

Namibia

Namibian Ports Authority Act, 1994

Port Regulations, 2001

Government Notice 117 of 2001

Legislation as at 15 November 2017

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Port Regulations, 2001

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Annotated Statutes

Namibian Ports Authority Act, 1994

Port Regulations, 2001

Government Notice 117 of 2001

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The Government Notice which issues these regulations repeals the Regulations for the Harbours of the Republic of South Africa and of South West Africa promulgated under RSA GN R.562 of 26 March 1982 (RSA GG 8124), as amended by RSA GN R.867 of 30 April 1982, RSA GN R.2324 of 21 October 1983, RSA GN R.1184 of 30 May 1985 and RSA GN R.1684 of 2 August 1985. These previous regulations were made in terms of the South African Transport Services Act [65 of 1981](#), which was repealed in respect of South West Africa by the National Transport Corporation Act [21 of 1987](#) (OG 5439), which was repealed by the National Transport Services Holding Company Act [28 of 1998](#) (GG 1961) with effect from 1 April 1999.

Part I – PRELIMINARY PROVISIONS

1. Definitions

In these regulations any word or expression to which a meaning has been assigned in the Namibian Ports Authority Act, 1994 (Act [No. 2 of 1994](#)) shall bear that meaning and, unless the context otherwise indicates-

“**crane**” means a hoisting appliance mainly used for the transfer of cargo or goods from ship to shore or vice versa;

“**Customs**” means the Directorate: Customs and Excise, Ministry of Finance;

“**Directorate**” means the Directorate: Maritime Affairs, Ministry of Works, Transport and Communication;

“**dockmaster**” means the official appointed by Namport who is responsible for operating the synchrolift and moving a vessel into a bay, or the official acting as such for the time being;

“**IMDG Code**” means the International Maritime Dangerous Goods Code;

“**ISO container**” means a container specified by the International Organisation for Standards;

“**livestock**” in relation to regulation 90, means any animal or bird whether alive or dead, and any meat or carcass of such animal or bird.

“**Merchant Shipping Act**” means the Merchant Shipping Act, 1951 (Act [No. 57 of 1951](#)); as amended

“**Namport**” means the Authority;

“**pleasure craft**” means a vessel not used for gain and which is registered as such with Namport;

“**Port Operations Manager**” means the official appointed by the board, or the official acting as such for the time being, to direct functions on the shore side of a port;

“**prescribed**” means prescribed by the Authority;

“**small craft**” means a vessel of less than 70 metres length overall registered in terms of the Merchant Shipping Act, 1951 (Act [No. 57 of 1951](#));

“**synchrolift**” means any vessel lifting platform, graving dock, floating dock, slipway or repair pontoon;

“**tanker**” means any seagoing vessel and seaborne craft of any type whatsoever constructed or adapted for the carriage of oil in bulk as cargo, provided that a vessel capable of carrying oil and other cargoes shall be regarded as a tanker only when it is actually carrying oil in bulk as cargo and during any voyage following such carriage unless it is proved that it has no residues of such carriage of oil in bulk;

“**Tariff Book**” means the Namport Tariff Book in which the prescribed tariffs in respect of all charges, levies, fines, dues, rates and fees are published in terms of section 15(2) of the Act, and in which port working hours, units of volume and capacity, scale of tonnage, and certain conditions are also set out;

“**the Act**” means the Namibian Ports Authority Act, 1994 (Act [No. 2 of 1994](#)); “tour operator” means any person conducting guided tours within a port;

“**tug services**” means assistance rendered by one vessel to another manoeuvring in a port;

[The word “manoeuvring” is misspelt in the Government Gazette, as reproduced above.]

“**vehicle**” means any motor vehicle or trailer;

“**vessel**” means any tanker, ship, boat, small or pleasure craft, and includes any vessel used or capable of being used on any waters and includes any hovercraft, power boat, yacht, fishing boat, submarine vessel, barge, crane barge, floating crane, floating dock, oil or other floating rig, floating mooring installation or similar floating installation, whether floating or fixed and whether self-propelled or not;

“**vessel’s tonnage**” means the gross tonnage of a vessel as determined under the provisions of the Merchant Shipping Act, 1951.

