

GOVERNMENT NOTICE NO. 244 published on 12/08/2016

MERCHANT SHIPPING ACT
(CAP.165)

REGULATIONS

(Made under section 157)

THE MERCHANT SHIPPING (MEDICAL EXAMINATIONS)
REGULATIONS, 2016

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Merchant Shipping (Medical Examinations) Regulations, 2016.
- Application 2.-(1) These Regulations shall apply to-
- (a) every candidate who holds a valid medical certificate and a holder of Tanzania Certificate issued under the Regulations implementing (STCW) Convention irrespective of the size of a ship on which he is working or intends to work; and
 - (b) seagoing ships which are not Tanzanian ships, when they are in a Tanzanian port.
- (2) Notwithstanding subregulation (1), these Regulations shall not apply to-
- (a) pleasure vessels;
 - (b) fishing vessels;
 - (c) warships or naval auxiliaries;
 - (d) vessels owned and operated by a Government Department or Agency for non-commercial purposes;
 - (e) offshore installations whilst on their working stations.

Interpretation	3. In these Regulations, unless the context requires otherwise-
Cap. 165	“Act” means the Merchant Shipping Act;
Cap. 413	“Authority” means the Surface and Marine Transport Regulatory Authority or SUMATRA in its acronyms, established under the Surface and Marine Transport Regulatory Authority Act;
	“authorized person” means any officer appointed by the Minister in accordance with section 382 of the Act;
STCW.7/Cir c.19 of 9 January 2013	“Guidelines” means the Guidelines on Medical Examinations of Seafarers set out in IMO Circular ;
	“IMO” means International Maritime Organization;
	“master” means every person, except a pilot, having command or charge of a ship, or other craft when it is on or in close proximity to the water;
	“medical fitness certificate” means a seafarer’s medical certificate attesting to a person’s fitness or otherwise for the work for which he is to be employed at sea and which is—
	(a) issued under regulation 12, or
	(b) a certificate, deemed under regulation 11, to be equivalent to a medical fitness certificate issued under regulation 12;
	“medical practitioner” means a medical practitioner registered with the Medical Council of Tanganyika medical accreditation body of the other approved by the Authority to examine seafarers;
	“medical referee” means one of the medical practitioners appointed by the Registrar of Seafarers to deal with seafarer reviews in accordance with regulation 17 of these Regulations;
Cap. 152	“Medical Council of Tanganyika” means the statutory body established under section 3 of the Medical Practitioners and Dentists Act;
	“Minister” means the Minister for the time being responsible for shipping;
	“Notice” means a Merchant Shipping Notice, described as such, issued by the Registrar of Seafarers, as may be amended or replaced from time to time;
	“owner” in relation to a ship, or “ship owner” means, in respect of a registered ship, the registered owner and includes a demise charterer and managing owner or a managing agent and as applied to unregistered vessel means the actual owner;

- “Registrar” means the Registrar of Seafarers appointed under the Act;
- “seafarer” includes every any person, except a Master, pilot or apprentice duly contracted or indentured and registered employed or engaged in any capacity on board a ship;
- “seagoing in relation to a vessel” means a vessel proceeding to sea beyond internal waters or beyond waters declared to be smooth or partially smooth waters by the Government by notification in the *Gazette*;
- “ship” means a floating vessel which is self-propelled and capable of carrying passengers or cargo including every description of vessel used in navigation;
- “STCW Code” means the Seafarer’s Training, Certification and Watchkeeping Code as adopted by the 1995 Conference Resolution 2, as it may be amended by the IMO;
- “STCW Convention” means the International Convention on Standards of Training, Certification and Watchkeeping as amended;
- “valid certificate” means a medical fitness certificate that is current, has not been cancelled, suspended, revoked and has been issued in accordance with these Regulations; and
- “vessel” includes any ship, boat, sailing vessel, or other vessel of any description used in navigation.

Purpose 4. The purpose of these Regulations is to give effect to the provisions of Regulation I/9 of the STCW Convention and Section A- I/9 of the STCW Code.

