



**REPORT OF THE COMMITTEE ON PHYSICAL INFRASTRUCTURE ON THE
INLAND WATER TRANSPORT BILL, 2020**

OFFICE OF THE CLERK TO PARLIAMENT

APRIL, 2021

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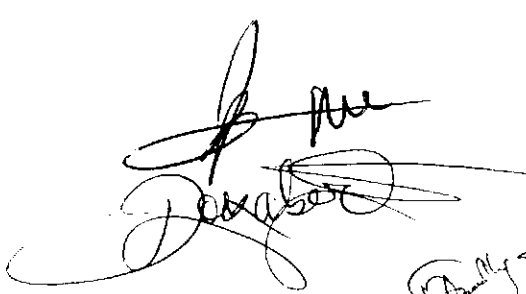


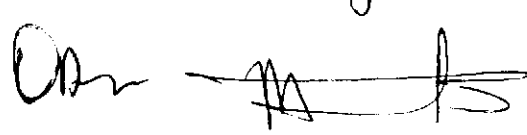

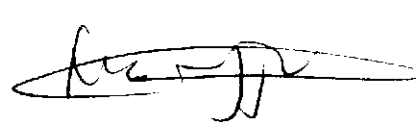

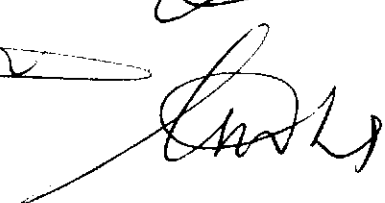
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ACRONYMS

- CISCOT Civil Society Coalition on Transport
- IMO International Maritime Organization
- MARPOL International Convention for the Prevention of Pollution from Ships, 1973.
- MoWT Ministry of Works and Transport
- SDGs Sustainable Development Goals
- SOLAS International Convention for the Safety of Life at Sea, 1974
- UNRA Uganda National Roads Authority
- URC Uganda Railways Corporation

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1 INTRODUCTION

The Inland Water Transport Bill, 2020 was read for the first time on 25th August, 2020 and referred to the Committee on Physical Infrastructure for scrutiny and report back in accordance with Rule 128 of the Rules of Procedure of the Parliament of Uganda.

The Committee considered the Bill and hereby reports.

2 BACKGROUND TO THE BILL

Uganda is endowed with water resources, the most prominent being Lake Victoria. Currently, 18% of the Uganda's total land area is covered by water¹, which is mostly navigable. Water transport therefore plays vital role in Uganda's socio-economic development as it facilitates the movement of passenger and cargo thereby boosting trade and tourism. Water transport is regulated by various pieces of legislation including the Inland Water Transport (Control) Act, Cap 348, which provides for licensing of ships; the Vessels Registration Act, Cap 349, which provides for obligations to register all classes of vessels; the Ferries Act which provides for rules for the use of a special flag, forfeiture of license, fees and auctioning of rights to run a ferry, and the Uganda Railways Corporation Act, Cap 331 which provides for matters relating to management and operation of ports.

The existing laws are not only outdated, but they are weak, fragmented, inconsistent, and incapable of contending with the challenges of the water transport sub-sector such as the increased number of water transport users and the increased cases of marine accidents. Uganda has registered a spike in marine accidents over the years which have claimed the lives of young and productive Ugandans and resulted into loss of cargo worth billions of shillings. Notable among these is the collision between M/V Kabalega and M/V Kaawa on Lake Victoria in May 2005 which resulted in the sinking of MV Kabalega and loss of over eight hundred (800) tons of cargo, and most recently, the accident involving the MV Templar, a leisure boat which capsized in November, 2018 killing thirty three (33) people.

Most of the accidents involving vessels in Uganda are largely attributed to overloading, incompetent and unqualified crew, use of old vessels in poor mechanical condition, failure by passengers to wear life jackets and absence

¹ World Water Assessment Programme, 2nd UN World Water Development Report, Water, a shared responsibility: case study Uganda (2006)

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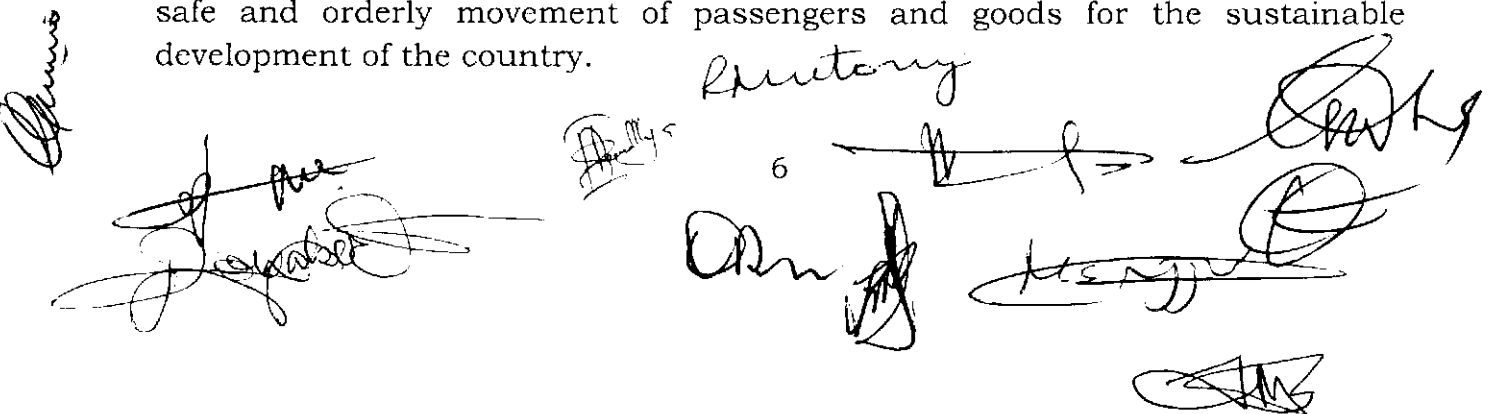
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thereof on vessels, outdated navigational charts and lack of navigational aids. All these factors point to gaps in the existing legal framework which does not provide adequate safety standards and enforcement mechanisms. Therefore, there is urgent need to overhaul the legal framework for it to measure up to the trends, dynamics and challenges of the water transport sub-sector.

Additionally, Uganda is party to several regional and international instruments which impose obligations on member states to provide safety standards for the protection of lives, vessels, and the environment. At regional level, Uganda assented to the Lake Victoria Transport Act, 2007 which is an East African Community law that provides for construction, survey, registration, and licensing of vessels used on Lake Victoria for ensuring the safety of passengers and cargo as well as standards for competency of members of the crew among other matters.

At international level, Uganda ratified the United Nations Convention on The Law of the Sea 1982 on 9th November, 1990 and is a Member State of the International Maritime Organization (IMO) having ratified the IMO Convention in 2009. In April 2019, Uganda acceded to numerous IMO Conventions namely, the International Convention for the Safety of Life at Sea (SOLAS) 1974 as amended; Convention on the International Regulations for Preventing Collisions at Sea (COLREG) 1972 as amended; Convention on the Facilitation of International Maritime Traffic (FAL) 1965 as amended; International Convention on Load lines (LL) 1966; International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) 1978 as amended; International Convention on standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (STCW-F), 1995; International Convention on Maritime Search and Rescue (SAR) 1979, as amended; Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA) 1988 and the Protocol of 1978 Relating to the International Convention for the Prevention of Pollution from Ships (MARPOL) 1973. It is pertinent that these international conventions are domesticated to boost Uganda's water transport competitiveness at the regional and international level.

It is against this background that government has proposed a law to strengthen water transport regulation and safety management and to domesticate regional and international instruments to which Uganda is a party, so as to facilitate the safe and orderly movement of passengers and goods for the sustainable development of the country.

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3 OBJECT OF THE BILL

The Object of the Bill is to provide for regulation of inland water transport by providing for registration and licensing of vessels, safety of life and navigation on inland water ways, the prevention of pollution and protection of the marine environment and marine security, regulation of ports, repealing of Vessel (Registration) Act, Cap 356, 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.

4 DEFECTS IN THE EXISTING LAW

The Inland Water Transport sub-sector is characterized by old and disjointed laws and standards that require immediate review and harmonization. Presently, the sub-sector is regulated by various laws which were enacted during the colonial times when the sector was performing and minimal level, namely the Vessels (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.

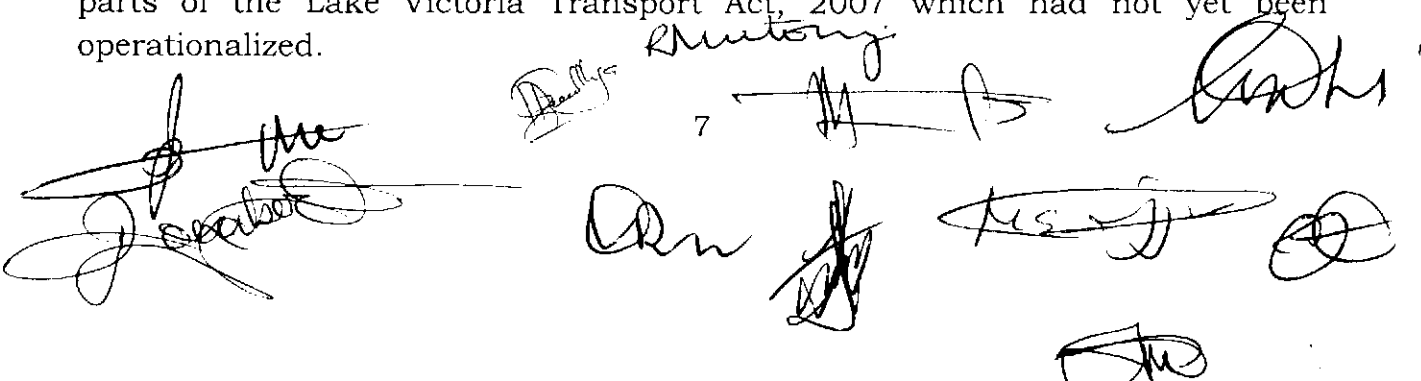
The laws regulating water transport in Uganda are not harmonized which leads to overlap of mandates when any attempt is made at implementation. For instance, matters relating to ports are provided for under the Uganda Railways Corporation Act, Cap 331 while the Inland Water Transport (Control) Act refers to a Board established under the Traffic and Road Safety Act as the Board responsible for licensing of vessels. Additionally, the absence of a clear institutional framework for the regulation and enforcement water transport safety measures coupled with weak penalties and sanctions for offenders renders implementation of the law rather difficult.

A lot has changed since colonial times when the current laws were enacted, including standard operating procedures, the types of vessels, new trends and dynamics in water 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 a party. Uganda has acceded to eight IMO Conventions which require state parties to comply with international standards for safety of lives, vessels, and the environment. The Bill therefore seeks to domesticate these international conventions and to operationalize the parts of the Lake Victoria Transport Act, 2007 which had not yet been operationalized.

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The existing gaps in the legal and institutional framework as well as the need to align the law to emerging trends and international obligations have necessitated law reform to facilitate effective implementation.

5 HOW THE BILL ADDRESSES THE DEFECTS IN THE LAW

The Bill seeks:-

- a) To provide for the centralized administration of inland water transport through the Maritime Administration Department under the Ministry of Works and Transport;
- b) To provide for the registration of vessels, licensing procedures, management, and ownership of vessels; and to provide for the management of small vessels and vessels of traditional build.
- c) To provide for the management and welfare of vessel's crew and to provide for the regulation of crew's conduct and behavior;
- d) To provide for safe manning of vessels by qualified and certified officers;
- e) To provide for a panel to assess and verify crew;
- f) To provide for surveys and inspection of vessels;
- g) To provide for the construction, stability of the vessel, safety of navigation and use of sound signals.
- h) To provide for load line certificate, cancellation and surrender of the load line certificate.
- i) To provide for standard operating procedures for carriage of Bulk Cargo and Dangerous goods;
- j) To provide for liability of the vessel owner operating an unseaworthy vessel, detention of unseaworthy vessel and compensation for unreasonable detention.
- k) To provide for inland ports, for levy of port rates and charges and to regulate the embarkation and disembarkation of passengers;
- l) To provide for wreck and salvage, for the office of receiver of wrecks and to prohibit interference with the wreck;
- m) To provide for the prevention of pollution of vessels and provides for mandatory insurance of vessels and preparation of pollution contingency and emergency plans;
- n) To provide for investigation of vessel/marine casualties;
- o) To provide for powers of the Minister to make regulations;
- p) To provide for offences and penalties; and

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- q) To provide for the repeal of the Vessels (Registration) Act Cap 362, the Ferries Act Cap 355, The inland Water Transport (Control) Act Cap 336 and Part XII of the Uganda Railways Corporation Act, Cap 331.

6 METHODOLOGY

The Committee;

- a) Met with the Ministry of Works and Transport
- b) Received written submissions from:
 - i) Uganda National Roads Authority (UNRA);
 - ii) Uganda Insurers Association (UIA);
 - iii) Uganda Police Force;
 - iv) Civil Society Coalition on Transport (CISCOT)
- c) Published an advert eliciting public views on the Bill in the New vision and Daily Monitor newspapers of 30th November, 2020. *A copy of the advert is herewith attached as Annex 1.*
- d) Reviewed relevant literature including the Constitution of the Republic of Uganda, 1995, the Vessels (Registration) Act Cap 362, the Ferries Act Cap 355, The Inland Water Transport (Control) Act Cap 336 and the Uganda Railways Corporation Act, Cap 331 and the Traffic and Road Safety Act, 1998 (as amended), relevant International Maritime Organization Conventions and Regional Agreements to which Uganda is a party.

7 COMPLIANCE WITH HUMAN RIGHTS

The Object of the Bill is to strengthen inland water transport regulation and safety management in Uganda in a bid to curb the increasing number of accidents involving vessels in the country. Accidents directly impede the enjoyment of the human rights to health and life of the victims as well as the social economic rights of the victims and their dependents. Accordingly, the Bill seek to enhance the safety of water transport users by ensuring that vessels plying Uganda's waters are registered and licensed (Clause 9 to 35), seaworthy (Clause 118 to 121) and manned by qualified and competent crew (Clauses 88 to 91).

Clauses 92 to 99 of the Bill provide for surveys and inspection of vessels to ensure that they are safe for voyage while Clauses 105 to 109 of the Bill provide for load lines on vessels to prevent the occurrence of accidents due to overloading. Relatedly, Clauses 100 to 104 provide for safety of navigation and

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prevention of collision while Clause 152 to 155 provide for investigations into marine casualties to prevent future reoccurrence of accidents.

Under Part XIII, the Bill seeks to protect the right of persons to a clean and healthy environment by providing for the management of pollution and prohibiting the discharge of oil and waste into inland water transport and requires vessels of a gross tonnage of fifty tones to institute a pollution emergency plan to mitigate the impact of pollution and spillage on inland water ways (Clauses 145 to 152).

8 COMPLIANCE WITH SUSTAINABLE DEVELOPMENT GOALS

The Bill is in tandem with the 2030 Agenda for Sustainable Development and contributes to the attainment of the following SDGs:

- i) On SDG 2 which strives to ensure Good Health and Well-being for all, Clauses 145 to 152 of the Bill seeks to prohibit pollution of inland water ways to protect the environment and health of persons especially those living near the water ways.
- ii) On SDG 4 which strives to ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, the Bill under Clause 39 seeks to professionalize seafaring by providing for certification of crew members, thereby providing opportunities for persons who intend to pursue a career in seafaring.
- iii) On SDG 6 which strives to ensure access to water and sanitation for all, the Bill prohibits dumping of oil mixtures, waste or sewage into inland water ways (Clause 145) and imposes an obligation on the port authority to provide adequate facilities for the discharge of sewage to prevent dumping in inland water ways (Clause 146). These provisions are aimed at ensuring clean water and sanitation especially for communities living around water ways that use the same water for consumption.
- iv) On SDG 8 which strives to promote full and productive employment and decent work for all, the Bill under Part IV provides for crew agreements between vessel owners and crew members, the rights of crew members to wages and annual leave among others, all of which are geared towards formalizing employment on vessels and better working conditions for the crew members.
- v) On SDG 9 which strives to build resilient infrastructure, promote inclusive and sustainable industrialization to foster innovation, the Bill under Part XI seeks to streamline the management of Inland Ports so

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as to attract investment in port infrastructure development which is critical for the sustainable development of the water transport sub-sector.