“**wreck**” includes any flotsam, jetsam, lagan or derelict, any portion of a ship or aircraft lost, abandoned or in distress, any portion of the cargo, stores or equipment of any such ship or aircraft and any portion of the personal property on board such ship or aircraft when it was lost, abandoned, stranded or in distress.

2. Interpretation and exemption

- (1) In these regulations, unless otherwise indicated, any reference to any number of days or hours shall exclude Saturdays, Sundays and public holidays.
- (2) Any reference to any charges, levies, fines, dues, rates, fees, scale of tonnage and tariffs shall be a reference to the prescribed charges, levies, fines, dues, rates, fees, scale of tonnage or tariffs.
- (3) The Minister may, with or without conditions, in writing exempt the Authority from applying, or being subject to, any of these regulations.

Part II – GENERAL PROVISIONS

3. Licences and permits

- [illegible]

4. Diving

No diving shall take place within a port without permission in writing from the Port Captain, whether or not a licence has been issued in terms of regulation 3.

5. Closing of port

Namport may close or restrict access to any place within a port under Namport's control, and may prohibit or restrict the use thereof in the interests of safe, orderly, efficient and effective port working.

6. Vehicles

- (1) No vehicle shall be parked or left within a port except with the permission of Namport and subject to such conditions as may be imposed in the interests of safe, orderly, efficient and effective port working.
- (2) The person in charge of a vehicle within a port shall move such vehicle when required to do so by a person authorized by Namport.
- (3) Namport may, in the interests of safe, orderly, efficient and effective port working, authorize its employee to remove any unattended vehicle within a port.

- (4) No vehicle may be manoeuvred outside of a demarcated traffic area within a port without permission of Namport.

7. Vehicles for hire and vehicles used on business

- (1) Namport may, on application and subject to such conditions as it may impose, grant written permission to the owner, driver or person in charge of any passenger vehicle to enter the port area for the purpose of plying for hire.
- (2) Namport may, in the interests of safe, orderly, efficient and effective port working, at any time cancel a permission granted under subregulation (1).
- (3) No vehicle may enter any port without a permit issued by Namport, except for any vehicle responding to an emergency or a government registered vehicle on official business.

8. Entering or leaving port

- (1) No person may enter a port without a permit issued by Namport.
- (2) No person may enter or leave a port, except through the land-based entrances or exits which are provided for those purposes.

9. Advertising

- (1) No person shall, without permission of Namport-
 - (a) exhibit or cause to be exhibited any advertisement, placard, notice, sign or graffiti on any land, building or structure; or
 - (b) distribute or cause to be distributed any literature within a port area.
- (2) No person shall deface, damage or cause to be defaced or damaged any advertisement, placard, notice or sign referred to in subregulation (1) within a port area.

10. Fishing

No person shall fish within a port, except with a written permission of Namport.

11. Swimming

No person shall swim within a port except within the places indicated by notice boards erected by Namport.

12. Burials

No bodies or carcasses of any kind shall be buried within a port.

13. Unattended animals

- (1) Any unattended animal in a port may be removed forthwith by any person authorized by Namport.
- (2) Any animal on board a vessel shall be prevented from leaving the vessel.

14. Nuisance and obstructions

No person, within a port, shall-

- (a) give a false name or address to Namport;
- (b) cause or threaten to cause injury to any person or damage to property;

- (c) commit any nuisance or act of indecency;
- (d) write, draw or affix any obscene, indecent or abusive word, matter, representation or character upon any premises or property in a port;
- (e) remove or deface the writing on a notice board or document set up or posted by order of Namport or deface the writing on a board or a notice duly authorized to be so exhibited;
- (f) obstruct or do anything likely to obstruct the free use of a wharf, jetty, quay, stacking area, foreshore or the approaches thereto;
- (g) interfere with or hinder an employee of Namport in the execution of such employee's duties; or
- (h) interfere with or hinder the safe, orderly, efficient and effective port working.