Approval of the Authority 5.-(1) The Authority may-

- (a) approve a person to be a medical practitioner or an independent medical referee; or
- (b) designate a place to be a referral centre for the purposes of assessing colour vision when providing a medical practitioner with the information necessary to issue a medical fitness certificate.

(2) The Registrar shall publish, by way of Notice, any decision reached by the Authority under subregulation (1).

Approval and authorization of medical practitioners 6.-(1) The medical practitioner approved by the Authority, under this regulation and regulation 8, shall conduct examination to determine the medical fitness of a seafarer.

(2) A medical practitioner wishing to be approved by the Authority in accordance with the provisions of sub-regulation (1), shall make a written application to the Authority by submitting the documentary evidence of-

- (a) relevant academic qualification;
- (b) a valid certificate of full registration issued by the Medical Council of Tanganyika or any other medical accreditation body of the other State where he is working.

(3) Notwithstanding subregulation (2), for a medical practitioner to be approved by the Authority shall have-

- (a) experience of-
 - (i) not less than five years in practicing general medicine and at least two years in occupational medicine; or
 - (ii) at least experience of two years in maritime occupational medicine; and
- (b) a registered premises where seafarer medical fitness an examination shall be conducted with the requirements provided in the Guidelines.

(4) The premises required under subregulation (3)(b) shall-

- (a) have the facilities and equipment required to carry out medical fitness examination of seafarers; and
- (b) be conveniently situated for ease of access by seafarers.

(5) The Authority-

- (a) may, in verifying the authenticity and validity of the documentary evidence submitted in support of the application under sub-regulation (2), require the medical practitioner to provide additional information; -
- (b) shall conduct inspection of the premises and facilities to verify their suitability in terms of sub-regulation (3).

(6) The Authority shall-

- (a) in addition to the requirements of sub-regulations (2), (3) and (5), take into consideration any other factors it may deem relevant for the consideration of the application for recognition; and

(b) not be bound to approve a medical practitioner unless such a medical practitioner satisfies all requirements of those sub-regulations.

(7) The Authority shall enter into a written agreement with a medical practitioner which shall-

(a) be valid for a period of five (5) years subject to annual reviews; and

(b) specify any conditions applying to it.

Transfer of location

7.-(1) A medical practitioner who intends to transfer his services to another location shall inform the Authority within five working days, of such change and comply with requirements of subregulation (3)(b) of regulation 6.

(2) The Authority shall, upon receipt of the information in subregulation (1), conduct the verification described under sub-regulation (5) of regulation 6, within thirty days and where appropriate, re-issue an approval and registration of the new medical premises or facility.

Register of Medical Practitioner

8. The Authority shall keep, maintain and make available, on request, to any State, company or seafarer the Register of medical practitioner which shall contain a list of-

(a) medical practitioners; and

(b) the States whose medical certificates are recognized by the Authority.

Suspension, cancellation or revocation of approval of a Medical Practitioner

9. The approval of a medical practitioner-

(a) shall be considered to be revoked upon the medical practitioner's registration being invalidated or revoked by the Medical Council of Tanganyika or other medical accreditation body; and

(b) may be varied, suspended, cancelled or revoked, in writing, by the Authority-

(i) following a recommendation made in an investigation report or audit report for such variation, suspension, cancellation or revocation;

(ii) when a medical practitioner transfers or relocates his medical practice to a different premise or facility without the consent of the Authority; or

(iii) where, in the opinion of the Authority, the circumstances warrant such

variation, suspension, cancellation or revocation.

Employment
of seafarers

10.-(1) Subject to subregulations (2) and (3), a ship owner or master shall not employ or continue to employ a seafarer on board any Tanzanian ship, unless the seafarer holds a valid medical fitness certificate appropriate for the area in which the ship is to operate or for the job on which seafarer is to be employed.

(2) Where the medical fitness certificate of a seafarer expires during the course of a voyage, a ship owner or master may continue to employ the seafarer on board a Tanzanian ship-

(a) for a period not exceeding three months from the date of expiry of the medical fitness certificate, or

(b) until the next port of call at which it is possible for the seafarer to be examined and obtain a medical fitness certificate, provided that he holds a recent expired medical certificate.