- vi) On SDG 11 which strives to make cities and human settlements inclusive, safe, resilient and sustainable, the object of the Bill is to promote safety and security of inland water transport to make it more attractive to the population as a mode of transporting passengers and cargo. The Bill seeks to improve connectivity of persons living in the islands thereby making cities and human settlements inclusive.
- vii) On SDG 13 which strives to combat climate change and its impacts, the Bill contains a raft of measures designed to mitigate the impact of climate change, including Clause 148 which obliges an owner of a vessel of a gross tonnage of fifty tons or more to have in place a pollution emergency plan and Clause 149 which obliges the Minister to cause to be made, a contingency plan for the prevention of pollution and spillage on inland water ways.
- viii) On SDG 14 which strives to conserve and sustainably use the oceans, seas and maritime resources for sustainable development, Part IX of the Bill provides for the standard operating procedures for carriage of Bulk Cargo and Dangerous Goods while Part XIII provides for the Prevention of Pollution from vessels. These provisions are geared towards the protection of aquatic life.

9 OBSERVATIONS AND RECOMMENDATIONS

9.1 Short Title of the Bill

The Committee noted concerns by some members that the word “Inland” appearing in the short title of the Bill seeks to limit application of the Bill to the regulation of waterways within Uganda thereby excluding transboundary water bodies such as Lake Victoria and Lake Albert. It was further contended that since the international term for water transport law is maritime law, the short title of the Bill should be amended to the “Maritime Transport Act” to ensure comprehensiveness and consistency with International Maritime Law Conventions to which Uganda is a signatory.

Relatedly, there was a proposal to delete the word “Inland” appearing in the short title of the Bill and maintain the words “Water Transport Act” only, for clarity and consistency with other laws in the transport sector, such as the “Roads Act” which bears the title of the sub-sector it regulates.

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During its interactions with the Ministry of Works and Transport (MoWT), the Committee was informed that the short title of the Bill was adopted after wide stakeholder consultations and having regard to Uganda's geographical position as landlocked country which in contrast with neighboring countries like Kenya and Tanzania that border the sea.

However, the Committee notes that the short title of the Bill resonates with Clauses 4 and 5 which define the scope of the Bill. Clause 4(1)(b) provides that this Act applies to any vessel while in a port or place within the waters under the jurisdiction of Uganda which implies that the Bill applies to all the waterways in Uganda. Besides, Clause 5 clearly defines the term "Inland water ways" as any lake or navigable portion of rivers in Uganda.

The Committee therefore has no objection to the short title of the Bill.

9.2 Definition of Terms used in the Bill

The Bill adopts terms, which if not clearly defined, are likely to lead to ambiguity. These include "certificate of competence", "member of the crew", and "distressed member of the crew". In addition, the Bill adopts terms that have a special meaning, but which have not been defined such as "seafarer", "maritime", "mate", and "logbook".

The Committee recommends that Clause 5 of the Bill be amended to ensure clarity of the definitions and to define the key terms adopted in the Bill that are not defined.

9.3 Streamlining Maritime Transport Administration

The administration of water transport in Uganda is fragmented with various agencies managing the sub-sector, namely, the Department of Maritime Administration established in 2016 under the Ministry of Works and Transport which is responsible for regulation of the water transport sub sector, the Uganda Railways Corporation which handles matters relating to ports, and Uganda National Roads Authority which is responsible for the management of public ferries as an extension of the national road network.

Clauses 6 and 7 of the Bill therefore seek to consolidate all matters relating to maritime transport administration under the Department of Maritime Administration in the Ministry of Works and Transport so as to strengthen water transport regulation, ease implementation and conform to Regional and International standards.

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The Committee observes that water transport is the only subsector under the Works and Transport Sector which is not regulated by an autonomous body established by an Act of Parliament, and this has greatly contributed to its underdevelopment. The ideal therefore would have been to establish an autonomous body whose sole responsibility is to deal with maritime related matters as is the case with the air, road and rail transport sub sectors to promote efficiency and accountability in service delivery.

However, the Committee was informed that the establishment of an autonomous body is not feasible in view of the government policy against the creation of new agencies and merger of existing ones to rationalize the use of public resources.

Clause 6(3) of the Bill designates Maritime Administration as the Maritime Administration Unit under Section 11 of the Lake Victoria Transport Act, 2007. The Committee notes that the Lake Victoria Transport Act, is an East African Community law and under Section 247 thereof, the Act takes precedence over national laws of the partner states related to any matter to which the provisions of the Act relate.

The Committee therefore agrees with Clause 6(3) of the Bill since it seeks to comply with Uganda's obligations under the Lake Victoria Transport Act, 2007.

9.4 Registration of Vessels

Clause 9 of the Bill provides that a person who intends to employ a vessel in navigation on Uganda's waters or fly a Ugandan Flag shall, unless exempted by the Minister, register the vessel with Maritime Administration.

The Committee generally concurs with Clause 9 of the Bill as it seeks to strengthen water transport regulation, enhance maritime safety and ease monitoring of vessels navigating on Uganda's waters.

However, the Committee notes that the words "unless exempted by the Minister" appearing in the Clause are redundant considering that the categories of vessels exempted from the application of the Act are already provided for under Clause 4(2) of the Bill, namely, vessels of the Uganda Peoples Defence Forces and the Uganda Police Force. Moreover, the essence of registration is not only to enhance safety but to have a clear record of all the vessels operating on Uganda's waters for effective planning and accountability.

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The Committee therefore recommends that the words “unless exempted by the Minister” should be deleted.

Clause 10 of the Bill provides for the format for an application for registration and the information that should accompany the application. Whereas the Committee agrees with the Clause, it notes that the requirement for lifesaving appliances has not been included as a condition precedent for registration of vessels and yet several maritime deaths in Uganda have been attributed to the absence of life saving jackets on vessels. In addition, the provision does not provide for the payment of registration fees which is necessary for government to raise revenue to defray administrative expenses involved in the registration process. Further still, the Committee notes that the water transport is a dynamic industry, hence the need to leave room for the Minister to prescribe other registration requirements from time to time in conformity with the demands of the industry.

The Committee therefore recommends that Clause 10 should be amended to include lifesaving appliances on the vessel and proof of payment of registration fees as part of the information that should accompany the application for registration, and to empower the Minister to prescribe additional requirements for registration as and when need arises.

9.5 Register of Vessels under construction

Clause 15 of the Bill obliges Maritime Administration to maintain a register of vessels and construction until the construction of the vessels is complete. It further requires Maritime Administration to monitor and continuously inspect a vessel under construction from the date of signature of the construction contract until the vessels is completed and registered. The Clause seeks to ensure compliance with construction standards of vessels for maritime safety.

The Committee proposes that the Clause 15 should be amended to provide for the issuance of a certificate of construction as proof of completion of constructure to ease enforcement.

9.6 Annual examination of Certificate of Registration

Clause 16 of the Bill requires the owner of a vessel to submit the registration certificate to Maritime Administration for examination annually.

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The Committee concurs with this provision as it seeks is to ensure maritime safety by preventing unauthorized alterations or modifications on the certificate.

9.7 Notification of Changes in Ownership or master of Vessel

Clause 17 of the Bill provides for change in ownership of master of a vessel. Clause 17(1) requires the intended owner of the vessel to apply to Maritime Administration for a fresh certificate of registration and provides that upon grant of a new certificate, the former certificate shall be cancelled. Clause 17(2) obliges the owner of the vessel to notify the change of a master to Maritime Administration for the change to be entered in the register.

The Committee agrees with the spirit behind the provision which is to strengthen maritime transport regulation and ease monitoring of vessels navigating on Uganda's waters. However, the Committee notes that the provision does not safeguard the owner of the vessel in case of a fraudulent change of ownership of a vessel and does not provide for fees for effecting the change since Maritime Administration is required to issue a fresh certificate to the new owner.

The Committee therefore recommends that Clause 17 be amended to require Maritime Administration to verify the change of ownership before issuing a new certificate and to provide for payment of a fee for issuance of a new certificate of registration.

9.8 Change in name or Alteration of Vessel after Registration

Clause 20 of the Bill prohibits a person from changing the name of vessel or making major alterations or repairs that modify the structural soundness or characteristics of a registered vessel without the approval of maritime administration. The investigation report on the accident involving MV Templar on 24th November, 2018 indicates that modifications to the hull of the vessel before voyage which was not approved by the Ministry of Works and Transport compromised the vessel stability and buoyancy causing the vessel to sink faster².

² Statement to Parliament of Uganda in Response to a Question concerning the Delay by Government in Releasing the Investigative Report on the Accident of 24th November, 2018 on Lake Victoria, involving the Vessel, MV Templar, presented to Parliament on 14th July, 2020 by Hon. Joy K. Kabatsi, Minister of State for Transport

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The Committee therefore agrees with the provisions as it seeks to facilitate monitoring of vessels by Maritime Administration to ensure maritime safety.

9.9 Licensing of Vessels to carry on business

Clause 23 requires a person who intends to use a vessel for carriage of goods or passengers to apply to Maritime Administration for a license while Clause 25 provides for the requirements for application of a licence which include the certificate of registration of the vessel, number of passengers the vessel is intended to carry, total number of crew to be carried on the vessel, intended area of operation, among others.

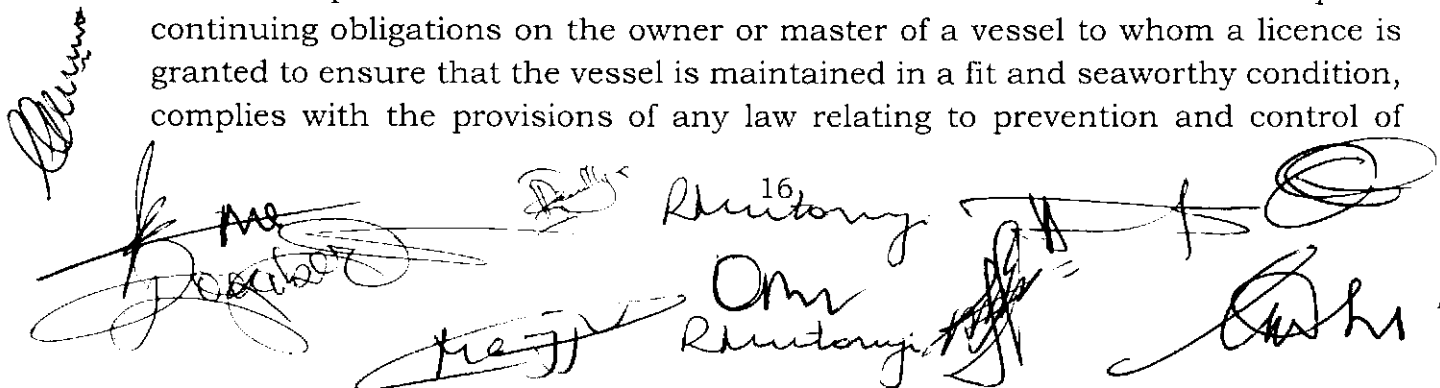
The Committee agrees with the proposed provision since it is aimed at improving water transport regulation and ensuring the safety of life and property on a vessel.

Clause 27 of the Bill requires Maritime Administration to issue a licence to an applicant within 30 days and grants Maritime Administration the discretion to issue the licence subject to such conditions as it deems fit. Under Clause 28, the licence issued is for a period of one year from the date of issue. The provisions are aimed at avoiding delays in the licensing process and ensuring that licensed vessels at all times meet safety standards.

However, the Committee notes that whereas the Bill grants discretion to Maritime Administration to grant or refuse to grant a licence, it does not impose a corresponding obligation on Maritime Administration to communicate the reasons for refusal to grant a licence to an applicant. This is likely to result in the abuse of power and encourage arbitrary decision making.

The Committee recommends that Clause 27 should be amended to impose an obligation on Maritime Administration to notify the applicant for a licence in writing of the refusal and the reasons for refusal within a specified timeframe, to ensure that the rules of natural justice are complied with in decision making.

Clause 30 provides for conditions attached to a licence issued and imposes continuing obligations on the owner or master of a vessel to whom a licence is granted to ensure that the vessel is maintained in a fit and seaworthy condition, complies with the provisions of any law relating to prevention and control of

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pollution, the limits of weight laden and unladen, the loading of vessels and the number of passengers carried. Clause 32 empowers Maritime Administration to suspend or revoke a licence where any of the conditions of the licence have not been complied with.

The Committee concurs with the above Clauses which are aimed at ensuring compliance with safety standards even after the licence has been issued.

Clause 34 provides for appeals to the Minister against the decision of Maritime Administration relating to application, revocation, suspension or variation of any of the conditions of a licence. However, the provision does not stipulate a time frame within which the Minister should consider the appeal.

The Committee recommends that Clause 34 should be amended to stipulate the timeframe for consideration by the Minister of appeals from the licensing decisions of Maritime Administration to avoid delays in the appeal process and for transparency and accountability.

9.10 Regulation of Small Vessels and Vessels of Traditional Build

The Committee notes that most of the marine accidents in Uganda involve small vessels and vessels of traditional build. For instance, the accident involving a canoe on lake Bunyonyi in South Western Uganda which claimed the lives of 5 family members in August 2020 and a boat accident at Kiira dam in Jinja City involving four family members in August 2020. Therefore, special attention should be accorded to the regulation of small vessels and vessels of traditional build to mitigate the occurrence of maritime accidents on Uganda's navigable waters.

Accordingly, Clause 35 of the Bill empowers the Minister to make Regulations for the management of small vessels to provide for forms and procedures for licensing, registration and change of ownership, survey and inspection, keeping of records and fees.

Whereas the Committee agrees with Clause 35, it proposes that the regulations made by the Minister should provide for the scope of operation and marking of vessels to ensure comprehensive regulation of small vessels and vessels of traditional build.

9.11 Crew Engagement

Clauses 36 to 87 of the Bill provide for the engagement of crew members including crew agreements, prohibition of employment of persons below eighteen, payment of wages of a member of the crew, account of wages, premature termination of service, annual leave, wages during sickness and custody of property of a deceased crew member, among others.

The Committee concurs with the provisions which are aimed at formalizing employment on vessels, ensuring decent work and security of tenure for the members of the crew. This will attract qualified and competent persons to serve on Ugandan vessels thereby enhancing maritime safety and security.

9.12 Certificate of Competence for members of the crew

Clause 39 of the Bill requires every vessel to be manned by a sufficient and efficient crew and prohibits a person from manning a vessel or serving as a member of the crew unless he or she possesses a Certificate of Competence issued by Maritime Administration. The investigation report of the accident involving MV Templar noted that there was no qualified member of the crew aboard the vessel to organize the operation for abandonment from the vessel hence the high number of fatalities from the accident. This provision will therefore guarantee a high standard of competence and professionalism of crew members in the execution of their duties on board a vessel for the safety of life and property on Uganda’s inland water ways.

However, the Committee notes that the words “issued by Maritime Administration” appearing in Clause 39 restrict the provision to only certificates issued by the Maritime Administration in Uganda, and yet there may be crew members aboard a vessel plying on Uganda’s waterways who may possess certificates of competence issued by Maritime Administration in another state.

The Committee recommends that Clause 39 should be amended to recognize Certificates of Competence issued by a competent body responsible for Maritime Administration in another state.

9.13 Logbooks to be kept on vessels

Clause 71 of the Bill requires a registered and licensed vessel of ten or more metres in length to have a logbook for navigation and the engine room. According

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to Clause 72, the log book is for entry of events occurring on a vessel including every conviction by court of a crew member, every offence committed by a member for which the owner or master intends to institute proceedings, every case of illness or injury happening to a crew member, every refusal by a member of the crew to take any medicine, every birth and death happening on board a vessel, wages due to a crew member who dies during voyage, every collision with any other vessel and circumstances under which it occurred among others.

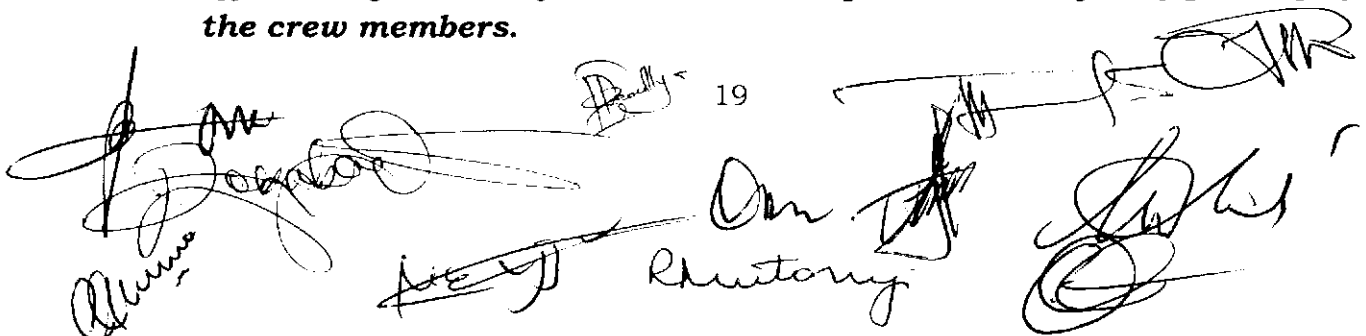
Clause 74 requires a master of the vessel to deliver the official logbook of the voyage to Maritime Administration within forty eight hours after the arrival of the vessel at the final port of destination or on discharge of the crew which ever happens first. In addition, Clause 74 requires a vessel of ten or more metres in length, except for a vessel of traditional build to carry on board a deck logbook and an engine room logbook in which shall be recorded particulars relating to the deck watch and the engine room watch, respectively.

