rating other than the master;

“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;

“oil mixture” means any substance containing any oil having an oil content of more than 15 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 authority” means the body or authority responsible for managing, and maintaining a port;

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

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

“rating” means a member of the crew other than the master or an officer;

“receiver of wreck” means the receiver of wrecks designated under section 129;

“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 organization 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;

“small vessel” means a vessel of less than 25 gross tons and more than 3 metres in length;

“surveyor” includes any person or organisation, duly designated under section 92;

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

“tariff notice” means a notice containing declarations of new tariffs and other conditions, or changes of them for the services and facilities provided by the ports authority and published by the Minister in the *Gazette* from time to time;

“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;

“wheel house” 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 sank 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

6. Maritime Administration to administer this Act.

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

(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 department of Maritime Administration in the Ministry responsible for transport is designated as the Maritime Administration Unit for purposes of section 11 of the Lake Victoria Transport Act, 2007.

7. Functions of the Maritime Administration.

The Maritime Administration shall, under the control and instruction of the Minister, 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, authorizations 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 crews, 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 Watch keeping for Seafarers (STCW), 1978;
- (k) issue certificates of competency;
- (l) regulate the management of ports and ports 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 programs;
- (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) administer this Act and perform any and all functions as may be conferred by the Minister under this Act.

8. Restriction on trading.

(1) A person shall not use a vessel to trade in or from the inland waterways unless a vessel—

- (a) is registered in Uganda; or
- (b) possesses a recognised certificate of foreign registry.

(2) Subject to the provisions of this Act or of any international agreement, only vessels registered in Uganda shall be engaged in local trade in inland waterways.

(3) An owner or master of a vessel in possession of a recognised certificate of foreign registry shall obtain permission to carry out trade in inland water from the Maritime Administration before engaging in any local trade.

PART III—REGISTRATION AND LICENSING

9. Obligation to register a vessel.

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

10. Application for registration.

(1) A person shall apply for the registration of a vessel to the Maritime Administration, in Form 1 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, in case 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 lifesaving boats, where necessary; and
- (k) the number of the crew to work on a vessel.

11. 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.

12. Certificate of registration.

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

13. 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 particulars in respect to the origin of a vessel as stated in the declaration of ownership;
- (f) the instruments of transfer of a vessel; and
- (g) 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 cancelled the certificate.

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

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

14. Registration of bareboat charter.

(1) A person who intends to use a vessel on bareboat charter terms shall do so in accordance 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 the provisions of 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.

15. 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.

16. Annual examination of certificate.

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

(2) The officer of the Maritime Administration conducting the examination shall sign on the back of the certificate, and indicate the date of examination, as a record of authenticity and correctness of the certificate.

17. Change of ownership or master

(1) On a change of ownership of a vessel, the intended owner shall apply to the Maritime Administration for a fresh certificate of registration and the former certificate shall be cancelled upon the grant of a new certificate of registration.

(2) Where there is a change of master, the owner of a vessel shall notify the change to the Maritime Administration who shall duly note the change in the register.

(3) Any failure on the part of the owner of any vessel to comply with the requirements of subsection (1) shall be treated as though a vessel still belongs to the former owner.

18. Certificate 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.

19. Certificate of registration to be produced.

The master shall, whenever required, produce the certificate of registration of the vessel to the Maritime Administration and to the person in charge of any vessel belonging to the Government.

20. 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 an alteration is made to a vessel, the owner or master of vessel shall within thirty days after the completion of the alteration, notify the Maritime Administration of the alteration.

(3) The owner or master of a vessel shall register the alteration of the vessel with the Maritime Administration within twenty one days after notifying the Maritime Administration.

(4) The owner of the vessel shall submit the original certificate of registration to the Maritime Administration, who shall—

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

(5) On receipt of the notice of alteration under subsection (2), the Maritime Administration shall cause the alteration to be registered or direct that the vessel be re-registered.

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

21. 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, as well as the names of the owner and master.

22. Mortgages, charges and liens.

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

(2) The owner of a vessel 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 respectively, on vessels registered or licenced under this Act.