(3) The Registrar may, in urgent cases and subject to subregulation (4), permit a seafarer, who is the holder of a medical fitness certificate which shall expire within a month before the date on which the seafarer joined a ship to which these Regulations apply, to be employed on board the ship, despite the expiry of the certificate, until the next port of call at which it is possible for the seafarer to obtain a medical fitness certificate in accordance with these Regulations.

(4) A ship owner or master shall not employ a seafarer on board a ship to which these Regulations apply in breach of any restriction or condition recorded under regulation 12(6) by a medical practitioner on the seafarer's medical fitness certificate.

Evidence of
medical
fitness

11. For purpose of this regulation, a Seafarer shall be considered to be medically fit if-

(a) he has a valid medical fitness certificate; and

(b) there is no evidence that his medical condition has changed since the previous medical examination to an extent that would make him unfit to perform duties required of him.

Issuance of
medical
fitness
certificate

12.-(1) A medical practitioner shall, upon being satisfied that approved medical standards on eyesight and hearing established under regulation 13 have been complied with, issue a medical fitness certificate to a person who-

- (a) is at least 16 years of age;
 - (b) provides satisfactory proof of identity to a medical practitioner; and
 - (c) has been medically examined to be fit in terms of regulation 11.
- (2) The seafarer's medical fitness certificates shall-
- (a) be in the format set in the First Schedule to these Regulations; and
 - (b) record whether an applicant is fit or unfit to carry out the work of a seafarer for which he is employed.
- (3) Where an applicant's colour vision is in doubt, the medical practitioner, he may, having regard to the duties to be performed at sea by the applicant, proceed to conduct the confirmatory colour vision test-
- (a) using a centre designated or accredited by the Authority; and
 - (b) in accordance with the International Eye Standard for Seafarers set out in section A-I/9 of the STCW Code.
- (4) The colour vision test carried out in accordance with this regulation shall be valid for a period, not exceeding six years.
- (5) A seafarer's medical certificate shall be in English language and in accordance with the format set out in the First Schedule.
- (6) A seafarer who has been issued with a medical fitness certificate shall-
- (a) ensure that the original certificate is in his possession at all times, when on board during the term of his employment, and
 - (b) produce that certificate when requested to do so by an authorized person.

Standards of
medical
fitness for
seafarers

13. (1) The established physical and medical standards are as follows-
- (a) vision standards;
 - (b) hearing standards;
 - (c) eyesight standards;
 - (d) physical capability requirements;
 - (e) fitness criteria for medication use; and
 - (f) fitness criteria for common medical conditions.

(2) Notwithstanding subregulation (1)(a), the minimum in-service eyesight standards for seafarers shall be as set out in the Second Schedule to these Regulations.

(3) Notwithstanding the standard provided in the Guidelines, a medical practitioner conducting seafarer medical examination shall exercise professional discretion in accordance with the Code of Ethics,

Provided that no discretion shall be exercised in the case of paragraphs (1)(a) and (c).

Validity of certificate

14. A medical fitness certificate shall, subject to regulation 13, remain in force in the case of a seafarer who has-

- (a) not attained the age of 18, for a period, not exceeding one year; and
- (b) attained the age of 18, for a period, not exceeding 2 years.

Recognition of medical fitness certificates issued by other State

15. A medical fitness certificate shall be issued by-

- (a) a medical practitioner in accordance with these Regulations; or
- (b) the Government of any country accepted in accordance with the STCW Convention on Medical Standards.