15. Licence and permit fees

In respect of the issue or renewal of any licence or permit referred to in any of these regulations, there shall be payable such fees as may be prescribed from time to time.

Part III – PORT PROCEDURES FOR VESSELS

16. Requirements to enter port

- (1) The owner, master or agent of a vessel that intends to call at a port shall give, on Form 1, 24 hours notification or such shorter period of notification as may be acceptable to the Port Captain and to the Port Operations Manager, of the expected date and time of arrival of the vessel, and shall in such notice give the following particulars-
 - (a) the name and type of the vessel, call sign, port of registration and flag, and the pm pose of the call at the port;
 - (b) the vessel's draught (fore and aft), overall length, free board and gross tonnage;
 - (c) conditions which may cause the vessel to be unseaworthy;
 - (d) any nuclear installations and radio active material or waste on board;
- [The word "radioactive" has been erroneously rendered as two words in the Government Gazette, as reproduced above.]**
- (e) all dangerous cargoes on board;
 - (f) in the case of tankers-
 - (i) the nature of the cargo, its correct technical name, UN number and flashpoint (if applicable) and quantity;
 - (ii) the distribution of cargo on board, indicating cargo to be discharged and loaded;
 - (iii) whether the tanker is fitted with an inert gas system and, if so, whether it is fully operational and whether the tanker will be inert or gas free on arrival; and
 - (iv) the distance of the manifold from the bow or the stem;
 - (g) the cargo manifest as required in regulation 68;
 - (h) bunker requirements;
 - (i) any matter which may affect the safe entry into port and berthing of the vessel and, in particular, any defect of hull, machinery or equipment which may-
 - (i) affect the safe manoeuvrability of the vessel or the safety of other vessels; or

- (ii) constitute a hazard to the environment or to persons or property;
 - (j) details of safety certificates and their period of validity; and
 - (k) whether the vessel is engaged in a towage or salvage service, in which event it shall specify all particulars of the towed or salvaged vessel.
- (2) A vessel which calls at a port shall comply with the International Convention for the Safety of Life at Sea as set out in Schedule II to the Merchant Shipping Act, 1951 (No. 57 of 1951), as amended.
- (3) The Port Captain shall in the interests of safe, orderly, efficient and effective port working, grant or refuse permission or withdraw or vary permission previously granted for any vessel to approach or enter the port.
- (4) The owner, master or agent of a vessel which intends to call at a port shall, before entering the port, provide a guarantee to the satisfaction of Namport for all fees, dues and levies which may become due and payable to Namport by the vessel for that port call.

17. Signals on entering

Before entering a port a vessel shall display by day-

- (a) the vessel's national colours;
- (b) a signal indicating that a pilot is on board (international code flag "H"), except for exempted vessels as referred to in regulation 18(2); and
- (c) any other signal according to international code of signals.

18. Compulsory pilotage ports

- (1) The ports of Namibia are in terms of the Act compulsory pilotage ports.
- (2) A vessel entering, leaving or moving in such a port shall be navigated by a pilot who is an employee of Namport, except vessels that are exempt by law or a permit issued by Port Captain.

19. Licensing of pilot

- (1) No person may act as a pilot at a port, unless such person has been duly licenced by the Port Captain as a pilot for that port.
- (2) No licence to act as a pilot at a port shall be issued to any person unless such person has passed an examination conducted by a board of examiners appointed by Namport.

20. Cancellation or suspension of pilot's licence

The Port Captain may in the interests of safe, orderly, efficient and effective port working cancel or suspend a pilot's licence at any time.

21. Pilot flag

- (1) The person in charge of a pilot vessel conveying a pilot to a vessel-
 - (a) by day, shall display a pilot flag (the upper half of the flag being white, the lower half red); and
 - (b) by night, shall display an all round white light over an all round red light.