23. Licensing of a vessel to carry on business.

(1) A person, company, organisation or partnership that intends to use a vessel for carriage of goods or passengers in inland waterways shall apply to the Maritime Administration for a licence.

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

24. 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) individual or corporation on bareboat charter in Uganda,
- is eligible to apply for a licence under section 23.

25. Procedure for application for licence.

An application under section 23 shall provide the following information—

- (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; and
- (h) any other particulars as the Maritime Administration may require in relation to the application.

26. Marking of vessels.

(1) The owner of a vessel shall, before applying for a licence under section 23, 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 a 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.

27. 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) The Maritime Administration may issue a licence subject to such conditions as the Maritime Administration may consider necessary and may from time to time vary, the conditions as deemed appropriate.

28. 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) For small vessels and vessels of traditional build, the licence may be combined with a certificate of seaworthiness.

29. Discretion of the Maritime Administration to grant or refuse to grant licence.

(1) The Maritime Administration may issue or refuse to issue a licence.

(2) Where the Maritime Administration issues a licence, the licence shall be subject to such terms and conditions as stated in it.

(3) In exercising the powers under subsection (1), the Maritime Administration shall have regard to the following matters—

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

30. Conditions for grant of licence.

(1) A licence shall be issued on the following conditions—

- (a) that a vessel in respect of which a licence is issued is maintained in a fit and seaworthy condition; and
- (b) that a vessel in respect of which a licence is issued, complies 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.

31. Renewal of licence.

(1) A person or company, organisation or partnership 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 duly made 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.

32. 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.

33. Licence not transferable.

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

34. Appeals in connection with licence.

A person, company or partnership may appeal to the Minister—

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

35. Management of small vessels and vessels of traditional build.

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

- (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) keeping of records; and
- (e) fees.

PART IV—CREW ENGAGEMENT

36. 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 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 are lost by death, desertion or other unforeseen cause, within twenty four hours of the vessel setting sail, the owner or master shall before the vessel sets sail, cause the agreement to be read over and explained to the substitute, and the substitute shall then sign the agreement in the presence of a witness who shall attest to the signature.

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

37. Posting 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.

38. 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.

39. 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 competence issued by the Maritime Administration.

40. Payment of wages of member of the crew.

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

(2) The final wages of a member of the crew, may, with his consent, be paid over 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.

41. 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 that member of the crew.

42. Deductions from wages.

(1) 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.

(2) The master shall, during the voyage, enter the various matters in respect of which the deductions are made under subsection (1), in a book kept for that purpose, and shall if required, produce the book 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.

43. 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, a 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.

44. Payment in advance.

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

45. Payment of wages of a 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.

46. 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 earlier.

47. Premature termination of service.

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

(2) Where the services of a member of the crew are terminated before the date stated in crew agreement by reason of the loss or foundering of a vessel on which a member of the crew was employed, a 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 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.

48. 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.

49. 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 is by reason of sickness incapable of performing his or her duty and the master has reason to believe that a member of the crew-

- (a) is not medically indisposed; or
- (b) wilfully concealed the sickness at the time of engagement, a member of the crew shall not be entitled to wages for the time during which he or she is, by reason of the sickness, incapable of performing his or her duty.

50. 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, a member of the crew is entitled to receive from the owner or master of a vessel, in addition to any wages a member of the crew may have earned, due compensation for the loss or damage caused by the discharge.

(2) The compensation shall not be less than the total amount of the outstanding wages for the remaining period of the crew agreement and a member of the crew may recover that compensation as if it were wages duly earned.

51. 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 log book—

- (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 log book 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 and remaining wages and the proceeds of the sale of the property of a deceased member of the crew.

52. 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.

53. Complaints as to working conditions.

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

- (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 either examine the vessel or cause a vessel to be examined.

(2) Where the person carrying out an examination under this section finds that the conditions of work are substandard or deficient in quality, that person shall inform the owner of a vessel in writing, and where the owner does not thereafter 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..

54. Compensation for deficient provisions.

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

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

55. 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.

56. Medical requisites.

(1) The owner or the 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 a vessel and report the matter to the Minister.