Suspension and revocation of medical fitness certificate

16.- (1) Where a medical practitioner has reasonable grounds to believe that-

- (a) there has been a significant change affecting the medical fitness of a seafarer during the period of validity of his medical fitness certificate;
- (b) a medical fitness practitioner could not reasonably have issued the certificate, had the medical practitioner been in possession of the full details proving otherwise as to the medical fitness of the seafarer;
- (c) a medical fitness certificate was issued to a seafarer otherwise than in accordance with these Regulations, he may-
 - (i) suspend the certificate until such time the seafarer has undergone further medical examination and being approved accordingly;

- (ii) suspend the certificate for such reasonable period as he considers that the seafarer will remain unfit to go to sea, or
- (iii) revoke the certificate if he considers that the seafarer is likely to remain permanently unfit to go to sea.

(2) Where the medical practitioner suspends or revokes a certificate under this regulation, shall notify the seafarer of his decision in writing.

(3) A medical practitioner may direct a seafarer whose certificate has been suspended or revoked under subregulation (1) to surrender the certificate to him within seven (7) days..

(4) This regulation shall not apply to a certificate which is deemed, under regulation 11, to be equivalent to a medical fitness certificate issued under regulation 12.

Review by a
medical
referee

- 17.-(1) A person who, having been medically examined-
- (a) is issued with a medical fitness certificate stating that he is not fit to carry out his duties as a seafarer,
 - (b) has had restrictions or conditions recorded on his medical fitness certificate in accordance with regulation 12, or
 - (c) has had his medical fitness certificate suspended for a period of more than three months or revoked;

may apply to the Authority for the matter to be reviewed by a medical referee.

Review

18.-(1) A seafarer may apply for review to the Authority if he is aggrieved by the decision of medical practitioner.

(2) Where a seafarer wishes to apply for review, he shall send his application together with an advice report of an independent medical practitioner to the Authority for consideration within 30 days from the date of which the seafarer is given notice by the medical practitioner of refusal, restriction or suspension of certificate and shall be submitted free of charge to the Authority which shall arrange all the review to be considered by medical referee.

(3) The Authority shall, upon receipt of the application in subregulation (2), consider the application and communicate its decision to the applicant within fourteen days.

- Certificate of competency 19. The medical fitness certificate issued under these Regulations shall be accepted as evidence of medical fitness for a seafarer seeking to revalidate his certificate of competency, provided that it is valid in accordance with regulation 12 of these Regulations.
- Quality Standards System 20. (1) A medical certification activity shall be continuously monitored through the Quality Standards System established by the Authority.
(2) The Quality Standards System shall establish, at minimum, procedures for—
(a) issuance of medical certificates;
(b) approval of a medical practitioner; and
(c) review the decision of a medical practitioner.
- Seafarer's medical records 21.- (1) A copy of the seafarer's medical certificate shall be-
(a) kept in the files of the medical practitioner's premises or facility in which it was issued; and
(b) clearly marked as confidential and retained, according to relevant laws.
(2) The file containing the seafarer's medical certificate shall-
(a) be kept confidential;
(b) be used for determining the fitness of the seafarer for work and for enhancing health care;
(c) be made available only to persons duly authorized in accordance with relevant data protection laws; and
(d) not be used for any purpose other than facilitating the treatment of a seafarer.
(3) The medical records in subregulation (2), shall not be disclosed to any other person without prior written informed consent of the seafarer.
- Offences and penalties 22.- (1) A ship owner or a master who contravenes regulation 10 (1), (2) or (4) commits an offence and is liable on conviction to a fine of not less than two thousand dollars or its equivalent in Tanzanian shillings.

(2) A seafarer who fails to comply with regulation 12(6)(a) or 13(3) commits an offence and is liable on conviction to a fine of not less than two thousand dollars or its equivalent in Tanzanian Shillings.

(3) A person who-

(a) knowingly gives false or misleading information for the purposes of being issued a medical fitness certificate;

(b) forges a medical fitness certificate with intent to deceive, uses, permits to be used or alters a medical fitness certificate,

commits an offence and is liable upon conviction to a fine of not less than the equivalent in Tanzanian shillings of the United States Dollars two thousand.

(4) A person shall not be prosecuted for an offence for which a penalty has been imposed by this regulation.

(5) Nothing in these Regulations shall affect the liability to forfeiture of ships, shares therein or goods.