The Committee notes that the rationale for these provisions is to ensure proper record keeping of all events occurring on a vessel for reference purposes in the event of an inquiry relating to a member of the crew or the vessel.

However, the Committee noted that the words “logbook” and “official logbook” are used interchangeably in Clause 71 thus creating room for ambiguity, and whereas the head note of Clause 74 refers to other logbooks, the text thereof relates to the deck logbook and engine room logbook. In addition, under Clause 74(1) the requirement for a deck logbook and an engine logbook is based on the length of the vessel as opposed to possession by a vessel of a deck or an engine room. Furthermore, whereas Clause 72 requires entry of medical information of the crew members in the logbook, it does not provide for the confidentiality of such information which is likely to infringe on the right of privacy of the crew members.

The Committee recommends that:

- a) The word “logbook” in Clause 71 should be substituted with “official logbook” for clarity.**
- b) Clause 72 should be merged with Clause 71 since they relate to the same subject matter.**
- c) Another sub clause should be inserted under Clause 71 to require a master of a vessel or a mate to keep the information entered in the official logbook confidential so as to protect the right of privacy of the crew members.**

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d) The head note of Clause 74 should be harmonized with the text to read “deck and engine logbooks”.

9.14 Manning of vessel by Competent Officers

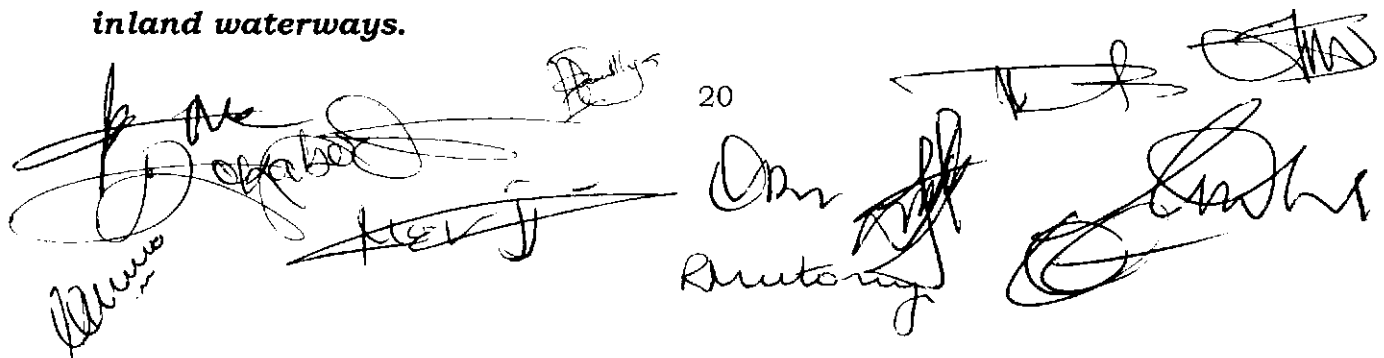
Clause 88 to 91 of the Bill deal with manning of vessels by competent officers. Clause 89 obliges the owner or master of the vessel to ensure that the vessel is manned by a competent crew to ensure safety of life and property and requires Maritime Administration to issue a certification of manning to the vessel upon verification of the qualification documents. These provisions are aimed at mitigating accidents involving vessels on inland water ways by ensuring that the vessels are seaworthy and manned by competent crew.

The Committee notes that most of the vessels navigating on Uganda’s inland water ways are manned by unqualified crew which has led to several maritime accidents such as the collision between M/V Kabalega and M/V Kaawa on Lake Victoria in May 2005 which resulted in the sinking of MV Kabalega and loss of over 800tonnes of cargo and the accident involving the MV templar which killed 33 people.

Accordingly, the Committee recommends that Clause 89 of the Bill should be amended by inserting the words “qualified” before “competent” to ensure that the vessels are manned by qualified and competent crew for the safety of life and property and to comply with the International Convention on Standards of Training, Certification and Watch keeping for seafarers (STCW) 1978 to which Uganda is a signatory.

Clause 90 of the Bill empowers Maritime Administration to suspend or cancel a certificate of registration of a vessel or detain a vessel that sails without being manned by sufficient and competent crew and prescribes a penalty on conviction of a fine of twenty four currency points or imprisonment for one year or both for the owner and master of a vessel that sails without being manned by competent crew.

The Committee however notes that the proposed penalty is not punitive enough considering the loss of life and property that is likely to accrue from manning a vessel without qualified and competent crew. The penalty should therefore be increased to two hundred currency points and five years imprisonment respectively to protect life and property on Uganda’s inland waterways.

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Clause 91 of the Bill empowers the Minister to appoint an assessment and verification panel to inter alia issue certificates of rating and manning to qualified crew and to participate in the development of maritime curriculum and setting examinations for seafarers. However, the Bill does not specify the tenure, composition and qualifications of the panel.

The Committee recommends that Clause 91 be amended to provide for the tenure, composition and qualifications of members of the assessment and verification panel for clarity and comprehensiveness.

9.15 Survey and Inspection of Vessels

Clauses 92 to 99 of the Bill provide for survey and inspection of vessels. Clause 92 empowers the Minister to designate a surveyor of vessels in circumstances where Maritime Administration has no capacity to conduct the survey or inspection while Clause 93 provides for the scope of areas covered by the survey or inspection. According to Clause 94 the surveys to be conducted for passenger vessels are the initial survey before the vessel is put in service, renewal survey once every twelve months and additional surveys as occasion arises. The provisions are aimed at ensuring repeated safety checks of vessels for seaworthiness since most of the accidents involving vessels in Uganda have been attributed to the poor mechanical condition of the vessel.

However, the Committee recommends that the powers of the Minister to designate a surveyor of vessels under Clause 92 should only be exercised after the surveyor has been procured in accordance with the public procurement laws of Uganda.

Clause 99(1) obliges the manager, owner and master of the vessel to ensure that the condition of the vessels is maintained and not to make material change to the vessel after the survey without the approval of Maritime Administration. Clause 99(2) provides that where material change is made to the vessel, the owner or master of the vessel shall request the surveyor to carry out a survey on the vessel prior to any voyage, and Clause 99(3) requires a surveyor after carrying out the survey to issue a new certificate of seaworthiness consistent with the modified technical characteristics of the vessel. The provisions are aimed at preventing unauthorized changes to the vessels and to ensure seaworthiness of the vessels.

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However, the Committee notes the words “manager” in Clause 99 are redundant and should therefore be deleted since a manager would be working as an agent on the owner of the vessel and is already catered for under the definition of owner in Clause 5 of the Bill. In addition, Clause 99(3) should be deleted since the mandate to issue a certificate of seaworthiness is vested in Maritime Administration and not the surveyor and is already provided for under Clause 93(5).

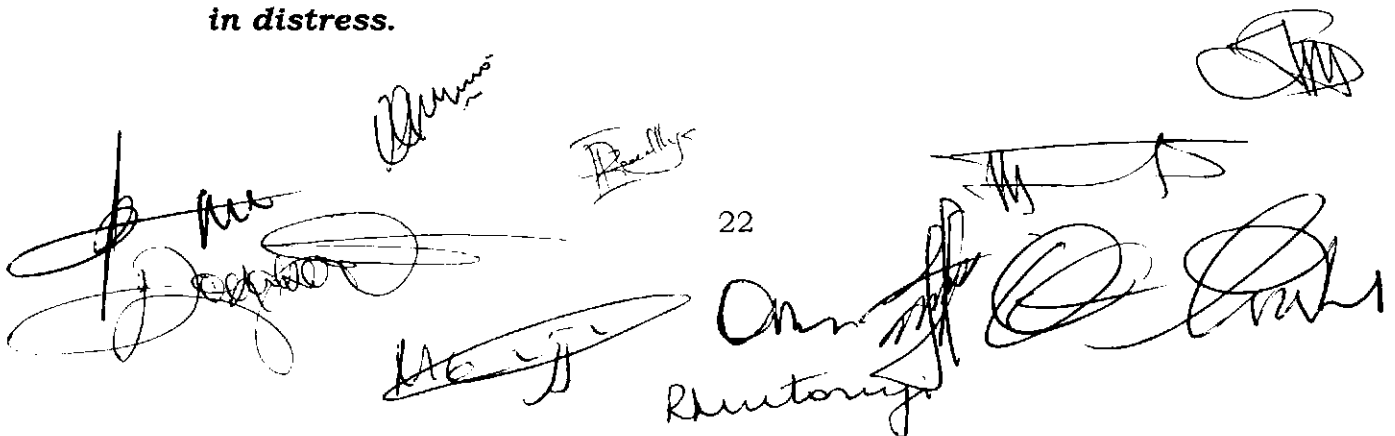
9.16 Safety of Navigation and Prevention of Collision

Clauses 100 to 104 of the Bill provide for safety of navigation and prevention of collision at sea. Clause 100 seeks to domesticate the International Convention for the Safety of Life at Sea (SOLAS) and the International Regulations for the Preventing Collision at Sea, 1972 while Clauses 101 to 103 provide for stability of vessel, at least one compass for a power-driven vessel of not less than three metres long, navigation, lighting and sound signals, among others. Clause 104 obliges the owner or master of the vessel to send information by any means of communication available to the owner or master of the vessel upon encountering any danger to navigation.

It is worthy to note that the Commission of inquiry report into the cause of the collision between M/V Kabalega and M/V Kaawa in May 2005 partly attributed the accident to poor lighting and sound signals on both vessels. Therefore, Clauses 100 to 104 of the Bill seek to enhance the safety of the vessel while loading and during voyage to minimize the occurrence of such collisions.

The Committee however recommends that:

- a) Clause 102 should be amended by inserting the word “calibrated” before the word “compass” to ensure reliability of the campus during voyage.**
- b) The words “owner” in Clause 102 should be deleted since it is the master and not the owner of the vessel who is involved in navigation of the vessel, for accountability.**
- c) The words “station on shore” should be substituted with “search and rescue centers” for specificity, since government has already established search and rescue centers which offer services to vessels in distress.**



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9.17 Provisions relating to Load lines

Clauses 105 to 109 provide for load lines and apply to all vessels except for vessels of war, vessels solely engaged in fishing, pleasure vehicles not engaged in trade, small vessels and vessels of traditional build. Clause 106 prohibits a person from sailing a vessel without a valid load line certificate, Clause 107 provides for inspection of a vessel load line certificate by a surveyor and Clause 108 provides for cancellation or suspension of a load line certificate where the certificate was issued in error, based on false information or due to a material alteration in the hull or superstructure of the vessel after the survey was done, among other reasons.

The Committee notes that most of the accidents on Uganda's inland water ways have been attributed to overloading of vessels. These provisions are therefore aimed at ensuring regular monitoring of vessels for compliance with loading standards and guidelines in accordance with the International Convention on Load lines (LL) 1966 to which it is a signatory.

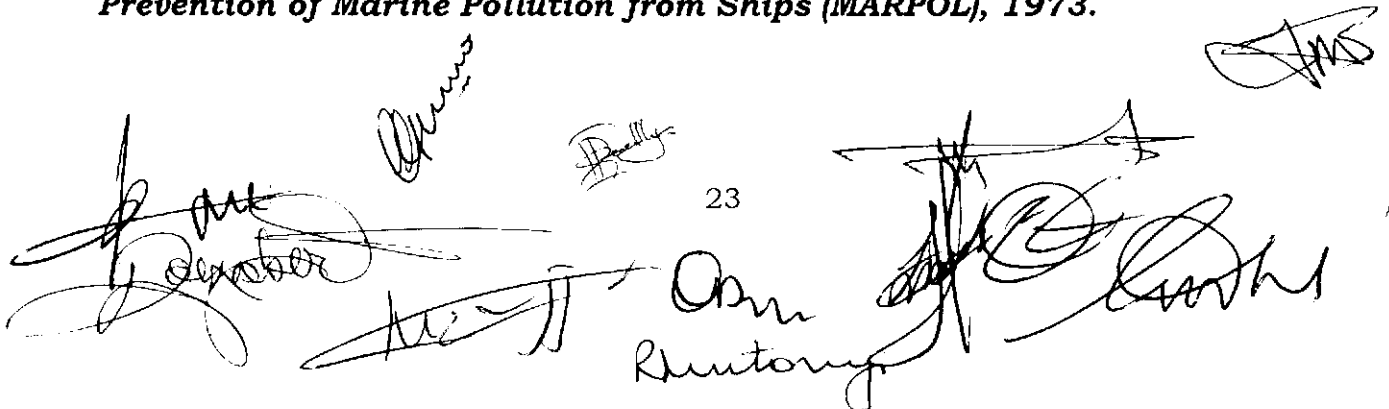
The Committee however recommends that:

- a) Clause 108(1) and (2) should be amended to empower Maritime Administration to cancel the load line certificate instead of the Minister, since Maritime Administration is the issuer of the Certificate.**
- b) The Bill should provide for an appeal mechanism to the Minister against the decision of Maritime Administration to cancel or suspend a load line certificate, to guard against arbitrary decision making.**

9.18 Carriage of Bulk Cargo and Dangerous Goods

Clauses 110 to 117 of the Bill provide for standard operating procedures for carriage of bulk goods and dangerous goods including grain cargo, liquid chemicals, liquefied gases, timber deck cargo, livestock, among others.

The Committee concurs with the provisions which are aimed at ensuring Uganda's compliance with the International Convention on Safety of Life at Sea (SOLAS), 1974 and Annex III of the International Convention for the Prevention of Marine Pollution from Ships (MARPOL), 1973.

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9.19 Seaworthiness of Vessels

Clause 118 to 121 provides for seaworthiness of vessels. Clause 118 prohibits a person from sending a vessel onto inland water ways in an unseaworthy condition that endangers the life of any person, property or the environment; Clause 120 empowers a surveyor to detain a vessel on grounds of unseaworthiness; and Clause 121 provides for compensation for unreasonable detention of the vessel. The Clauses are aimed at ensuring that only seaworthy vessels ply on Uganda's inland water ways.

The Committee however recommends that the power to detain a vessel should lie with the Minister on recommendation by the surveyor, to guard against abuse of power since the surveyor would be the complainant and judge in the same cause.

9.20 Establishment, Regulation and Management of Inland Ports

Currently, the mandate for provision and management of poor infrastructure is vested in the Uganda Railways Corporation under Part XIII- Sections 71-79 of the URC Act Cap 331. The Bill therefore seeks to repeal the relevant parts of the URC Act and incorporate the provisions relating to ports under Part XI-Clauses 122 to 128.

The Committee however noted that the Bill refers to a port authority as a body or authority responsible for managing and maintaining a port and yet there is no such authority or body in Uganda. In addition, the Bill provides for the designation of inland ports by the Minister by statutory order but does not provide for the licensing of private ports.

The Committee therefore recommends that:

- a) The functions of the port authority under the Bill should be exercised by a port administrator appointed by the Minister for inland ports owned by Government since Uganda does not have a ports authority.***
- b) The entire Part XI of the Bill should be amended to ensure comprehensive provisions for the management and administration of inland ports owned by government and private persons.***

Clause 125 of the Bill empowers the port authority to levy port rates and charges in consultation with the Minister. The Committee notes that the provision is prone to abuse as it allows the port administration to levy port rates and charges

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as it deems fit thereby predisposing vessels to high port charges which may ultimately be transferred to the public in the form of transport fare.

The Committee therefore recommends that the port rates and charges should be determined by the Minister by statutory instrument to protect the public from exploitation and for transparency and accountability.