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

57. 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.

58. Certificate of discharge of member of the crew.

Subject to section 40, 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.

59. Seaman's identification record book.

(1) The Maritime Administration shall issue a continuous discharge book known as the Seaman's Identification Book to every member of the crew engaged on the 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 member of the crew from a vessel, make an entry in the book specifying the time and place of discharge and shall sign the entry.

60. Character report.

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

61. Discharge on change of owner.

(1) Where a vessel is sold, transferred or disposed of in any other way, the members 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 agreement under which the members of the crew were 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 continuous discharge book and the return of a member of the crew to a proper home port shall apply as if the service of a member of the crew had been terminated other than by consent to be discharged during the currency of the agreement.

62. 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 home port; or
 - (b) becomes employed under an agreement entered into outside the port of engagement of a member of the crew as a result of the vessel being shipwrecked, the owner or master of the vessel that last employed a member of the crew shall make such provision for the return, relief and maintenance of a member of the crew until his or her return to his or her home port.

(2) This section applies to a member of the crew who is left behind where a vessel changes ownership in accordance with section 61.

63. 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 the vessel or that may pose an immediate danger to the life of any person on board the 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 forty eight currency points or imprisonment for two years or both.

64. 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 duties; or
- (c) has failed to comply with the provisions of this Act and any regulations made under this Act, the Maritime Administration may cause an inquiry to be conducted by one or more persons appointed by the Minister.

(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 to the Maritime Administration.

(3) An inquiry under this section shall be conducted in accordance with section 66.

(4) A person holding an inquiry into the fitness or conduct of a member of the crew, under this section may—

- (a) if satisfied with the circumstances referred to in subsection (1), suspend or cancel any certificate of competency issued to a member of the crew or censure the member of the crew;
- (b) make a report to the Maritime Administration; or
- (c) where the certificate of competency is suspended or cancelled, collect the certificate of competency of a member of the crew or cause the certificate to be delivered to the Maritime Administration.

(5) Any costs incurred under this section may be recovered from a member of the crew by the Maritime Administration.

65. Disqualification of holder of certificate of competency.

(1) The Maritime Administration shall, before suspending, 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 the reasons why the Maritime Administration considers a member of the crew unfit to be a holder of the certificate of competency and shall state 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 as to why the certificate 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 issue another notice to that effect.

66. Inquiry into fitness or conduct by Minister.

(1) An inquiry under section 64 (1) (c) shall be held by one or more persons appointed by the Minister, with the assistance of one or more assessors.

(2) A person holding an inquiry may—

(a) confirm the decision taken under section 63 and cancel or suspend the certificate of competency accordingly;

- (b) where the decision was to cancel the certificate of competency, instead suspend the certificate;
 - (c) where the decision 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.
- (3) A person making an inquiry shall within two weeks after making an inquiry make a report on the matter and submit the report to the Minister.
- (4) Where the certificate is suspended or cancelled, the holder of the certificate shall immediately deliver the certificate to the person holding the inquiry or to the Maritime Administration.
- (5) Any costs which a member of the crew is ordered to pay under subsection (2) (d) may be recovered by the Minister.

67. Re-hearing and appeal from inquiry.

- (1) Where an inquiry has been held under section 64 or 66; and—
- (a) new and important evidence which could not be produced at the inquiry is discovered; or
 - (b) it appears to the Minister that there are reasonable grounds that a miscarriage of justice may have occurred, the Minister may order the whole or part of the case to be reheard.
- (2) Where the person holding the inquiry decides to cancel or suspend the certificate of a member of the crew and no application for an order under section 66 (2) (d) has been made, or where an application is refused, a member of the crew or any other person affected by the decision, may appeal to court.

68. Rules as to inquiries and appeals.

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

(2) Rules 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 notices to be given to persons affected.

69. Failure to deliver suspended or cancelled certificate.

Any member of the crew, who fails to deliver the certificate of competency as required by section 64 (2) and section 66 (4) commits an offence and is liable, on conviction, to a fine not exceeding ten currency points or to imprisonment for a term not exceeding three months or both.