Power to
Compound
offences

23.-(1) Notwithstanding the provisions of these Regulations relating to penalty, where a person commits an offence under these Regulations, the Authority may, at any time prior to the commencement of the hearing by any court of any charge, compound such offence and order the person to pay sum of money, not exceeding half of the amount of the fine to which the person would otherwise have been liable if he had been convicted of such offence,

Provided that the Authority shall not exercise its powers under this Regulation unless the person concerned admits in writing to have committed such offence.

(2) Where the Authority compounds an offence, the order referred to in subregulations (1)-

(a) shall be reduced into writing and there shall be attached to it the written admission and request referred to in subregulation (1) and a copy of such order shall be given, if he so requests, to the person who committed the offence;

- (b) shall specify the offence committed, the sum of money ordered to be paid and the date on which payment is to be settled;
- (c) shall be final; and
- (d) may be enforced in the same manner as a decree of a court for the payment of the amount stated in the order.

Revocation
and savings
G.N.No.1999
of 2005

25.-(1) The Merchant Shipping (Medical Examinations) Regulations, are hereby revoked.

(2) Notwithstanding sub regulation (1), a medical fitness certificate issued to a seafarer under the Merchant Shipping (Medical Examinations) Regulations, shall continue to be in force until the expiry date specified in the certificate.

Merchant Shipping (Medical Examinations)



Photograph
Attach your
Photograph here

FIRST SCHEDULE
Form of Certificate of Medical Fitness

(Made under regulation 12)

This certificate is issued in compliance with International Convention on Standards of Training, Certification and Watchkeeping for Seafarers 1978, as amended (STCW) regulation I/9 and the Merchant Shipping (Medical Examinations) Regulations, 2016

Last name: First name Middle name.....

Date of birth (day/month/year/...../.....) Gender: Male Female

Permanent address:

Identity document type:..... No.: Nationality:

Department: Deck Engine Catering Other (specify):

I have evaluated the above named applicant according to the seafarer's medical fitness standards and certification requirements established in accordance with the provision of regulation I/9 of the STCW Convention, 1978 as amended

On the basis of the applicant's personal declaration, my clinical examination and diagnostic test results recorded on the medical examination form, I declare the applicant is:

Fit- and is not suffering a medical condition likely to be aggravated by, or to render him/her unfit for service at sea or likely to endanger the health of other person on board

Fit- with restriction as detailed below.

Unfit- details and action taken shown below.

Diagram showing a box branching into two paths: one leading to 'Fit- with restriction as detailed below.' and another leading to 'Unfit- details and action taken shown below.' Below these are two large empty rectangular boxes for providing details.

I can confirm the following: (tick the relevant box)

Eyesight:

Meets visual acuity standards Yes No. Visual aids (tick if worn) Spectacles Contact lenses

Meets colour vision standards Yes No. Date of last colour vision test:/...../.....

(Note: colour vision test is not required for national engineering certificates)

Merchant Shipping (Medical Examinations)

Hearing:

Meets hearing standards	Yes <input type="checkbox"/>	No. <input type="checkbox"/>	Lookout duties (deck department only)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Unaided hearing satisfactory	Yes <input type="checkbox"/>	No. <input type="checkbox"/>	Fit for lookout duties	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Date of examination:/...../..... Place of examination.....

Certificate date of expiry:/...../.....

Name of Approved Medical Practitioner

Medical Practitioner Signature: Official Stamp:

.....

I acknowledge that I have been advised on the content of the medical examination report and my right to seek a review of the content of this certificate. In the event of a change of my medical state, I acknowledge the validity of this certificate should be reviewed by an approved medical practitioner.