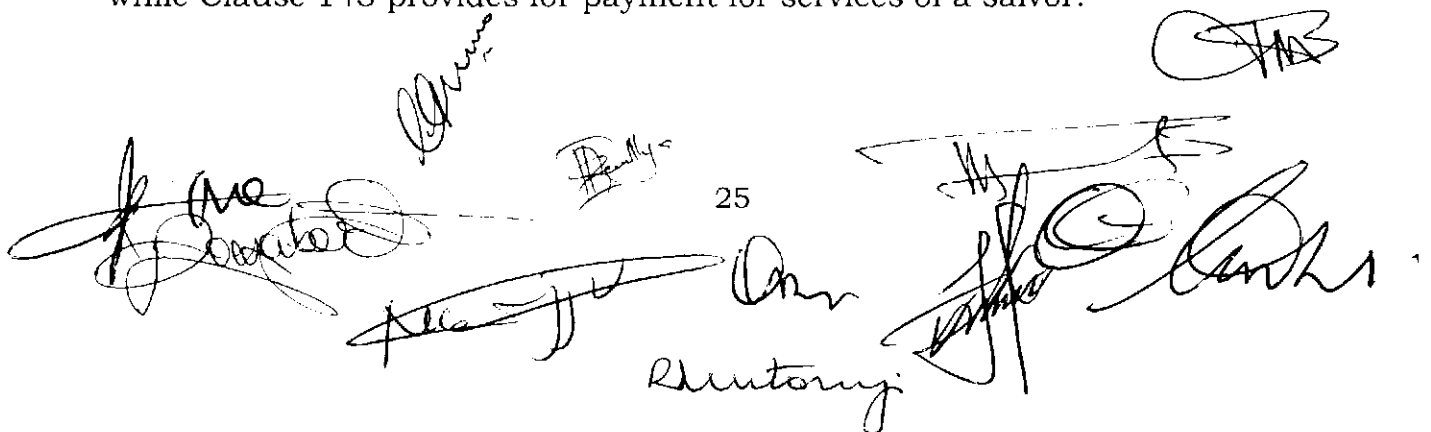
Clause 126 of the Bill empowers the port authority to detain a vessel for failure to pay port charges and stipulates that if the port charges remain unpaid for seven days after the arrest, the authorized employee of the port authority may cause the vessel to be sold.

The Committee however notes that the period of seven days within which the vessel is to be sold following its arrest for failure to pay port charges is too short. The Committee was informed that the rationale for seven days is to compel owners of the arrested vessel to pay the port charges as soon as possible to free up space at the port for other vessels to dock.

To ensure continuity of business operations of vessels and the ports, the Committee recommends that Clause 126 should be amended to give the owner or master of the vessel seven (7) days from the date of arrest of the vessel to pay the port charges, failure of which, the owner of the vessel should be required to furnish collateral of financial value not less than the port charges owed. If the charges remain unpaid after thirty days of presentation of the collateral, the vessel may be sold by the authorized employee of the port to recover the port charges from the proceeds of the sale and the balance delivered to the owner or master of the vessel.

9.21 Wreck and Salvage

Clauses 129 to 144 provide for the procedures for the rescue of vessels in distress. Clause 129 empowers the Minister to designate a receiver of wreck whose duty is to attend to vessels in distress, Clause 131 empowers the receiver of wreck to seek the assistance of any person and to arrest without a warrant any person who plunders a vessel in distress and handover the arrested person to the police among other powers, Clause 141 provides for unclaimed wrecks while Clause 143 provides for payment for services of a salvor.

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The Committee concurs with the proposed provisions which are aimed at ensuring that wrecks are well secured, unclaimed wrecks are properly disposed of, and to encourage the public to rescue vessels in distress.

9.22 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 waste of any kind into inland water ways; 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 gross tonnage of fifty tons to have in place a pollution emergency plan and requiring the Minister to make a contingency plan for the prevention of pollution and spillage on inland water ways. Clause 151 specifically obliges owners of vessels to take out mandatory insurance against loss of lives and property on the vessel.

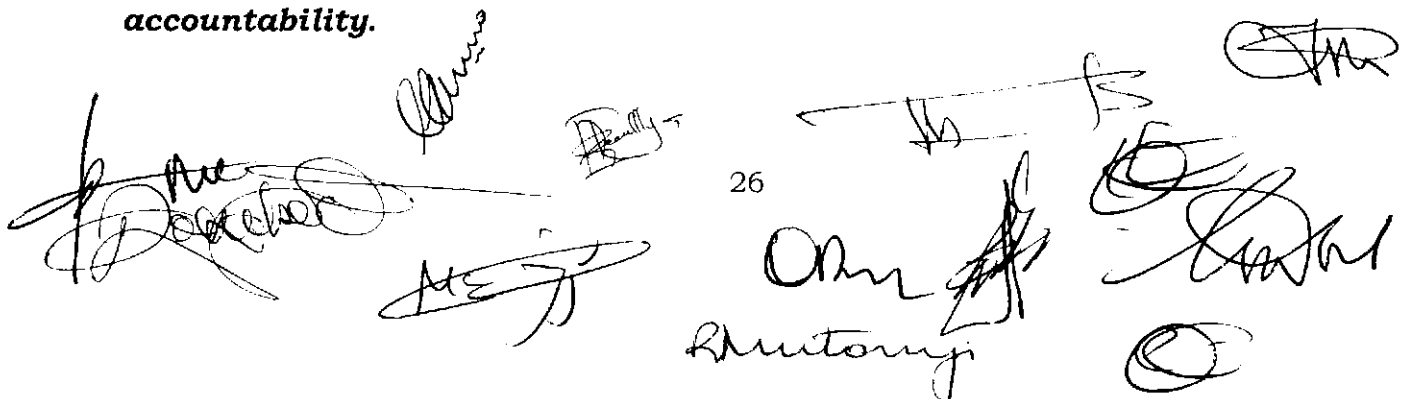
The Committee agrees with the proposed provisions which are aimed at protecting lives and property on the vessel and the environment in compliance with the International Convention for the Prevention of Marine Pollution from Ships (MARPOL), 1973 to which Uganda is a party.

9.23 Investigations Into Marine Casualties

Clauses 152 to 155 of the Bill seek to provide for the procedure for carrying out marine investigations upon occurrence of an accident, including preliminary and full investigations, the powers and duties of an investigation team and rules relating to inquiries and investigations. The provisions are aimed at determining the cause of the accident with the view of instituting measures to prevent future reoccurrence.

The Committee however notes that Government has instituted several investigations into marine accidents in Uganda whose findings have never been published.

The Committee therefore recommends a new sub clause under Clause 154 to require the Minister to cause publication of the findings of an investigation into marine casualties, for transparency and accountability.



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9.24 Offences

The Bill contains a raft of provisions on offences that may be committed under the law and their penalties. Clause 63 provides for the offence of misconduct endangering vessel of life, Clause 69 for failure to deliver suspended or cancelled certificate of competency, Clause 73 for failure to keep the logbook or to make an entry in a logbook as required, willful destruction or mutilation of a logbook or a false or fraudulent entry in the logbook, and Clause 90 for sailing a vessel without being manned by competent crew. Clause 157 provides for general offences including forgery of documents issued under the Act, failure to comply with the provisions of the Act, sending a registered and licensed vessel without a competent crew or a vessel in unseaworthy condition, among others.

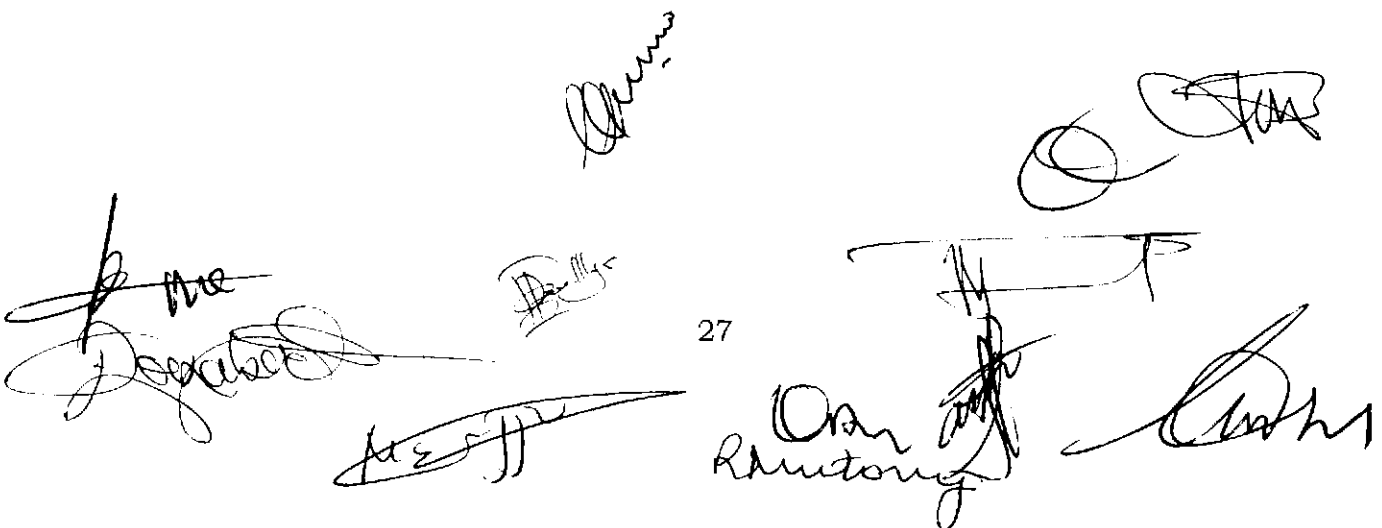
The Committee notes that the penalties proposed under the various Clauses in the Bill are not commensurate to the offences, given that some of the offences such as manning a vessel without competent crew or in unseaworthy condition will potentially lead to loss of life and property.

The Committee recommends that the penalties should be increased to deter potential offenders from committing the crimes and to prevent recidivism.

10 RECOMMENDATION

The Committee recommends that the Inland Water Transport Bill, 2020 be passed into law subject to the following proposed amendments.

Right Hon. Speaker, I beg to move.



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PROPOSED AMENDMENTS TO THE INLAND WATER TRANSPORT BILL, 2020

CLAUSE 1: TITLE

Delete clause 1.

Justification

It is redundant given that according to sections 3 and 15 of the Acts of Parliament Act, Cap. 2, the short title appearing immediately before the long title is sufficient to identify an Act.

CLAUSE 2: COMMENCEMENT

Delete clause 2.

Justification

To enable the proposed law come into force on the date of its publication in the Gazette since the key administrative structures are already in place.

CLAUSE 5: INTERPRETATION

"certificate of competency"

Insert the words "or a competent authority of a foreign State" immediately after the words "Maritime Administration".

Justification

To cater for situations where a certificate of competency possessed by a member of the crew is issued by a competent body responsible for Maritime Administration of another State.

"currency point"

Substitute for the words "the Schedule", the words "Schedule 1".

Justification

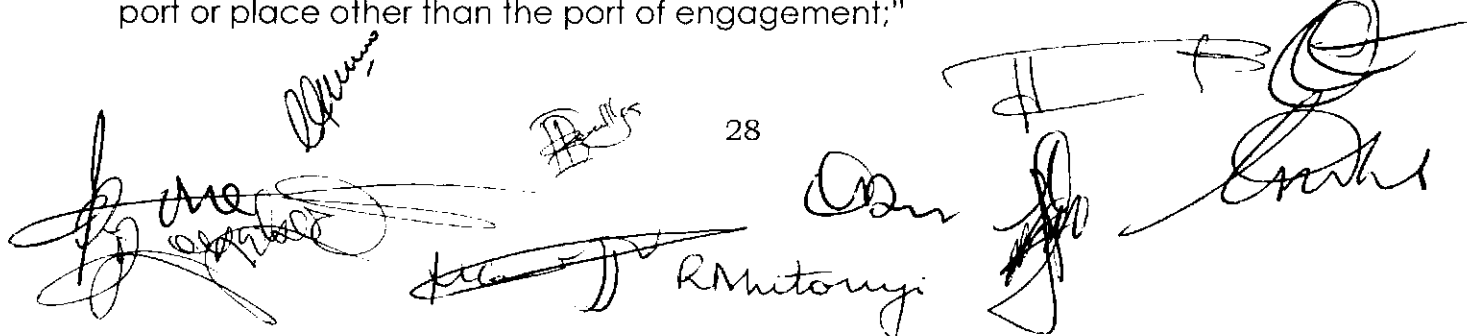
To correct the cross referencing.



"distressed member of the crew"

Substitute for the definition of "distressed member of the crew", the following—

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



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Justification

For clarity and ensure that reference is made to a port of engagement which is applicable to a member of the crew instead of reference to a home which applies to vessels.

“member of the crew”

Substitute for the definition of “member of the crew”, the following—

““member of the crew” means a person employed in any capacity on board the vessel;”

Justification

For clarity.

“port authority”

Substitute for the definition of “port authority”, the following—

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

Justification

It is a consequential amendment arising from the substitution of “port authority” with “Port Administrator” under Part XI of the Bill.

“rating”

Delete the definition of “rating”.

Justification

Following the proposal to amend the definition of “member of the crew” by deleting the word “rating”, and the deletion of paragraph (a) of clause 91 (2), the word becomes redundant.

Insert the following new definitions in their respective alphabetical order—

“lifesaving appliances” includes lifeboats, lifebuoys, life jackets, life-rafts used to protect human life at sea;

“logbook” includes official logbook, deck logbook or engine room logbook;

“maritime” means the transportation of goods and passengers on waterways;

“mate” means a person second in command to a person in charge of a vessel;

“official logbook” means the logbook required to be kept under section 71

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

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

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

Justification

For clarity.

CLAUSE 6: MARITIME ADMINISTRATION TO ADMINISTER THIS ACT

Clause 6(3)

Substitute for sub-clause (3), the following—

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

Justification

For clarity and ensure consistency with the interpretation of Maritime Administration.

CLAUSE 7: FUNCTIONS OF THE MARITIME ADMINISTRATION

Delete the words "under the control and instruction of the Minister" appearing in lines one and two.

Justification

To ensure adherence to the established reporting structures within the Ministry to by the Maritime Administration to avoid conflict.

Clause 7 (r)

Delete the words "administer this Act and" appearing at the beginning of paragraph (r).

Justification

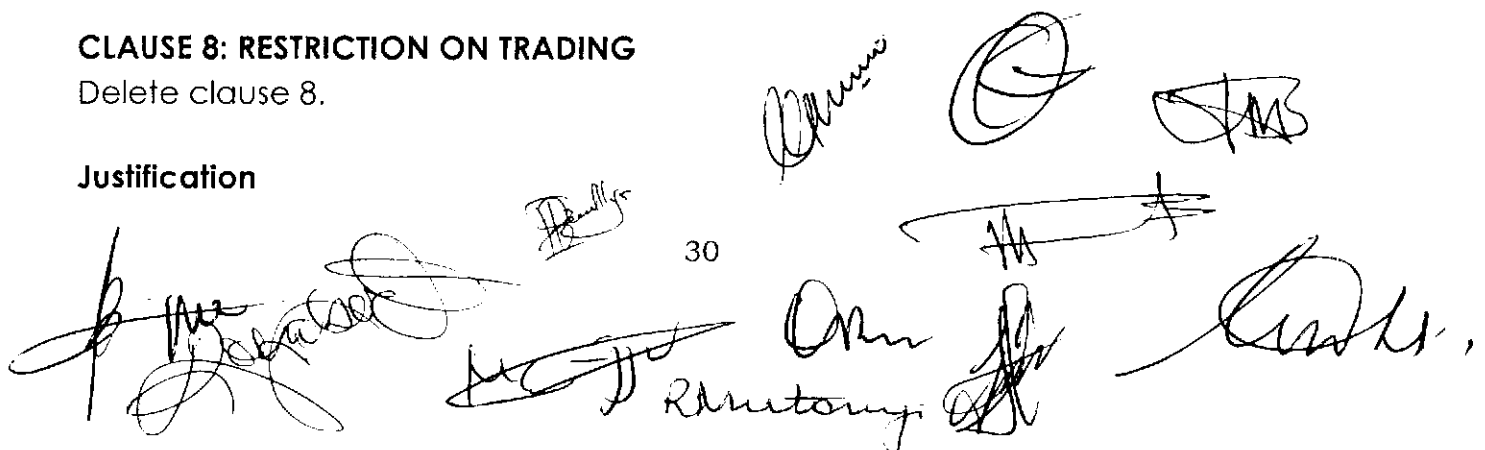
The words are a duplication of clause 6 (1) and therefore redundant.

CLAUSE 8: RESTRICTION ON TRADING

Delete clause 8.

Justification

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Clause 8 has been provided for under clause 23 which provides for licensing of all vessels intending to carry on business. Registration of vessels is a prerequisite for licensing of all vessels, whether a vessel is registered in Uganda or possesses a recognized certificate of a foreign registry.

CLAUSE 9: OBLIGATION TO REGISTER A VESSEL

Delete the words "unless exempted by the Minister" appearing in lines two and three.

Justification

- (i) The requirement for registration of vessels should apply to all vessels required to be registered under the Act to enhance safety and security and to ease monitoring.
- (ii) Categories of vessels exempted from the application of the Act are clearly provided for under clause 4 (2).