70. Review by Maritime Administration.

Where a certificate 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.

71. Logbook to be kept.

(1) A vessel of ten or more metres in length, registered or licenced under this Act shall, have a logbook for both navigation and engine room.

(2) The master of the vessel shall, at all times, keep both logbooks on board.

(3) An entry required to be made in a logbook shall—

(a) be made as soon as possible after the occurrence of the event to which it relates;

- (b) where it is not made on the same day the event occurred, be made and dated to show the date of the event occurred and the entry in respect to it; and
- (c) where it is made in respect of an occurrence happening before the arrival of the vessel at the final port of discharge of the vessel, be made not later than twenty-four hours after arrival.

(4) An entry in the logbook shall be signed by the master and another member of the crew, and where it is an entry of illness, injury or death, it shall be signed by any medical practitioner on board.

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

(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 Maritime Administration an official logbook duly made out, up to the time of the loss or abandonment.

(7) Where the 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 Maritime Administration, a logbook duly made out up to the time of the transfer.

72. Particulars of entry.

The master of a vessel shall enter or cause to be entered in the logbook, particulars of—

- (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) every birth and 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 those 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 in 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 directed by this Act to be entered in the log-book.

73. Breaches in respect of logbook.

(1) Where a logbook is not kept as required by section 71 or where an entry required under section 71 is not made in a logbook, the master of the vessel 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) Any person who wilfully destroys or mutilates 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.

74. Other logbooks.

(1) A vessel of ten or more metres in length, except for a vessel of traditional build shall, in addition, carry on board a deck log book and an engine room log book in which shall be recorded particulars relating to the deck watch and the engine room watch, respectively.

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

(3) A person who wilfully destroys, mutilates or renders illegible any entry in a log book 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.

75. 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 on board the vessel at the time of loss or abandonment.

76. Documents to be handed over.

(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 in accordance with subsection (1) shall immediately enter in the logbook, a list of the documents delivered to him or her by the master of a vessel.

(3) A person who refuses to relinquish command or hand over documents as required by 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.

77. Marriage, birth or death on board.

Where a marriage, birth or death takes place on board a vessel, the master of a vessel shall make an entry to that effect in the logbook.

78. Repatriation of the crew.

(1) Where the 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 a home port 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 home port; and
- (b) ensure that a member of the crew does not become a charge on the Government of Uganda.

79. Limit of liability of employer.

Where a member of the crew is left behind at a port other than his or her port of engagement, and remains there 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 or else shall be responsible for any expenses incurred after the end of that period.

80. 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 79 at the expense of the owner or master of a vessel.

81. Security by owner or master.

Where a member of the crew is to be left behind or discharged from the vessel at a port other than the port of engagement of the member of the crew, the port authority 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 home port.

82. Statement of personal effects and wages.

(1) Where a member of the crew engaged on the vessel is left at a place other than a proper return port, the master of the vessel shall enter in the logbook, a statement of the 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 furnish to the port authority, within forty eight hours after the arrival of the vessel at the port at which the voyage terminates, 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 authority, furnish such vouchers as may be necessary to verify the delivery and retention accounts.

(4) The master of the vessel shall deliver to an authorised officer, the personal effects of the member of the crew as shown in a delivery account, and the port operator shall give to the master a receipt for any personal effect or amount so delivered.

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

83. 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 left behind or discharged at a port other than the home port of the member of the crew, where the loss or damage occurred without fault on the part of the master.

84. Termination of service.

(1) Where, during the contract, the service of a member of the crew engaged on a vessel terminates otherwise than by the consent of a 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 proper return port.

(2) Where the master of the vessel fails without reasonable cause to comply with subsection (1), the expenses for the maintenance of the member of the crew and for the conveyance of the member of the crew to a home port 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 authority, be a charge on a vessel to which a 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 a vessel.

85. Relief of distressed crew members.

- (1) Where a member of the crew—
 - (a) is found in any place outside his or her home port , 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 home port, is in distress in that place,

the port authority shall provide relief to that member of the crew.

