

THE UNITED REPUBLIC OF TANZANIA



No. 31 OF 1966

I ASSENT,

*Julius K. Nyerere*  
President

4TH AUGUST, 1966

**An Act to make provisions consequential upon the enactment of the East African Merchant Shipping Act, 1966 of the Common Services Organization and for connected matters and to repeal and amend certain laws**

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the East African Merchant Shipping Short title and commencement (Consequential Provisions) Act, 1966 and shall come into operation on such date as the Minister shall, by notice published in the *Gazette*, appoint.

2. In this Act, unless the context otherwise requires— Interpretation E.A.C.S.O. Acts, 1966 No. ....

“the Act” means the East African Merchant Shipping Act, 1966 of the Common Services Organization;

“the Merchant Shipping Act” means the United Kingdom Merchant Shipping Act, 1894 and any Act in amendment thereof or in substitution therefor, so far as the same apply to Tanganyika;

“the Minister” means the Minister for the time being responsible for shipping.

3. The Ordinances set out in the First Schedule hereto are hereby Repeal of certain laws repealed.

4. Notwithstanding the repeal of the Ordinances set out in the First Savings Schedule hereto the Minister may, by order published in the *Gazette*, declare that any Rules, Regulations or order made under any of the said Ordinances shall apply and have effect pending their revocation by any Rules or Regulations made under the Act, as if they had been made under the Act.

5. The laws set out in the first and second columns of the Second Amendment of certain laws Schedule hereto are hereby amended in the manner specified in the third column of that Schedule.

Adaptation of the existing law

6. In addition to the amendments of the laws set out in the Second Schedule hereto it is hereby declared that as from the date of the coming into operation of this Act the existing law shall be read as if references to the Merchant Shipping Act were references to the Act.

High Court to have exclusive jurisdiction in respect of certain matters

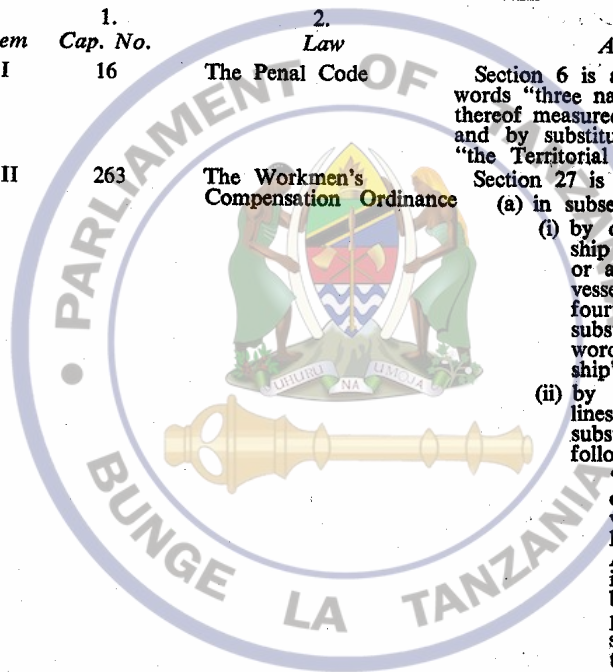
7. The jurisdiction conferred upon a court as a court of first instance by the Act in relation to the making of the orders or hearing and determining proceedings, claims and other matters set out in the Third Schedule hereto shall be deemed to have been conferred exclusively upon the High Court.

FIRST SCHEDULE

1. The Shipping Ordinance (Cap. 162).
2. The Merchant Shipping (Fees) Ordinance (Cap. 163).
3. The Native Vessels Ordinance (Cap. 165).

SECOND SCHEDULE

| Item | 1.<br>Cap. No. | 2.<br>Law                            | 3.<br>Amendments   |
|------|----------------|--------------------------------------|--|
| I    | 16             | The Penal Code                       | Section 6 is amended by deleting the words "three nautical miles of the coast thereof measured from low water mark" and by substituting therefor the words "the Territorial waters".   |
| II   | 263            | The Workmen's Compensation Ordinance | <p>Section 27 is amended:—</p> <p>(a) in subsection (1):—</p> <p>(i) by deleting the words "any ship registered in the Territory or any other British ship or vessel" which occur in the fourth and fifth lines and by substituting therefor the words "any East African ship";</p> <p>(ii) by deleting the last seven lines of paragraph (c) and by substituting therefor the following:—</p> <p>"magistrate or consular officer elsewhere and which, if the proceeding had been under the East African Merchant Shipping Act, 1966 would have been admissible in such proceeding by virtue of sections 299 and 304 of that Act, shall be admissible in evidence subject to similar conditions as are laid down in the said sections 299 and 304";</p> <p>(iii) by deleting paragraph (d); and</p> <p>(b) in subsection (4):—</p> <p>(i) by deleting the definition: "ship", "vessel", "master", "seaman" and "port" and by substituting therefor the following new definitions: "East African ship", "ship", "vessel", "master", "seaman" and "port" shall have the same meaning as in the East African Merchant Shipping Act, 1966;</p> |



| Item | 1.<br>Cap. No. | 2.<br>Law  | 3.<br>Amendments   |
|------|----------------|--|--|
|      |                |  | <p>“the East African Merchant Shipping Act, 1966 means the East African Merchant Shipping Act, 1966 of the E.A.C.S.O. Common Services Organization;”</p>   |
| III  | 366            | The Employment Ordinance   | Sections 89, 90, 91 and 91A are repealed.  |
| IV   | 450            | The Immunities and Privileges (Extension and Miscellaneous Provisions) Ordinance | Section 6 is repealed.   |
| V    | 453            | The Judicature and Application of Laws Ordinance                                 | <p>(1) Section 2 is hereby amended by adding immediately below subsection (1) thereof the following new subsection:—</p> <p>“(1A) For the avoidance of doubt it is hereby declared that the jurisdiction of the High Court shall extend to the Territorial waters.”</p> <p>(2) Section 3 is repealed and replaced by the following section:—</p> <p>High Court shall have jurisdiction over proceedings relating to merchant shipping</p> <p>3. The High Court shall be a Court of Admiralty and shall, subject to the provisions of any written law, have jurisdiction which is conferred upon it or which may hereafter be conferred upon it as such Court of Admiralty by any written law and more particularly shall have jurisdiction to make orders and to hear and determine claims, proceedings and other matters in respect of which jurisdiction is conferred upon a court by the E.A.C.S.O. East African Merchant Shipping Act, 1966 of the No. .... East African Common Services Organization.”</p> <p>(3) Section 8 is repealed.</p> <p>(4) The Schedule is amended:—</p> <p>(a) in Part I thereof by deleting the items relating to:—</p> <p>(i) the Admiralty Offences (Colonial) Act, 1849; and</p> <p>(ii) the Merchant Shipping Act, 1894, and</p> <p>(b) by deleting Part II thereof.</p> |

THIRD SCHEDULE

| Item | Description of the order, claim or proceedings                        | Relevant Part or Section of the Act |
|------|---|-------------------------------------|
| 1.   | Order for sale of the property in a ship or share therein             | Section 30                          |
| 2.   | Order prohibiting transfer of a ship or share therein ...             | Section 32                          |
| 3.   | Order permitting subsequent mortgagee to sell a mortgaged ship ... .. | Section 37                          |
| 4.   | Suits, claims and proceedings for salvage ... ..                      | Part V                              |
| 5.   | Order removing the master of a ship ... ..                            | Section 272                         |

Passed in the National Assembly on the twenty-first day of July, 1966.

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*Stammetwa*  
 Clerk of the National Assembly