CLAUSE 10: APPLICATION FOR REGISTRATION
Clause 10 (2)(j)

Substitute for paragraph (j), the following—

"(j) number of applicable lifesaving appliances;"

Justification

To require all vessels to have lifesaving appliances in place to enhance safety of human life.

NEW PARAGRAPHS

Insert two new paragraphs immediately after paragraph (k) as follows—

"(m) proof of payment of a prescribed registration fee;

(n) any other relevant information as may be prescribed by the Minister through regulations."

Justification

- (i) To empower the Minister to prescribe additional requirements for registration that may be deemed necessary.

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(ii) To provide for a registration fee.

CLAUSE 13: REGISTER OF VESSELS

Clause 13 (1)

Insert the following new paragraphs immediately after paragraph (d) as follows—

- “(i) the name of the master of the vessel;
- (ii) a description of vessel in terms of material used for construction;
- (iii) the purpose of a vessel;
- (iv) the tonnage of a vessel or passenger capacity;
- (v) the size and length of the keel;
- (vi) the number of lifesaving appliances;
- (vii) the number of the crew to work on a vessel;”

Justification

To require the register of vessels to contain as much information as possible about vessels to ease regulation and monitoring of the operations of vessels.

NEW CLAUSE

Insert a new clause immediately after clause 15 to read as follows—

“Issuance of construction certificate

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

Justification

To empower the Maritime Administration to issue construction certificates as proof of completion of construction of vessels under its supervision.

CLAUSE 16: ANNUAL EXAMINATION OF CERTIFICATE

Headnote

Insert the words “of registration” immediately after the word “certificate”.

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Justification

For clarity and specificity.

Clause 16 (2)

Substitute for sub-clause (2), the following—

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

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

(b) indicate the date of examination,

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

Justification

For clarity and to ensure that the mandate to examine certificates is restricted to Maritime Administration since officers would be working on behalf of Maritime Administration.

CLAUSE 17: CHANGE OF OWNERSHIP OR MASTER

Clause 17 (1)

Substitute for sub-clause (1), the following—

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

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

Justification

(i) For clarity.

(ii) To require the Maritime Administration to first verify the change of ownership before issuing a new certificate of registration.

(iii) To provide for payment of a fee for issuance of a new certificate of registration.

Clause 17 (3)

Substitute for sub-clause (3), the following—

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

Justification

For clarity

CLAUSE 18: CERTIFICATE TO BE KEPT ON BOARD

Headnote

Insert the words “of registration” immediately after the word “certificate” in the headnote.

Justification

For clarity given that there are several certificates to be issued under the Act.

CLAUSE 19: CERTIFICATE OF REGISTRATION TO BE PRODUCED

Delete the words “and to the person in charge of any vessel belonging to the Government” appearing in lines two and three.

Justification

The words are redundant.

CLAUSE 20: CHANGE IN NAME OR ALTERATION OF VESSEL AFTER REGISTRATION

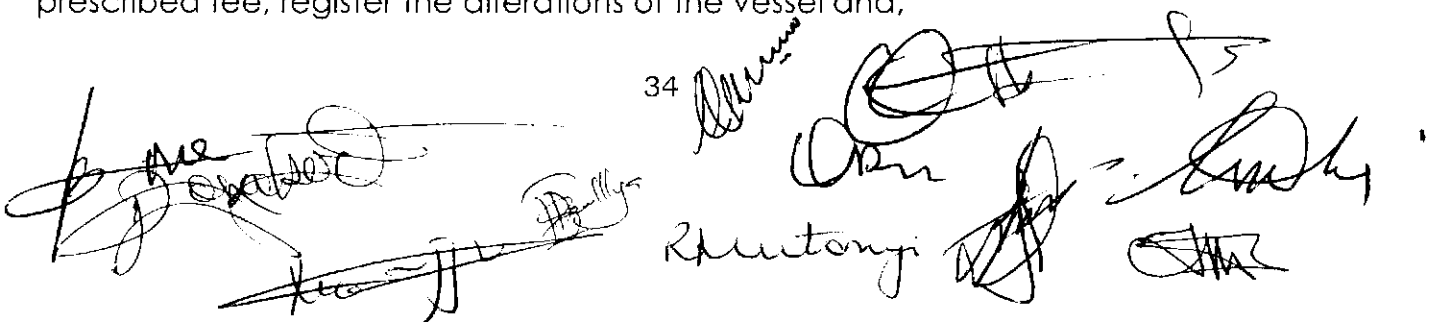
Substitute for sub-clauses (2), (3) and (4), the following—

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

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

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

34

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

Justification

For clarity and proper sequential arrangement of the provision.

Clauses 20 (5)

Delete sub-clause (5)

Justification

It is a duplication of sub-clause (4).

CLAUSE 22: MORTGAGE, CHARGES AND LIENS

Clause 22 (2)

Substitute for the words "owner of a vessel" appearing in line one, the word "mortgagor".

Justification

To enable the mortgagor secure his or her interest in a mortgaged vessel by ensuring registration of the charge with the Maritime of Administration.

CLAUSE 23: LICENSING OF A VESSEL TO CARRY ON BUSINESS

Insert a new sub-clause immediately before sub-clause (1) as follows—

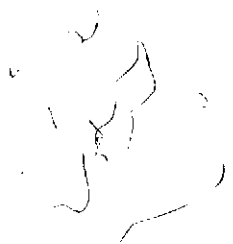
"A person shall not use a vessel to trade in or from the inland waterways unless the vessel is licenced by the Maritime Administration in accordance with this Act."

Justification

- (i) To ensure clarity and take care of clause 8 which has been deleted.
- (ii) To clearly provide for a restriction on engaging a vessel in trade of carriage of goods or passengers without a licence.

35

The bottom of the page contains several handwritten signatures and initials in black ink. On the left side, there are several overlapping signatures, including one that appears to start with 'P. J.'. In the center, there is a signature that looks like 'R. M. T. S.'. On the right side, there are more signatures, including one that starts with 'A. S.' and another that starts with 'S. M.'. The signatures are written in a cursive, somewhat stylized hand.



Clause 23 (1)

Substitute for sub-clause (1), the following—

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

Justification

- (i) The words "company, organisation or partnership" are redundant given that the word "person" as defined under the Interpretation Act, Cap.3 includes any company or association or body of persons corporate or unincorporated.
- (ii) To restrict the application of the provision to licensing of a vessel for trade only.

CLAUSE 25: PROCEDURE FOR APPLICATION FOR LICENCE

Headnote

Substitute for the word "procedure" appearing in the headnote, the word "requirements".

Justification

To align the headnote to the main provision since the provision does not provide for a procedure for application but requirements for application for a licence.

NEW PARAGRAPHS

Insert two new paragraphs immediately after paragraph (h) as follows—

"seaworthiness certificate;"

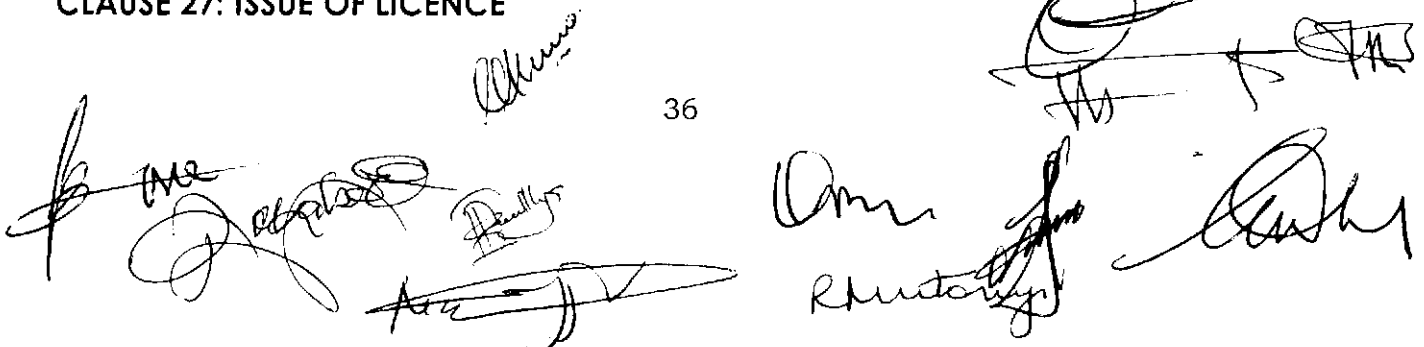
"proof of payment of application fees as may be prescribed by the Minister, by regulation."

Justification

- (i) To enhance protection by requiring a vessel to possess a certificate of seaworthiness before licensing.
- (ii) To provide for the requirement of payment of application fees for a licence.

CLAUSE 27: ISSUE OF LICENCE

36

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Substitute for sub-clause (2), the following—

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

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

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

Justification

- (i) The current sub-clause (2) is already catered for under clause 30.
- (ii) To merge clause 27 and 29 for better placement and avoid duplication.

CLAUSE 29: DISCRETION OF THE MARITIME ADMINISTRATION TO GRANT OR REFUSE TO GRANT LICENCE

Delete clause 29.

Justification

Clause 29 has been merged with clause 27 for proper placement and sequencing.

CLAUSE 30: CONDITIONS FOR GRANT OF LICENCE

Headnote

Substitute for the headnote, the following—

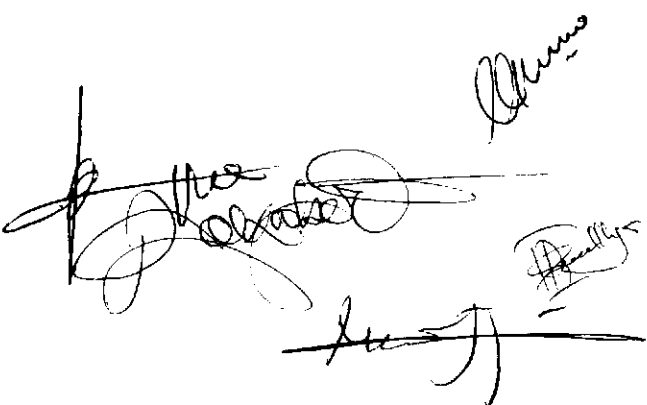
“Maintenance of vessel standards”

Justification

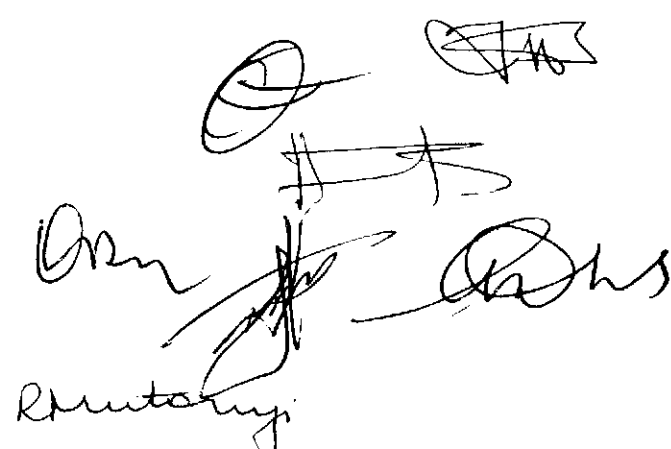
For clarity since clause 30 does not provide for conditions for grant of a licence but the conditions attached to a licence after the grant.

Clause 30 (1)

Substitute for sub-clause (1), the following—



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"(1) An owner or master of a vessel to whom a licence is granted under section 27 shall—

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

Justification

For clarity

CLAUSE 34: APPEALS IN CONNECTION WITH LICENCES

Amend clause 34 by renumbering the current provision as (1) and inserting after it, the following new sub-clauses—

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

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

Justification

- (i) To provide for timelines within which the Minister should act on an appeal.
- (ii) To provide a mechanism through which a person dissatisfied with the decision of the Minister may seek redress.

CLAUSE 35: MANAGEMENT OF SMALL VESSELS AND VESSELS OF TRADITIONAL BUILD

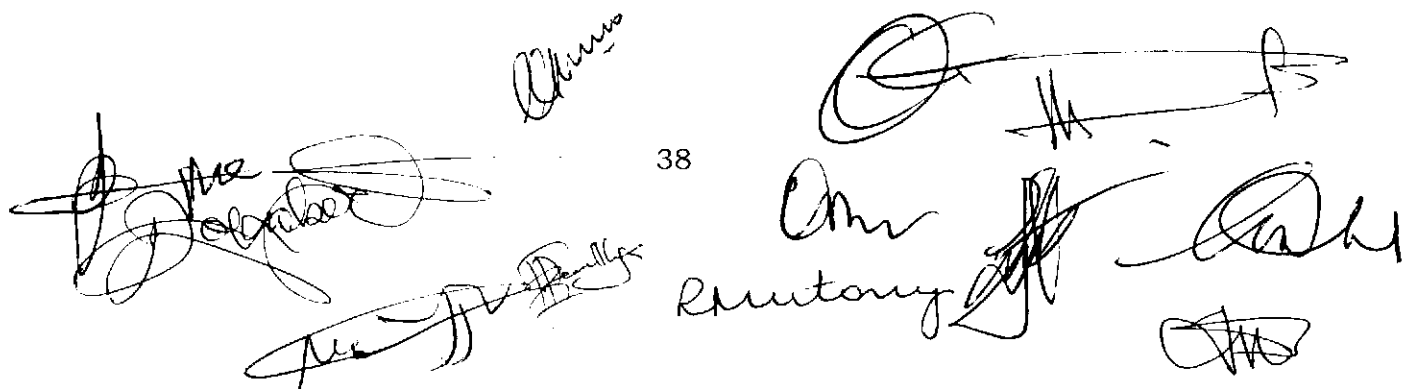
Clause 35(1)

Insert the words "and vessels of traditional build" immediately after the word "vessels".

Justification

To align the provision to the headnote since the provision applies to both small vessels and vessels of traditional build.

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Clause 35(2)

Insert the following paragraphs immediately after paragraph (c)—

- “(d) scope of operation;
- (e) marking of vessel;”

Justification

To enable comprehensive regulation of small vessels and vessels of traditional build.

CLAUSE 36: CREW AGREEMENT

Clause 36(6)

Substitute for the word “thereto”, the words “to the crew agreement”.

Justification

For clarity.

CLAUSE 39: CERTIFICATE OF COMPETENCY

Clause 39(2)

Delete the words “Maritime Administration” appearing at the end of sub-clause (2).

Justification

- (i) To avoid restricting the provision to only certificates of competency issued by the Maritime Administration and recognize certificates of competency issued by a competent body responsible for Maritime Administration in another State.
- (ii) To align the provision to the definition of “certificate of competency” as proposed to be amended.

NEW SUBCLAUSE

Insert a new sub-clause immediately after sub-clause (2) as follows—

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

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Justification

To require Maritime Administration to issue certificates of competency to only persons who have undergone training to become seafarers. This will guarantee competence of members of the crew.

CLAUSE 40: PAYMENT OF WAGES OF MEMBERS OF THE CREW

Clause 40(1)

Insert the words "the member of the" immediately after the word "where" appearing in line three.

Justification

For clarity and to ensure consistent usage of the phrase.

Clause 40(2)

Insert the words "or her" immediately after the word "his".

Justification

To ensure gender inclusiveness

CLAUSE 47: PREMATURE TERMINATION OF SERVICE

Substitute for the words "home port of a member of the crew" appearing in lines five and six, the words "port of engagement".

Justification

For clarity since "home port" relates to vessels only and "port of engagement" relates to members of the crew.

CLAUSE 49: WAGES DURING SICKNESS

Clause 49(2)

Substitute for sub-clause (2), the following—

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

(a) is not medically indisposed; or

(b) wilfully concealed the sickness at the time of engagement,

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a member of the crew shall not be entitled to wages for the time during which he or she is did not perform his or her duty by reason of the alleged sickness.

Justification

For clarity.

CLAUSE 59: SEAMAN'S IDENTIFICATION RECORD BOOK

Clause 59(1)

Insert the word "Record" immediately after the word "Identification" appearing in line two.

Justification

For consistent usage of the phrase "Seaman's Identification Record Book".

CLAUSE 60: CHARACTER REPORT

Clause 60(a)

Substitute for the word "qualifications" appearing in paragraph (a), the word "competence".

Justification

Since qualifications of a crew member are assessed at the time of employment, the relevant information at the time of discharge would be the ability of a member of the crew to perform his or her duties and not qualifications.

CLAUSE 61: DISCHARGE ON CHANGE OF OWNER

Clause 61(1)

Insert the word "crew" immediately before the word "agreement" appearing in line five.

Justification

For clarity and to ensure consistent usage of the phrase "crew agreement".

Clause 61(2)

Substitute for sub-clause (2), the following—

Amended

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

Justification

- (i) For clarity.
- (ii) To ensure consistency with clause 59 (1).
- (iii) Having introduced the definition of "port of engagement", the appropriate place to return a member of the crew at discharge is the port of engagement.