- (2) The relief provided by the port authority 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 home port and for his or her necessary clothing and maintenance until his or her departure for that port;
 - (b) in case of death, for burial expenses; and
 - (c) in the case of a wrecked vessel, for the repayment of any expenses incurred in his or her conveyance to his or her home port and his or her maintenance while being so conveyed.

86. Forcing ashore.

The master or a member of the crew who wrongfully forces a member of the crew ashore and leaves that 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.

87. Return of the crew.

Where any question arises as to the proper home port 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

88. Application of this Part.

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

89. Manning to ensure safety.

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

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

90. 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 sufficient and competent crew.

(2) Where a vessel sails without being manned by competent crew, the owner and master of a vessel commits an offence and are liable, on conviction to a fine not exceeding twenty four currency points or to a term of imprisonment not exceeding one year, or both.

91. Assessment and verification panel.

- (1) The Minister shall appoint an assessment and verification panel.
- (2) The assessment and verification panel appointed under subsection (1) shall—
 - (a) issue certificates of rating and manning to qualified persons;
 - (b) verify the validity of certificates issued, in case of contest in the validity of the certificate;
 - (c) 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, work permit has been obtained; and
 - (d) participate in the development of maritime curriculum and setting of examination for seafarers.

PART VI—SURVEYS AND INSPECTIONS

92. 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 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.

93. Surveys and inspections.

(1) The 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 life-saving, fire fighting and other safety installations and appliances of the vessel;
- (d) the navigation and communication equipment;
- (e) the storage and manner of loading of cargo including storage of dangerous goods;
- (f) the accommodation facilities of the master, members of the crew and passengers; and
- (g) 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 a 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.

94. 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 occasion arises.

(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.

95. 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) 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.

(3) A report made under subsection (2) shall be communicated to the port authority of any port at which the vessel may seek clearance.

(4) A port authority shall not grant clearance to a vessel and may detain a vessel where a deficiency stated in a report under subsection (2) is not rectified.

(5) Where a surveyor considers a vessel to be unsafe, or where a passenger vessel is unfit to carry passengers, or the machinery or equipment of the vessel is defective in a way which may expose persons on board to serious danger, the surveyor shall recommend to the Minister that a vessel be detained.

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

(7) The person from whom information is requested under subsection (6) shall provide full and truthful information and any person who fails to do so, or gives false information 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.

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

- (a) a vessel to be put out of water in case 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) that the owner supplies a boat, appropriate for the use of the surveyor in case a diving survey is needed;
- (g) the owner or master of the vessel avails 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.

96. Surveyor to report to Maritime Administration.

(1) A surveyor shall, where satisfied with the inspection of the vessel, make a report of the inspection to the Maritime Administration.

(2) The report made under subsection (1) shall contain a statement on the following—

- (a) the condition of the hull and machinery;
- (b) the construction, arrangement and fitting of the hull and machinery;
- (c) the condition of the safety equipment and radio installations required under this Act; and
- (d) whether the persons who are working on the vessel are qualified and sufficient as required under this Act.

97. 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.

98. Record of inspection by the surveyor.

A surveyor shall make and keep a record of the inspections made and of the certificates issued by the surveyor in such form and with such particulars as the Maritime Administration may direct, and shall furnish copies of the record and any other information which the Maritime Administration may require.

99. Responsibilities of manager, owner and master in compliance with management system.

(1) Every manager, 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 either of which affects the safety or 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 any further voyage.

(3) The surveyor shall after carrying out the survey under subsection (2), issue a new certificate of seaworthiness consistent with the modified technical characteristics of the vessel.

PART VII—SAFETY OF NAVIGATION AND
PREVENTION OF COLLISION

100. 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.

101. 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.

102. Compasses and navigation.

The owner or 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 compass.

103. Navigation and other lights and sound signals.

(1) The owner or 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 owner or 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.

104. Owner or master to notify hazards 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 station on shore.

(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**105. Vessels to which this Part applies.**

This Part applies to all vessels except—

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

106. 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 certificate is not able to produce a valid certificate, the Maritime Administration may detain the vessel until the certificate is produced.