22. Pilot ladders and hoists

- (1) The master of a vessel entering or leaving a port under pilotage shall ensure that-
 - (a) a pilot ladder is provided in accordance with the current SOLAS Convention rules, equipped with proper man-ropes efficient for the purpose of enabling a pilot to embark and disembark safely from the vessel;
 - (b) the pilot ladder and relative area of deck access are efficiently illuminated at night; and
 - (c) on each occasion when a pilot or other official of Namport embarks or disembarks from the vessel by means of the pilot ladder a vessel's officer shall be in attendance at the ladder.
- (2) A pilot hoist, if offered by the vessel, shall comply with the current SOLAS convention rules and a pilot ladder, rigged ready for use, shall be placed next to it, and the use of such pilot hoist shall be at the discretion of the pilot.
- (3) The master having charge of any unmanned vessel under tow shall, on arrival at the approaches to a port-
 - (a) have available, overside of such vessel, a pilot ladder equipped with two man-ropes to enable the safe embarkation and disembarkation of any port or other officials required to board such vessel in the course of duty; or
 - (b) arrange any other safe means of boarding the unmanned vessel.
- (4) Nothing in this regulation shall be construed as relieving the master of a vessel of any responsibility or obligation imposed on the master by the Merchant Shipping Act.

23. Assignment of berth

The Port Captain or his or her representative shall point out to the master of a vessel the berth allocated to the vessel.

24. Production of vessel's papers and provision of information

- (1) The master of a vessel in a port shall, upon demand, produce and show the vessel's register and vessel's papers to the Port Captain or other official of Namport for inspection.
- (2) The master of a vessel shall provide necessary information and afford every facility to a Namport official to ascertain whether any of these regulations or any instruction which is intended to give effect to any of these regulations has been observed.

25. No firearms in port

No person in possession of a firearm may enter a port, except with written permission of Namport.

26. Berth of vessel

- (1) Every vessel shall occupy the berth as allocated by the Port Captain.
- (2) The Port Captain when allocating a berth shall pay due regard to the requirements of the Port Operations Manager.
- (3) No vessel shall be made fast to any channel marker buoy, light buoy or any other aid provided for the safety of navigation.
- (4) The master of any vessel that fouls or displaces any buoy or aid referred to in subregulation (3), shall-
 - (a) immediately report the occurrence to the Port Captain; and

- (b) in any event within 24 hours after the occurrence, submit to the Port Captain, a full report in writing setting forth the circumstances attending the occurrence.

27. Shifting berth

No master shall shift his or her vessel from the berth allocated to the vessel, nor shall the master permit the vessel to be so shifted without the permission of the Port Captain.

28. Movement of vessel

No vessel may enter or leave a port without the permission of the Port Captain.

29. Manoeuvring and warning signals

[The word “Manoeuvring” is misspelt in the *Government Gazette*, as reproduced above.]

- (1) The master of a vessel who intends to pass within 30 metres of a tanker, berthed at a tanker berth, shall in sufficient time before reaching the tanker, obtain permission of the Port Captain to proceed.
- (2) On receiving permission, the master shall proceed at a safe speed and sound one prolonged blast and listen out for any other vessel which may be approaching from the other direction.

30. Detention of unseaworthy vessel

- (1) Subject to the provisions of the Merchant Shipping Act, the Port Captain may adopt such measures as he or she may think necessary for preventing an unseaworthy vessel from leaving or entering a port.
- (2) All expenses incurred as a result of any investigation regarding the unseaworthiness of a vessel performed by or at the instance of the Port Captain under this regulation shall be borne by the owner of the vessel.