CLAUSE 62: RELIEF AND RETURN OF A MEMBER OF THE CREW LEFT BEHIND OR WHERE A VESSEL IS WRECKED

Clause 62(1)

Substitute for the words "home port" appearing in paragraphs (a) and (b), the words "port of engagement".

Justification

It is a consequential amendment.

CLAUSE 63: MISCONDUCT ENDANGERING VESSEL OR LIFE

Substitute the forty eight currency points and two years' imprisonment with two hundred forty currency points and five year's imprisonment respectively.

Justification

To increase the penalty to make it commensurate with the offence.

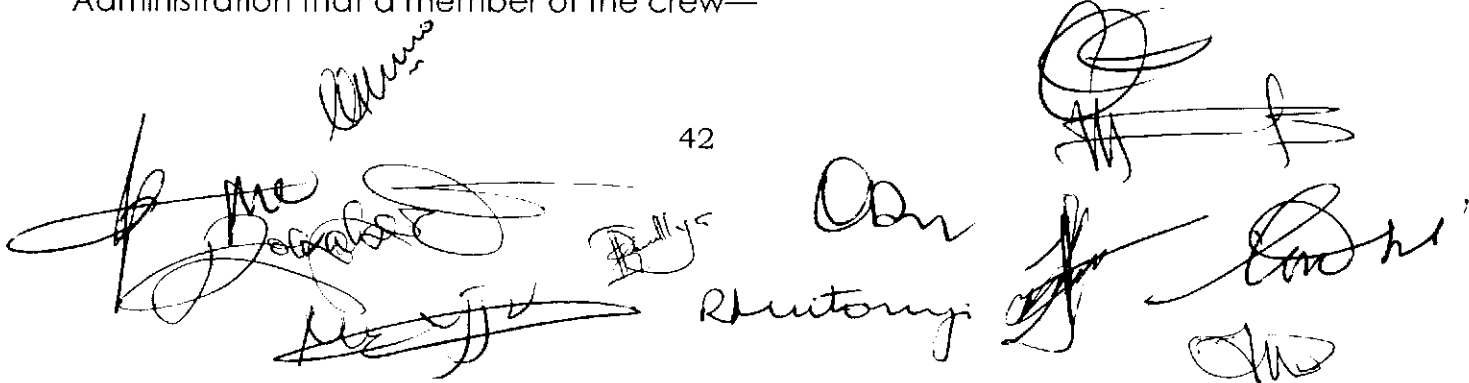
CLAUSE 64: INQUIRY INTO FITNESS OR CONDUCT OF MEMBER OF THE CREW BY MARITIME ADMINISTRATION

Clause 64 (1)

Substitute for sub-clause (1), the following—

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

42

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(a) is unfit to discharge his or her duties by reason of incompetence, misconduct or for any other reason;

(b) has been negligent in the discharge of his or her duties; or

(c) has failed to comply with the provisions of this Act and any regulations made under this Act,

the Maritime Administration may carry out an inquiry."

Justification

For clarity

Clause 64 (2)

Insert the words "of competency" immediately after the word "certificate" appearing in line four.

Justification

For clarity and specificity.

Clause 64 (3)

Delete sub-clause (3)

Justification

It is not applicable to clause 66 after amending the clause to apply to an inquiry by the Maritime Administration.

Clause 64 (4)

Substitute for clause (4), the following—

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

(a) disregard the complaint, if it finds a member of the crew competent and compliant with the Act,; or

(b) if satisfied with any of the circumstances referred to in subsection (1),—

(i) suspend or cancel the certificate of competency; or

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(ii) censure the member of the crew.

Justification

For clarity and to require the Maritime Administration to carry out an initial inquiry into the conduct of a member of the crew instead of requiring the Minister to appoint persons to carry out such an inquiry. The Minister can appoint an inquiry team where he or she is not satisfied with the inquiry by the Maritime Administration.

NEW SUBCLAUSES

Insert two new sub-clauses immediately after sub-clause (4) as follows—

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

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

Justification

For clarity

CLAUSE 65: DISQUALIFICATION OF HOLDER OF CERTIFICATE OF COMPETENCY

Clause 65 (1)

Insert the words "or cancelling" immediately after the word "suspending" appearing in line one.

Justification

For consistency

Clause 65 (4)

Substitute for the words "issue another notice to that effect" appearing in line four, the words "notify the member of the crew".

Justification

For clarity

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The bottom of the page contains several handwritten signatures in black ink, some overlapping. The number '44' is printed in the center of this section.

CLAUSE 66: INQUIRY INTO FITNESS OR CONDUCT BY MINISTER

Delete clause 66.

Justification

It has been merged with clause 67.

CLAUSE 67: RE-HEARING AND APPEAL FROM INQUIRY.

Substitute for clause 67, the following—

"67: Appeal from inquiry and re-hearing

- (1) A member of the crew who is dissatisfied with the decision of the Maritime Administration under section 64 may appeal to the Minister.
- (2) Where after receipt of the appeal under subsection (1), it appears to the Minister that—
 - (a) new and important evidence which could not be produced at the inquiry is discovered; or
 - (b) there are reasonable grounds that a miscarriage of justice may have occurred,

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

- (3) Where the Minister orders for a re-hearing, the Minister shall appoint one or more persons and one or more assessors to conduct an inquiry into the decision of the Maritime Administration.
- (4) A person conducting an inquiry under this section may—
 - (a) confirm the decision taken under section 64 and cancel or suspend the certificate of competency;
 - (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.

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- (5) A person conducting an inquiry under this section shall, within two weeks of completion of the inquiry, submit a report to the Minister.
- (6) The Minister shall, within twenty one days of receipt of the report under subsection (5), notify the member of the crew of his or her decision.
- (7) Where a certificate of competency is suspended or cancelled under this section, the holder of the certificate of competency shall deliver the certificate to the Maritime Administration.
- (8) Any costs which a member of the crew is ordered to pay under subsection (4) (d) may be recovered by the Minister.
- (9) A person who is aggrieved by the decision of the Minister may appeal to court.

Justification

For clarity and to empower the Minister to order a re-hearing of matters handled by the Maritime Administration under specified circumstances.

CLAUSE 69: FAILURE TO DELIVER SUSPENDED OR CANCELLED CERTIFICATE

Substitute for clause 69, the following—

"69. Failure to deliver suspended or cancelled certificate of competency

A member of the crew who fails to deliver the certificate of competency as required under section 64 (2) and section 67 (7) commits an offence and is liable, on conviction, to a fine not exceeding one hundred currency points or to imprisonment for a term not exceeding three months or both.

Justification

- (i) For clarity and specificity.
- (ii) To increase the fine to make it deterrent.

CLAUSE 71: LOGBOOK TO BE KEPT

Substitute for clause 71, the following—

"71.Official logbook

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

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

(a) every conviction by a court of a member of the crew and the punishment imposed;

(b) every offence committed by a member of the crew for which the owner or master intends to institute proceedings, or for which punishment has been imposed on board a vessel;

(c) every case of illness or injury happening to a member of the crew, the nature of the illness or injury and any medical treatment given;

(d) every refusal by a member of the crew to take any medicine;

(e) every marriage, 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 the wages;

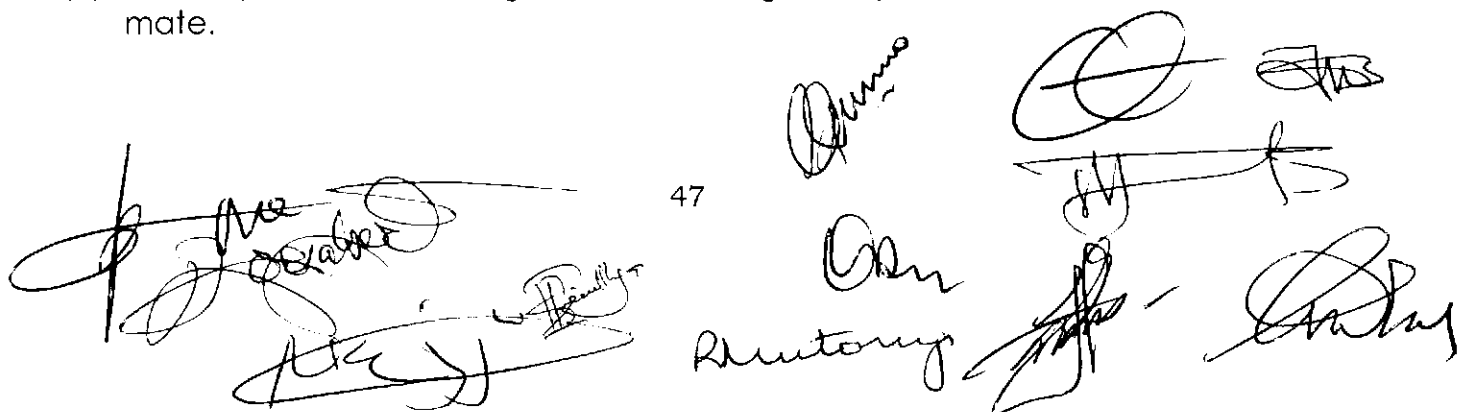
(h) the sale of the personal effects of any member of the crew with a statement of each article sold and the sum received for it;

(i) every collision with any other vessel and the circumstances 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 official logbook.

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



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- (4) The master or mate shall keep the information entered in the official logbook confidential, except in accordance with this Act.
- (5) The master of the vessel shall, within forty-eight hours after the arrival of the vessel at the final port of destination of the vessel or on the discharge of the crew, whichever happens first, deliver the official logbook of the voyage to the Port Administrator.
- (6) Where the vessel is lost or abandoned, the owner or master of a vessel shall, where practicable, and as soon as possible, deliver or transmit to the Port Administrator, an official logbook duly made out, up to the time of the loss or abandonment.
- (7) Where the official logbook of the vessel ceases to be required by reason of the transfer of ownership of the vessel, the owner or master of the vessel shall, within fifteen days of the transfer of ownership, deliver or transmit to the Port Administrator, a logbook duly made out up to the time of the transfer.

Justification

For clarity and ensure that the official logbook is clearly distinguished from other types of logbooks.

CLAUSE 72: PARTICULARS OF ENTRY

Delete clause 72.

Justification

Clause 72 has been incorporated under clause 71 since the particulars of entry are applicable to the official logbook.

CLAUSE 73: BREACHES IN RESPECT OF LOGBOOK

Substitute for clause 73, the following, and move it immediately after clause 74—

- (1) The master of a vessel who fails to comply with section 71 or 74 commits an offence and is liable, on conviction, to a fine not exceeding forty eight currency points or to imprisonment for a term not exceeding two years, or both.
- (2) A person who wilfully destroys or mutilates 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

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exceeding forty eight currency points or to imprisonment for a term not exceeding two years, or both."

Justification

For clarity and better chronological flow.

CLAUSE 74: OTHER LOGBOOKS

Headnote

Substitute for the headnote, the following—

"Deck logbook and engine room logbook".

Justification

For clarity and specificity given that the provisions under clause 74 relate to deck logbook and engine room logbook.

Clause 74(1)

Substitute for sub-clause (1), the following—

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

Justification

- (i) For clarity
- (ii) To ensure that the requirement for a vessel to have a deck logbook and an engine room logbook is not based on the length of a vessel but possession, by a vessel, of a deck or an engine room.

Clause 74(3)

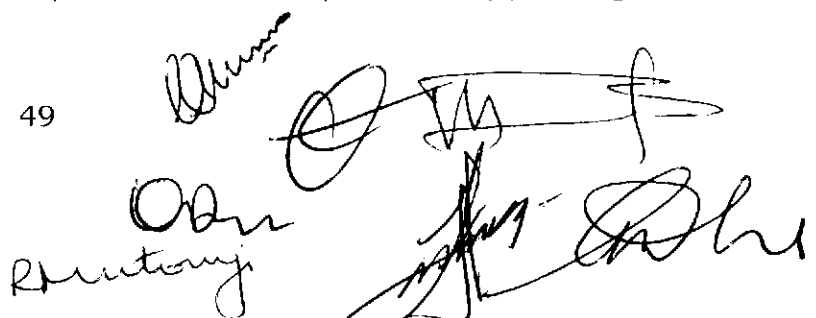
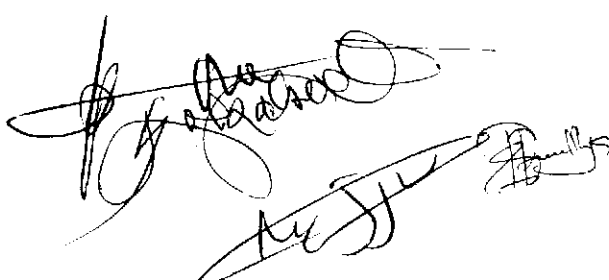
Delete sub-clause (3).

Justification

The provision is a duplication of clause 73(2).

CLAUSE 75: LOSS OR ABANDONMENT OF VESSEL

Insert the words "and goods" immediately after the word "persons" appearing in line two.



Justification

To require an owner or a master of an abandoned or lost vessel to include, in the list, goods that were on board the vessel at the time of loss or abandonment.

CLAUSE 76: DOCUMENTS TO BE HANDED OVER

Headnote

Substitute for the headnote the following—

"Master to deliver documents"

Justification

For clarity

CLAUSE 77: MARRIAGE, BIRTH OR DEATH ON BOARD

Delete clause 77.

Justification

It is a duplication of clause 72 (e).

CLAUSE 78: REPATRIATION OF THE CREW

Headnote

Insert the words "of member" immediately after the word "repatriation".

Justification

To ensure consistent usage of the phrase "member of the crew".

Clause 78 (1)

Amend sub-clause (1)—

(a) by inserting the word "crew" immediately before the word "agreement" appearing in line one; and

(b) by substituting for the words "home port" appearing in line three, the words "port of engagement".

Justification

(i) For clarity and ensure consistent usage of the words "crew agreement".

(ii) It is a consequential amendment.

Clause 78(2)(a)

Substitute for the words "home port" appearing in paragraph (a), the words "port of engagement".

Justification

It is a consequential amendment.

CLAUSE 79: LIMIT OF LIABILITY OF EMPLOYER

Substitute for clause 79, the following—

"79. Limitation of liability of owner or master of vessel

- (1) Where a member of the crew is left at a place or port other than the port of engagement, and remains at the place or port for a period of three months, the owner or master of a vessel who last employed the member of the crew shall make provision for the return of the member of the crew to the port of engagement.
- (2) An owner or a master of a vessel who fails to make provision for the return of a member of the crew under subsection (1) shall be responsible for any expenses incurred after the end of the three months period."

Justification

For clarity and to ensure precision.

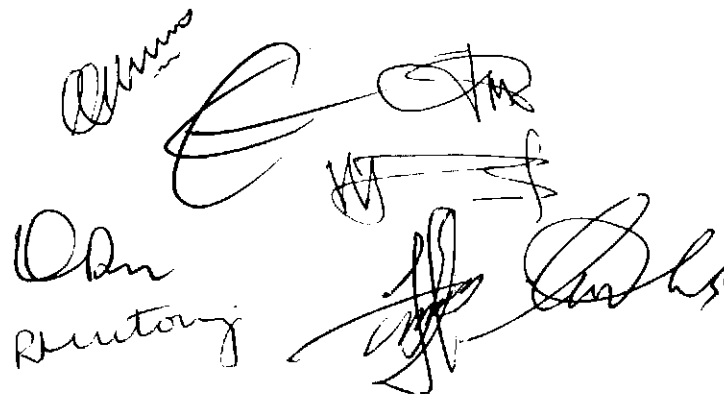
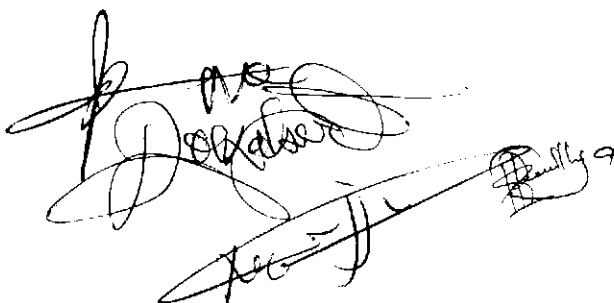
CLAUSE 81: SECURITY BY OWNER OR MASTER OF A VESSEL

Substitute for clause 81, the following—

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

Justification

- (i) For clarity.
- (ii) It is a consequential amendment.



CLAUSE 82: STATEMENT OF PERSONAL EFFECT OR WAGES

Clause 82(1)

Amend subsection (1)—

(a) by substituting for the words "proper return port" appearing in line two, the words "port of engagement";

(b) by inserting the word "official" immediately before the word "logbook" appearing in line three.