Applicant's signature: (signed in the presence of the approved medical practitioner)

Merchant Shipping (Medical Examinations)

SECOND SCHEDULE

(Made under regulation 13(2))

Minimum In-service Eyesight Standards for Seafarers

STCW Convention regulation	Category of Seafarer	Distance vision Aided ¹		Near/immediate vision	Colour vision ³	Visual fields ⁴	Night blindness ⁴	Diplopia (double vision) ⁴
		One eye	Other eye	Both eyes together, aided or unaided				
I/11 II/1 II/2 II/3 II/4 II/5 VII/2	Masters, deck officers and ratings required to undertake lookout duties	0.52	0.5	Vision required for ship's navigation (e.g., chart and nautical publication reference, use of bridge instrumentation and equipment, and identification of aids to navigation)	See Note 7	Sufficient visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evident
I/11 III/1 III/2 III/3 III/4 III/5 III/6 III/7 VII/2	All engineer officers, electro technical officers, electro technical ratings and ratings or others forming part of an engine room watch	0.45	0.4(see Note 5)	Vision required to read instruments in close proximity, to operate equipment, and to identify systems/components as necessary	See Note 7	Sufficient visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evident
I/11 IV/2	GMDSS Radio operators	0.4	0.4	Vision required to read instruments in close proximity, to operate equipment, and to identify systems/components as necessary	See Note 7	Sufficient visual fields	Vision required to perform all necessary functions in darkness without compromise	No significant condition evident

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations:

- (a) These Regulations replace the Merchant Shipping (Medical Examinations) Regulations 2005. The Regulations apply to seafarers on all seagoing Tanzanian ships wherever they may be.
- (a) The medical standards provide for a comprehensive medical assessment. Eye-sight testing, including colour vision screening, is part of the overall medical assessment. The Regulations provide for confirmatory colour vision testing at a designated centre when the initial test is in doubt.
- (b) The Regulations provide for the Approved Medical Practitioners to suspend or revoke a medical fitness certificate where certain irregularities have been found. A seafarer aggrieved by an assessment that he/she is unfit, the imposition of restrictions or conditions on the certificate, or a suspension/revocation of a certificate, may apply to the Minister responsible for shipping, for a further examination to be undertaken by a medical referee. The decision of the medical referee is final.

THIRD SCHEDULE

(Made under regulation 18)

SMT-DMSS-SMERRF



SEAFARER'S MEDICAL EXAMINATION RESULTS REVIEW FORM

A. APPLICANT PARTICULARS.

Passport No / CDC No. (Discharge book)

Date of Birth

D	D	M	M	Y	Y	Y	Y

Full Name

Mr

Mrs

Ms

Miss

Surname

Other Names

Place of Birth (Town and Country)

Town

Country

Nationality

Permanent Address (for contact)

House Number	Street	P.O. Box	Town City
Region	Postcode	Country	

Delivery Address (if different from above)

Merchant Shipping (Medical Examinations)

House Number	Street	P.O. Box	Town City
Region	Postcode	Country	

Telephone Numbers

Home	Other
------	-------

E-mail Address

B. EXAMINATION FOR DUTY IN: Please tick appropriate department

Deck Engine Catering

Other (specify):

Date of conducted medical examination being applied for review:

APPLICANT'S SIGNATURE AND PHOTOGRAPH

Please use a black pen to sign

Photograph

Attach
Photograph of
yourself here

C. REASONS FOR REVIEW

Please indicate below the ground(s) on which you wish to base your review, and attach relevant supporting documentation.

D. DECLARATION

I declare that the statements I have made in this request for review are true and complete.
I declare that the supporting documents I have submitted are authentic, and
I understand that my request for review requires nonrefundable payment for each
examination result/ decision being reviewed.

Examination Candidate Signature:

Date:

N.B: *Results for review will be provided by the Authority within 14 days from the date of
application.*

E. FOR OFFICIAL USE ONLY

PART A: VERIFICATION BY OFFICER

Remarks:	
..... Signature Date

PART B: RECOMMENDATION BY MANAGER OF SEAFARERS

This application is recommended not recommended

Remarks:
.....
.....

.....
Signature
Date

PART C: APPROVAL BY REGISTRAR OF SEAFARERS

This application is approved not approved

Remarks:

.....
.....

.....
Signature

.....
Date

Dar es Salaam
10th August, 2016

MAKAME M. MBARAWA
*Minister for Works, Transport and
Communication*