107. 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.

108. Cancellation or suspension of load line certificate.

(1) The Minister may suspend or cancel a load line certificate where the Minister 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 as effective a condition as they were when the certificate was issued.

(2) Where the load line certificate is suspended or cancelled, the Minister 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.

109. 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.

PART IX—CARRIAGE OF BULK CARGO AND
DANGEROUS GOODS

110. 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.

111. 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 and 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.

112. 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 with this Act and the safety convention issued by the International Maritime Organisation.

113. 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 pursuant to 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
- (a) 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, manager or master of a vessel shall not carry on a vessel, dangerous goods unless the owner, manager or master obtains a dangerous goods certificate from the Maritime Administration, governing the conditions for the transport of dangerous goods.

(4) The owner, manager 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, manager or master 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, manager 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 no person smokes near or inside a compartment containing the dangerous goods.

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

(8) The owner, manager 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 by subsection (8) shall be stated to the Maritime Administration upon demand.

(10) The owner, manager 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.

114. Signals to be displayed when handling explosives.

The owner, manager 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.

115. Inspection 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.

116. Disposal of dangerous goods.

(1) The owner, manager or master may refuse to load and carry any dangerous goods that are not properly marked and where any dangerous goods, or any goods which in the opinion of the owner or master of the vessel, are sent on board any vessel without the marking or the notice required under section 113, 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.

(2) Where goods are thrown overboard under subsection (1), 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.

117. Forfeiture of dangerous goods.

(1) Where any dangerous goods have been 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 they are forfeited.

PART X—SEAWORTHINESS

118. 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 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.

119. Liability in cases of operating unseaworthy vessel.

The owner, manager 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.

120. Detention of unseaworthy vessel.

(1) Where the surveyor believes that a vessel is unfit to sail, the surveyor may detain a vessel until he or she is satisfied that a vessel is fit to sail.

(2) The Minister shall cause a vessel detained under this section to be inspected or surveyed to investigate any defects believed to exist and the surveyor who inspects the vessel shall submit a full written report on the findings of the inspection to the Minister.

(3) 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.

121. Compensation for unreasonable detention of the vessel.

(1) Subject to subsection (2), where a vessel is detained under the provisions of this Act or any regulations made under this Act, and the owner of a vessel proves to the satisfaction of the Minister that there was no reasonable cause for the detention of a vessel, the owner or master of a vessel shall be compensated for any loss or damage sustained by reason of such detention.

(2) The amount of compensation under subsection (1) shall be determined by the Minister, taking into account the time, value and nature of the goods in detention.

PART XI—INLAND PORTS

122. 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 order, define the territorial limits of inland ports declared under this section.

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

123. Passengers to embark and disembark only at inland ports.

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 122, except that—

- (a) the port authority may authorise the master of any vessel to embark passengers or goods at any place other than an inland port; and
- (b) this section shall apply to small vessels and vessels of traditional build carrying passengers or goods.

124. Master to supply information.

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

- (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 and 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 of the port authority may require.

125. 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 the port authority may, in consultation with the Minister, determine and publish in a tariff notice in the *Gazette*.

(2) The port authority shall maintain a booking office and ticketing office within an inland port.

(3) At every booking office within an inland port there shall be maintained, available for public inspection, a list of rates and charges applicable to that port.

126. Arrest of vessel for port charges.

(1) Where any port charges are owing in respect of any vessel, the authorised employee of the port authority may arrest the vessel together with its tackle, apparel and furniture and may detain the vessel until the amount of the charges is paid.

(2) Where, after the arrest, the port charges remain unpaid for seven days, the authorised employee of the port authority may cause the vessel together with its tackle, apparel and furniture arrested to be sold; and out of the proceeds of the sale, the authorised employee may retain the amount of any port charges which are owing and the expenses of the detention and sale, and shall deliver the balance, if any, to the person responsible, under this Act, for the payment of the port charges.

(3) Where any vessel in respect of which port charges are owing, and have not been secured to the satisfaction of the authorised employee, leaves any inland port and enters or is in any other inland port, the vessel may be dealt with as if the port charges owing and not secured were port charges owing in respect of that other inland port.