Justification

(i) It is a consequential amendment.

(ii) For specificity since the information relating to personal effects is specifically entered in an official logbook.

CLAUSE 83: EXEMPTION FROM LIABILITY

Amend clause 83—

(a) by deleting the word "behind" appearing in line two;

(b) by substituting for the words "home port" appearing in line three, the words "port of engagement".

Justification

For clarity

CLAUSE 84: TERMINATION OF SERVICE

Clause 84(2)

Substitute for the words "home port" appearing in line four, the words "port of engagement".

Justification

For clarity

CLAUSE 85: RELIEF OF DISTRESSED CREW MEMBER

Headnote

Substitute for the words "crew member", the words "member of the crew".

Justification

To ensure consistent usage of the phrase.

Clause 85(1)

Substitute for the words "home port" appearing in paragraphs (a) and (b), the words "port of engagement" and wherever they appear.

Justification

For clarity

Clause 85(2)

Amend sub-clause (2)—

(a) by substituting for the words "home port" appearing in paragraphs (a) and (c), the words "port of engagement".

(b) by deleting paragraph (b).

Justification

- (i) For clarity
- (ii) Paragraph (b) is not applicable a distressed member of the crew.

CLAUSE 89: MANNING TO ENSURE SAFETY

Clause 87(1)

Insert the words "qualified and" immediately before the word "competent".

Justification

To ensure that vessels are manned by skilled persons.

CLAUSE 90: SAILING UNDERMANNED

Clause 90(2)

Substitute the twenty four currency points and one year imprisonment with two hundred currency points and five year's imprisonment respectively.

Justification

To increase the penalty to make it commensurate with the offence.

CLAUSE 91: ASSESSMENT AND VERIFICATION PANEL

Clause 91(1)

Substitute for sub-clause (1), the following—

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

Justification

To ensure that the assessment and verification panel is appointed to handle a particular assignment for specified period of time.

NEW SUB-CLAUSE

Insert a new sub-clause immediately after sub-clause (1) as follows—

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

Justification

To ensure clarity by providing for the composition and qualifications of members an assessment and verification panel.

Clause 91(2)(a)

Delete paragraph (a).

Justification

A certificate for manning is only issued to a vessel and not persons.

CLAUSE 92: DESIGNATION OF A SURVEYOR

NEW SUB-CLAUSE

Insert a new sub-clause immediately after sub-clause (1) as follows—

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

Justification

To ensure compliance with the applicable procurement laws when sourcing a company or companies to provide survey and inspection services.

CLAUSE 93: SURVEYS AND INSPECTION

Clause 93 (2)

Insert new paragraphs immediately after paragraph (b) as follows—

"(i) the construction, arrangement and fittings of the hull and machinery;

(ii) the qualification and number of persons working on a vessel as required under this Act;"

Justification

To broaden the scope of areas of survey and inspection to ensure safety of vessels.

CLAUSE 94: SURVEY OF PASSENGER VESSEL

Clause 94(1)(c)

Substitute for the words "occasion arises", the words "may be deemed necessary".

Justification

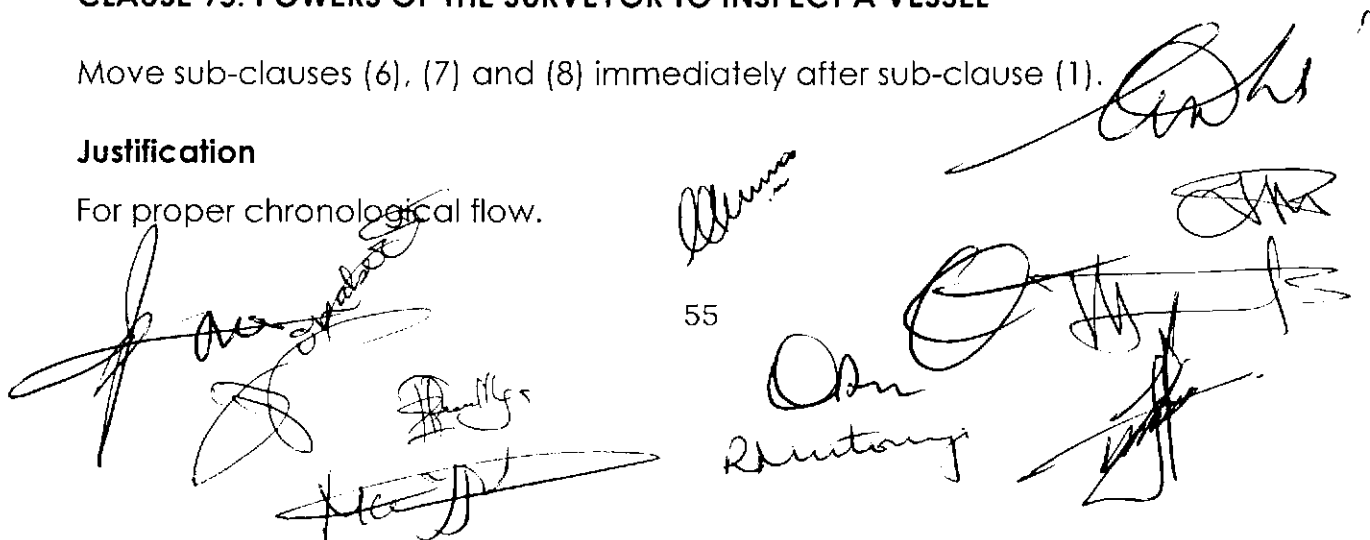
For clarity

CLAUSE 95: POWERS OF THE SURVEYOR TO INSPECT A VESSEL

Move sub-clauses (6), (7) and (8) immediately after sub-clause (1).

Justification

For proper chronological flow.



CLAUSE 96: SURVEYOR TO REPORT TO MARITIME ADMINISTRATION

Delete clause 96

Justification

It is a duplication of clause 93.

CLAUSE 99: RESPONSIBILITIES OF MANAGER, OWNER AND MASTER IN COMPLIANCE WITH MANAGEMENT SYSTEM

Headnote

Delete the word "manager" and wherever it appears under clause 99 and in other parts of the Bill.

Justification

The word "manager" is redundant since a manager would be working on a vessel as an agent of the owner of a vessel and is already catered in the definition of "owner".

Clause 99(3)

Delete sub-clause (3)

Justification

The mandate to issue certificate of seaworthiness lies with the Maritime Administration and is already provided for under Clause 93(3).

CLAUSE 102: COMPASSES AND NAVIGATION

Amend clause 102 by—

- (a) deleting the words "owner or" appearing in line one; and
- (b) inserting the word "calibrated" immediately before the word "compass".

Justification

- (i) An owner of a vessel is not involved in the navigation of a vessel and therefore the provision would not be applicable to him or her.
- (ii) Calibration ensures reliability of the compass instrument which enhances safety.

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The bottom of the page contains several handwritten signatures and initials in black ink. On the left side, there are three distinct signatures. In the center, there are initials that appear to be 'R. S. S.' and 'J. V.'. On the right side, there are two more signatures, one of which is quite large and stylized. The signatures are scattered across the bottom half of the page, partially overlapping the page number '56'.

CLAUSE 103: NAVIGATION AND OTHER LIGHTS AND SOUND SIGNALS

Clause 103(1)

Delete the words "owner or" appearing in line one and wherever they appear under clause 103.

Justification

It a consequential amendment.

CLAUSE 104: OWNER OR MASTER TO NOTIFY HAZARDS TO NAVIGATION

Clause 104(1)

Substitute for the words "station on shore" appearing in line four, the words "search and rescue centers".

Justification

To ensure clarity and specificity.

CLAUSE 106: LOAD LINE CERTIFICATE

Clause 106(4)

Insert the words "load line" immediately before the word "certificate" wherever it appears under sub-clause (4).

Justification

For clarity.

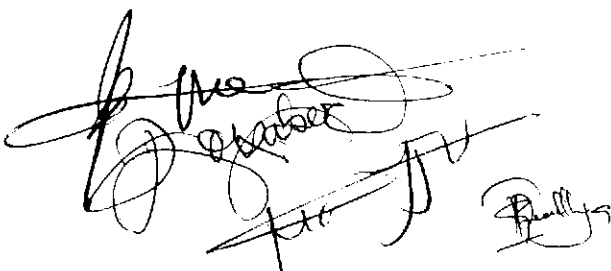
CLAUSE 108: CANCELLATION OR SUSPENSION OF LOAD LINE CERTIFICATE

Clause 108(1) and (2)

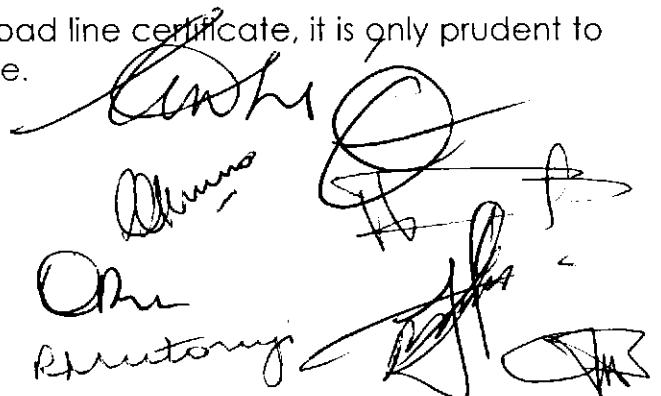
Substitute for the word "Minister" appearing in the first line of sub-clause (1) and second line of sub-clause (2), the words "Maritime Administration".

Justification

Given that it is the Maritime that issues a load line certificate, it is only prudent to give it a mandate to cancel the certificate.



Handwritten signatures and initials, including a large signature that appears to be 'J. J. J.' and other illegible marks.



Handwritten signatures and initials, including a large signature that appears to be 'C. W. H.' and other illegible marks.

NEW CLAUSE

Insert a new clause immediately after clause 109 as follows—

"Appeal against suspension or revocation of load line certificate

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

Justification

To provide for an appeal mechanism against the decision of the Maritime Administration.

CLAUSE 120: DETENTION OF UNSEAWORTHY VESSEL

Clause 120(1)

Substitute for sub-clause (1), the following—

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

Justification

The mandate to detain vessels for unseaworthiness should lie with the Minister.

Clause 120(2)

Delete sub-clause (2).

Justification

Following the amendment made to sub-clause (1), the provision is redundant.

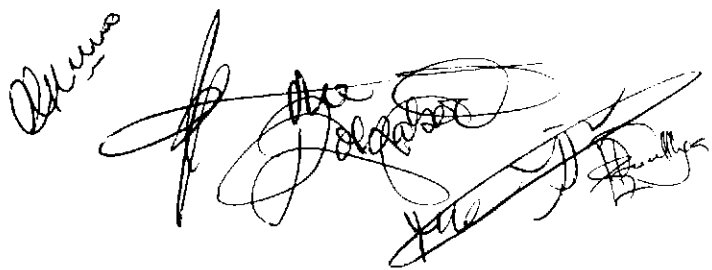
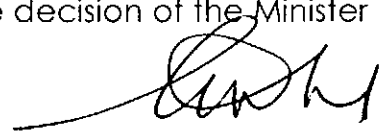
NEW SUB-CLAUSE

Insert a new sub-clause immediately after sub-clause (3) as follows—

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

Justification

To provide for an appeal mechanism against the decision of the Minister.



CLAUSE 121: COMPENSATION FOR UNREASONABLE DETENTION OF THE VESSEL

Delete clause 121.

Justification

Following the amendments made to clause 120, it is irrational for the Minister to become a complainant and at the same time a judge in the same matter.

PART XI—INLAND PORTS

Substitute for the title of Part XI, the following—

“PART XI—DECLARATION AND MANAGEMENT OF INLAND PORTS”

Justification

To broaden Part XI to provide for management and administration of inland ports owned by Government and private persons.

NEW CLAUSES

Insert new clauses immediately after clause 122 as follows—

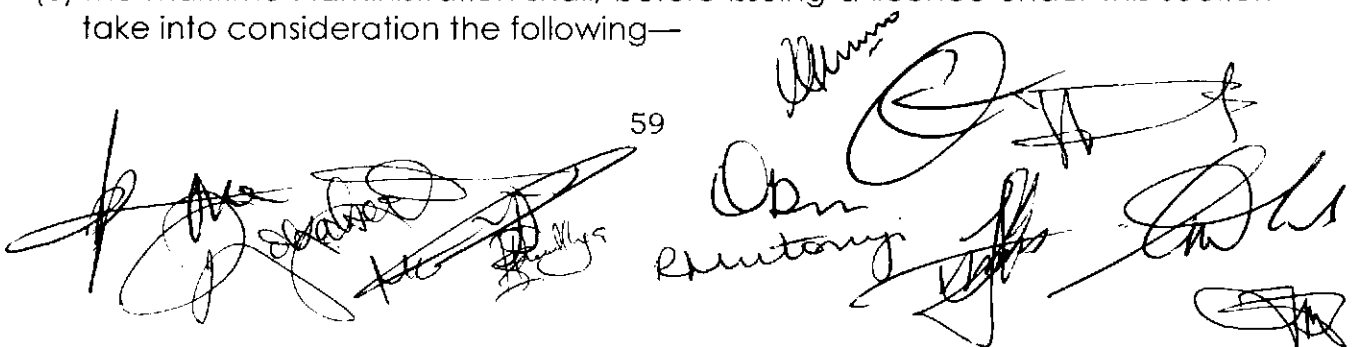
“Port Administrator

- (1) The Minister may engage a person to be a Port Administrator for inland ports owned by Government.
- (2) Every private port licenced under this Act shall have a Port Administrator
- (3) The Port Administrator shall be responsible for managing and maintaining efficient operations of inland ports.
- (4) The Port Administrator shall maintain a booking office and ticketing office for passengers and cargo within an inland port.”

“Private ports

- (1) A person may operate a private port in accordance with this Act.
- (2) A persons who wishes to operate a private port shall apply to the Maritime Administration for a licence.
- (3) The Maritime Administration shall, before issuing a licence under this section take into consideration the following—

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A collection of handwritten signatures and scribbles in black ink, located at the bottom of the page. The signatures are overlapping and difficult to read, but some appear to be names like 'John' and 'Peter'. There is a small number '59' written above the signatures.

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

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

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

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

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

Duration of a licence

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

Renewal of a licence

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

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

Justification

- (i) To make provision for administration of inland ports.
- (ii) To provide for private ports and licensing.

CLAUSE 123: PASSENGERS TO EMBARK AND DISEMBARK ONLY AT INLAND PORTS

Clause 123(b)

Delete paragraph (b).

Justification

It is redundant since the provision applies to all vessels.

CLAUSE 124: MASTER TO SUPPLY INFORMATION

Delete the words ""of the port authority" appearing immediately after the word "authorized employee" and wherever they appear in the Bill.

Justification

They are redundant given that the phrase "authorized employee" has been defined to mean an employee of the Port Administrator...

CLAUSE 125: LEVY OF PORT RATES

Substitute for clause 125, the following—

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

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

Justification

For clarity and to ensure that port rates and charges are determined by the Minister through a statutory instrument to ensure transparency and to facilitate efficient management of ports.

CLAUSE 126: ARREST OF VESSEL FOR PORT CHARGES

Substitute for clause 126, the following—

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

(2) Where the owner or master of the vessel fails to pay the port charges within seven days from the date of arrest of the vessel, the owner or master of the vessel

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shall provide to the authorized employee, collateral of financial value not less than the port charges owed.

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

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

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

Justification

To ensure minimal disruptions of business operations of vessels.

CLAUSE 135: CONCEALING OF WRECK

Clause 135(1)

Substitute for sub-clause (1), the following—

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

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

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

Justification

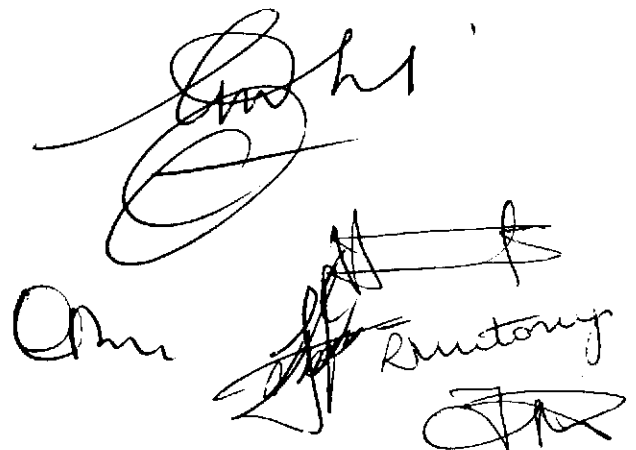
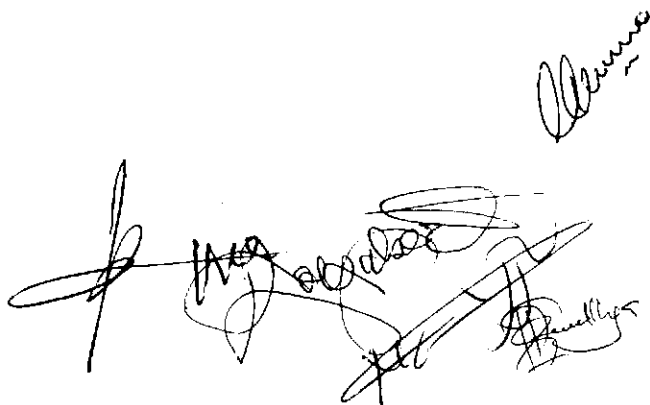
For clarity

CLAUSE 154: POWERS AND DUTIES OF AN INVESTIGATION TEAM

NEW SUB-CLAUSE

Insert a new sub-clause immediately after sub-clause (4) as follows—

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



Justification

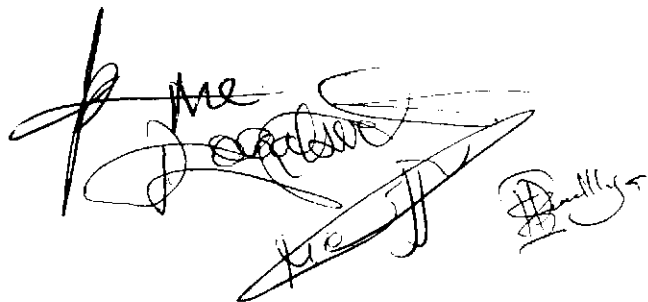
To ensure the findings of the investigations on the marine causality are availed to the public.

CLAUSE 157: OFFENCES

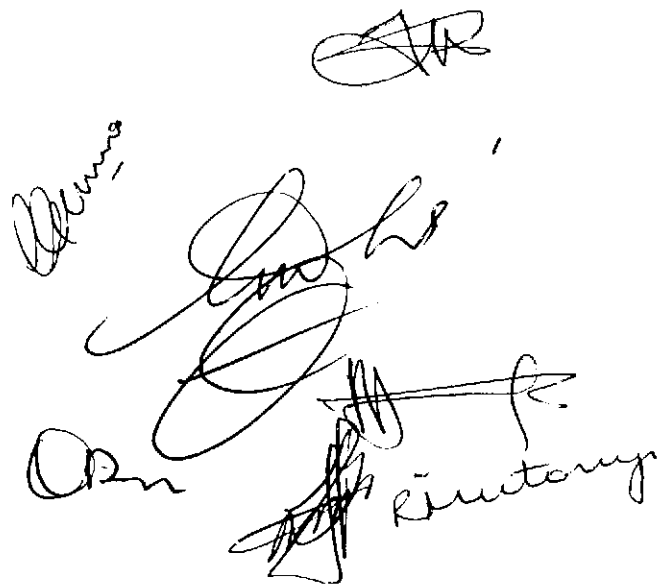
Substitute for the words "eight currency points" and "four months", the words "two hundred currency points" and five years" respectively.

Justification

To increase the penalty to make it commensurate to the offences.

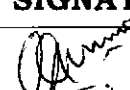
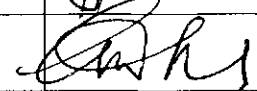
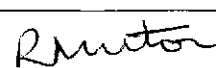
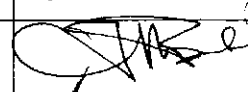
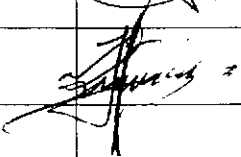
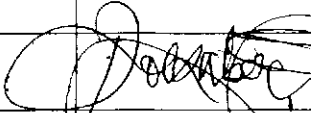

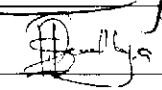
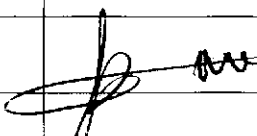
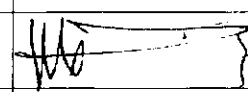


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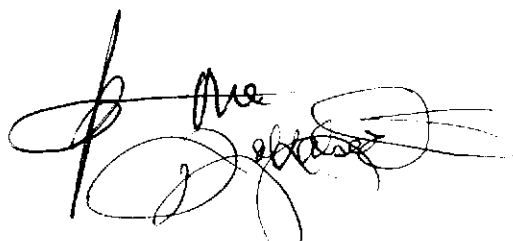
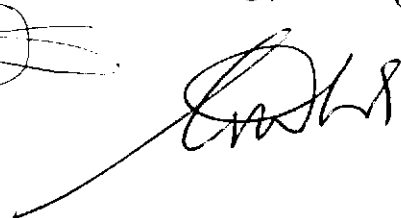
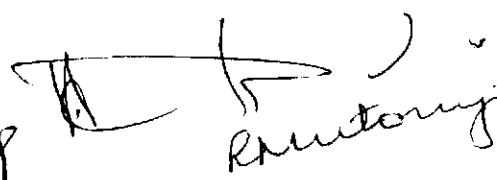



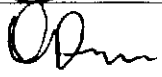
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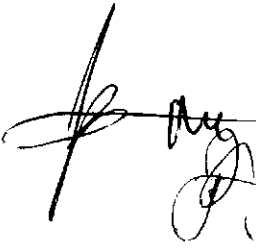


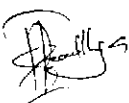




ENDORSEMENT OF THE REPORT OF THE COMMITTEE ON PHYSICAL INFRASTRUCTURE ON THE INLAND WATER TRANSPORT BILL, 2020

NO	NAME	CONSTITUENCY	SIGNATURE
1.	Hon. Kafeero Ssekitoleko Robert (Chairperson)	Nakifuma county	
2.	Hon. Kumama Nsamba George Wilson (Vice Chairperson)	Bbaale county	
3.	Hon. Mbabazi Janepher Kyomuhendo	DWR Kagadi	
4.	Hon. Mutonyi Rose Masaaba	Bubulo County West	
5.	Hon. Asaba Paul N	Kyaka North county	
6.	Hon. Waluswaka James	Bunyole West County	
7.	Hon. Kamusiime Caroline	DWR Rukiga	
8.	Hon. Manderu Amos	Buyamba County	
9.	Hon. Lokoru Albert	Tepeth County	
10.	Hon. Namujju Cissy	DWR Lwengo	
11.	Hon. Rwemulikya Ibanda	Ntoroko County	
12.	Hon. Ninsiima Boaz Kasirabo	Kooki County	
13.	Hon. Kamusiime Pentagon Innocent	Butemba County	
14.	Hon. Baba James	Koboko County	
15.	Hon. Kasolo Robert	Iki-Iki County	
16.	Hon. Burundo Alex	Bulambuli County	
17.	Hon. Guma Gumisiriza	Ibanda North County	
18.	Hon. Byandala Abraham	Katikamu North	
19.	Hon. Mugisa Muhanga Margaret	Burahya County	

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20.	Hon. Kasozi Joseph Muyomba	Bukoto County Mid-West	
21.	Hon. William Nzoghu Musabe	Busongora North	
22.	Hon. Okupa Elijah	Kasilo County	
23.	Hon. Jonathan Odur	Erute County South	
24.	Hon. Ssempala Kigozi Emmanuel	Makindye Ssabagabo Municipality	
25.	Hon. Francis Mwijukye	Buhweju County	
26.	Hon. Michael Mawanda Maranga	Igara County East	
27.	Hon. Okwir Samuel	Moroto County	
28.	Hon. Lydia Mirembe Daphine	DWR Butambala District	
29.	Hon. Ochen Julius	Kapelebyong County	
30.	Hon. Ann Mary Tumwine	DWR Ntoroko District	
31.	Hon. Onesmus Twinamatsiko	Bugangaizi East County	
32.	Hon. Maj. Susan Oruni Lakot	UPDF Rep.	

ANNEX 1

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**MINISTRY OF LOCAL GOVERNMENT
PROJECT FOR THE RESTORATION OF LIVELIHOODS IN
THE NORTHERN REGION (PRELNOR)**

**Pre-Qualification of Service Providers for Works, Services, Supplies and
Framework Contracts for Period 2020/23**

The Government of the Republic of Uganda, received a loan and a grant from the International Fund for Agricultural Development (IFAD) to finance the Project for Restoration of Livelihoods in the Northern Region (PRELNOR). The Project covers the Districts of Adjumani, Apaka,

Amuru, Gulu, Lamwo, Karamoja, Nwoya, Omuka and Pader. PRELNOR under the Ministry of Local Government has allocated funds to be used for the pre-qualification of providers and Framework Contracts for the Financial Years 2020/23.

The Entity now invites suitably qualified bidders to submit sealed applications to be Pre-qualified for provision of goods, works and services and framework contracts listed below for the Financial years 2020/23.

A: Supplies	B: Services	C: Consultancy	D: Works
1. Stationery	1. Design, Artwork, Printing (Reports & communication materials) and Photocopying	1. Business	1. General Civil Works
2. Supply of toners and Cartridges	2. Cleaning and Fumigation services	2. Training	2. Construction of Institutional and domestic cook stores
3. Supply of ICT Equipment, Software's and accessories	3. Insurance services (medical, vehicles, etc)	3. Engineering Design	
4. Supply of vehicle tyres and batteries	4. General Office repair /Maintenance (e.g. A/Cs, Blinds, Furniture, Lighting, ICT equipment, etc.	4. Impact Assessment	
5. Supply of Electronics and accessories	5. Motor vehicle repairs, and maintenance	5. Production and Documentation of case studies	
6. Supply of office furniture and carpets	6. Engraving services	6. Website & Social Media Management	
7. Supply of Electricals and accessories	7. Courier services (local & International)		
8. Supply of office furniture and carpets	8. Hotel and conference service		
9. Supply of staff uniforms, branded T-shirts, caps, safety shoes, rain hats, hand gloves and helmets	9. Advertising and publicity		
10. General supply of Goods & Service	10. Air tickets, tours and travels		
	11. Security services		

1. Pre-qualification will be conducted in accordance with the open domestic Bidding method contained in the Public Procurement and Disposal of Public Assets Act, 2003, and is open to all bidders.

2. Interested eligible bidders may obtain further information and inspect the bidding documents at the address given below from 8:00 am to 4:30 pm.

3. The Procurement Unit, Project for the Restoration of Livelihoods in the Northern Region (PRELNOR), Bank of Uganda, Gulu Regional Branch Building, Airstrip Road, Gulu Municipality, Gulu, Uganda. TEL: PRELNOR Human Office, Ministry of Local Government 4th Floor, Workers

House, Kampala Telephone: 256-780233566/6702047533

4. The Pre-qualification document in English may be purchased by interested bidders on the submission of a written application to the address below and upon payment of a non-refundable fee of Ughs. 100,000/= (One Hundred Thousand Uganda Shillings). The method of payment will be cash deposited in the bank. No liability will be accepted for loss or late delivery.

5. Pre-qualification document must be delivered to the address below at or before 11:00 am (Local time) on 31 December 2020. Late bids shall be rejected. The submission will be opened in the presence of the bidders

representatives who choose to attend at 11:30 am (Local time) on the 31 December 2020.

The Procurement Unit Project for the Restoration of Livelihoods in the Northern Region (PRELNOR) Bank of Uganda, Gulu Regional Branch Building Airstrip Road, Gulu Municipality, Gulu, Uganda

PERMANENT SECRETARY
MINISTRY OF LOCAL GOVERNMENT



**PARLIAMENT OF UGANDA
PARLIAMENTARY COMMISSION**

ABRIDGED BID NOTICE UNDER OPEN BIDDING

1. Parliamentary Commission invites sealed bids from eligible bidders for

No.	Procurement Reference No.	Subject matter of Procurement	Date of Pre-Bid Meeting	Bid Securing Declaration	Date and Time
1	POU/CONSP/ODB/20-21/00263	PRODUCTION OF ALTERNATIVE POLICY STATEMENTS FOR THE LEADER OF OPPOSITION	November 06th, 2020 at 09:30 A.M	Proposal Securing Declaration	November 24th 2020 at 11:00 A.M
2	POU/NCONSP/ODB/20-21/00252	REPAIR OF MOTOR VEHICLES UNDER SERVICE LEVEL AGREEMENT FOR THREE YEARS.	N/A	Bid Securing Declaration	December 03rd 2020 at 11:00 A.M
3	POU/NCONSP/ODB/20-21/00265	PROVISION OF PRINTING SERVICES UNDER SERVICE LEVEL AGREEMENT FOR THREE YEARS	November 06th 2020 at 11:00 A.M	Bid Securing Declaration	December 07th 2020 at 11:00 A.M
4	POU/NCONSP/ODB/20-21/00264	PROVISION OF DECORATION SERVICES UNDER SERVICE LEVEL AGREEMENT FOR THREE YEARS.		Bid Securing Declaration	December 01st 2020, 11:00 A.M

- The Bidding documents shall be inspected at <https://www.parliament.go.ug/procurement-notice>.
- Interested Bidders are requested to scan and send the application letter and payment receipt to email addresses skwatta@parliament.go.ug / snabukwasi@parliament.go.ug / kaganzi@parliament.go.ug / kibanda@parliament.go.ug
- For further information, Bidders are requested to call 0414-377408 /0414-377409/ 0414-377405.
- The detailed bid notice is available at the Entity's website at <https://www.parliament.go.ug/procurement-notice>

CLERK TO PARLIAMENT



ICRC

**INVITATION FOR BIDS -
DISPOSAL OF
USED MOTOR VEHICLES AND
A GENERATOR**

The International Committee of the Red Cross (ICRC) is a neutral and independent international humanitarian organisation, which assists and protects victims of armed conflicts and other situations of violence. The ICRC Delegation invites sealed bids from interested bidders for Sale of a Used Vehicle, wreck and one generator below;

No.	Particulars for vehicles	Reg. No.	Year of Make	Remarks
1	ICV01A LANCROUISER (11 seater)	CD103 13U	2017	Duty free Wreck
2	NISSAN Jashqai	CD103 02U	2013	Duty free Moving

No.	Particulars for generator	KVA	Year of Make	Remarks
1	ZORDAN GENERATOR LMDE 75 PH	75	2006	Duty free Running

The above vehicle will be available for inspection from 09:00 a.m. - 03:00 p.m. from Monday 09th - Friday 20th November 2020 at our offices:

International Committee of the Red Cross,
Plot 8 John Babiha Avenue,
P.O Box 4442,
Kampala Uganda,

Furthermore, customs and import duties must

be paid on the vehicles and the Zordan Generator to the Uganda Revenue Authority as they were purchased duty free, these units will only be released by the ICRC to the buyer after proof of payment of taxes and issuance of new registration number plates for the vehicles. Please note that all vehicles will be sold on "as is" "where is" basis with no guarantee or warranty expressed or implied as to the condition of the items. There will be "no refunds" made after payment for the above vehicles and generators.

ALL BIDS MUST BE SEALED, ADDRESSED AND SUBMITTED TO:
The Finance and Administration Manager, International Committee of the Red Cross, Plot 8 John Babiha Avenue, P.O Box 4442, Kampala Uganda

Bids should be submitted in a sealed envelope clearly marked, "OFFER TO PURCHASE USED VEHICLE AND GENERATOR with a NON-Refundable Bid security fee of UGX 200,000 per bid not later than **November 20th, 2020 at 5:00 p.m.** local time to the address above and registered in a bid register.

The Successful bidder will be required to pay to ICRC within one week of receipt of offer and, thereafter, must remove the vehicle from the ICRC Premises in Koliic plot 8, John Babiha after effecting payment and presenting proof of payment for the relevant taxes. Bank account details will be provided to the winning bidders. ICRC is not bound to accept the highest or any bid under any circumstances.



PARLIAMENT OF UGANDA

INVITATION TO SUBMIT VIEWS ON THE INLAND WATER TRANSPORT BILL, 2020

The Inland Water Transport Bill, 2020 was read for the first time on 25th August, 2020 and referred to the Committee on Physical Infrastructure for scrutiny and report back.

The Bill seeks to provide for regulation of inland water transport by providing for registration and licensing of vessels, safety of life and navigation on inland water ways, the prevention of pollution and protection of the marine environment and marine security, regulation of ports, repealing of Vessel (Registration) Act, Cap 356, 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.

The Committee is currently scrutinizing the Bill and invites interested members of the public to submit their views on the Bill in writing to the **Office of the Clerk to Parliament, Room S107, South Wing, Parliament Buildings, Telephone 0414- 377150, email clerk@parliament.go.ug not later than Friday 20th November, 2020.**

CLERK TO PARLIAMENT