127. Powers of the authorised employee of the port authority.

(1) The authorised employee of the port authority 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 that 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 of the port authority 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 of the port 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 authority 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 authority to be entitled to the proceeds of the sale.

128. The health officer in an inland port.

(1) The port authority 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;
- (a) inspect the provisions, medicines and accommodation in the vessel;
- (b) 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;
- (c) question any person in the vessel for the purpose of ascertaining the state of health of that person; and
- (d) prohibit any person in the vessel who appears to be infected with, or who has been exposed to the risk of any infection of, any infectious or contagious disease from leaving the vessel and detain him or her in any hospital or quarantine station.

(3) 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

129. Designating 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.

130. 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.

131. 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 24 hours after the arrest hand over the arrested person to the police.

132. Right to pass over adjoining lands.

(1) Where any vessel is wrecked, stranded or in distress at any place on inland waterways, any 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 lands, 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 by 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.

133. 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 the—

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

134. 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.

135. Concealing of wreck.

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

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

136. 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 a 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.

137. 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 at which the wreck came into the possession of the receiver of wreck; and

- (b) paying the salvage fees and expenses due, and any duty.

138. 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.

139. Boarding wrecked vessel.

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

140. 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.

141. 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 pay the proceeds to the Consolidated Fund under subsection (1) after deducting—

- (a) the expenses incurred in the sale of the wreck;
- (b) the fees of the receiver of wreck, in the case of a 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.

142. Removal of wreck in port.

(1) Where a vessel is sunk, stranded or abandoned in any port under the control of a port authority or in such manner as in the opinion of the port authority, constitutes an obstruction or danger to navigation, the port authority 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) of this section, 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 authority under this section.

(2) Where the port authority exercises the powers conferred under subsection (1) (c), the port authority 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 authority 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 authority.

143. 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.

144. 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

145. 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.

146. Reception facilities and discharge of waste.

(1) The port authority 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 authority 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.

147. 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.

148. 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.

149. Pollution contingency plan.

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

150. 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.

151. 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**152. Investigations of vessel 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.

153. 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 (1) 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 utilize 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.

154. 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 organizations of the shipping industry as well as from relevant parties; and
- (i) make recommendation 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.

155. Rules relating to inquiries and investigations.

(1) The Minister may, make rules for the conduct of preliminary investigations under section 152 (3) and full investigations under section 153.

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

PART XV—GENERAL PROVISIONS

156. 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.

157. 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; on being required to do so, fails or refuses to produce a document to a surveyor, Registrar of vessels, police officer or an authorised officer, who demands for a document issued under this Act;
 - (d) sends or, while in charge or command, takes, upon the inland waterways a vessel registered or licensed under this Act without a competent crew;
 - (e) 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;
 - (f) 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 eight currency points or imprisonment for a period not exceeding four months 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 year or both.

(4) The owner or master of a vessel which sets sail in contravention of the requirements of section 29 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 not exceeding four years.

158. 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;
- (d) Part XII -sections 71 – 79 of the Uganda Railways Corporation Act, Cap 331.

159. Savings

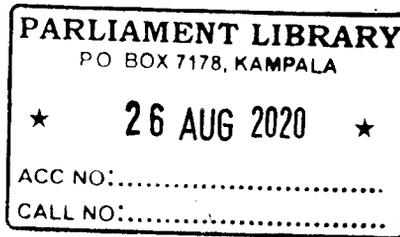
(1) Any statutory instrument, made under the Vessels (Registration) Act Cap 362, the Ferries Act Cap 355, the Inland Water Transport (Control) Act Cap 356, Part XII -sections 71 – 79 of the Uganda Railways Corporation Act, Cap 331 repealed by section 148 of this Act, shall, with necessary modification, 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.

160. Transitional provisions

Any licence or certificate issued under enactments repealed by section 158 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

A currency point is equivalent to twenty thousand shillings.

SCHEDULE 2

section 10

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 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.....

1 The application must be made by all owners

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.

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

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.