31. Lights, signals and navigating rules for vessel in port

- (1) The lights, signals and navigating rules prescribed in the Convention on the International Regulations for Preventing Collisions at Sea as set out in the Merchant Shipping Act, apply in a port except that a Port Captain may make special rules for navigation within the limits of the port.
- (2) The master of a vessel, having on board, loading or discharging explosives, dangerous goods, or during bunkering operations, shall, while the vessel is within the limits of the port, display where it can best be seen-
 - (a) by day, the International Code flag “B”; and
 - (b) by night, an all-round red light, in addition to any other lights required in terms of the Convention on the International Regulations for Preventing Collisions at Sea as set out in the Merchant Shipping Act.
- (3) A vessel when alongside a quay or jetty in a port shall display such lights as may be specified by the Port Captain.

32. Accidents in port

The owner or master or person in charge of a vessel which has been involved in any accident whatsoever within a port, whether or not there is loss of or damage to property, shall-

- (a) immediately report the accident to the Port Captain; and
- (b) within 24 hours after the accident, furnish the Port Captain with a full report in writing setting forth the circumstances pertaining to the incident.

33. Tug services

Namport shall provide all tug services at a port, if such services are available.

34. Anchors

- (1) If an anchor, or chain or cable belonging to a vessel has parted or has been slipped within a port, the master of such a vessel shall forthwith report the exact position of the anchor, chain or cable to the Port Captain.
- (2) The Port Captain may order that such an anchor, chain or cable shall be recovered at the expense of the owner or agent of the vessel.

35. Vessel's gear

A vessel entering, lying in, or passing out of a port shall have its sides clear of projections.

36. Vessel's mobility

- (1) A vessel shall have sufficient personnel for the purposes of manoeuvring in a port, failing which personnel may be provided by Namport at the expense of the owner or agent of the vessel.

[The word “manoeuvring” is misspelt in the *Government Gazette*, as reproduced above.]

- (2) A vessel shall be safely moored or safe in its berth while in a port, to the satisfaction of the Port Captain, failing which the Port Captain may order the vessel to be removed at the expense of the owner or agent of the vessel.
- (3) No vessel, while within a port may, without the prior written consent of the Port Captain, be immobilized.
- (4) The Port Captain may grant permission for the immobilization of a vessel subject to whatever preconditions or terms the Port Captain considers necessary.
- (5) No vessel shall use thrusters against the quay while manoeuvring within a port without the permission of the Port Captain.

37. Vessel's moorings and shore connections

- (1) A vessel within a port shall have sufficient personnel on board to attend to the vessel's moorings, gangways and other shore connections.
- (2) Chain cables shall not be used for mooring, except with the permission of the Port Captain.

38. Notice to leave port

- (1) The master of a vessel in a port shall give at least three hours' notice in the prescribed manner to the Port Captain of the time the vessel will leave the port.
- (2) If the vessel is due to leave a port outside of the ordinary working hours of the port, such notice shall be given in the prescribed manner before the end of the ordinary working hours.

39. Permission to leave port

- (1) No vessel may leave a port, except with the permission of the Port Captain.

- (2) The Port Captain may grant permission to leave the port on production of a certificate issued to the master or agent of the vessel, indicating that-
 - (a) all dues, fees, levies, fines and charges of whatsoever nature due to Namport on account of such vessel have been paid; or
 - (b) security in respect of unpaid dues, fees, levies, fines and charges has been guaranteed to the satisfaction of Namport.

Part IV – SMALL AND PLEASURE CRAFT

40. Pleasure or small craft to be registered or licenced

- (1) No pleasure craft shall lie or manoeuvre in a port 'without being registered by Namport on payment of a fee at a prescribed rate.

[The word “manoeuvre” is misspelt in the Government Gazette, as reproduced above.]
- (2) A small craft may, on application, be licenced by Namport in terms of regulation 42 on payment of a fee at a prescribed rate.

41. Lying or manoeuvring of pleasure or small craft

A pleasure or small craft may only lie or manoeuvre in a port with the permission of the Port Captain who shall indicate where it may lie or manoeuvre.

42. Requirements for small craft licence

- (1) An application for a small craft licence shall only be considered by Namport if the owner, master or duly appointed agent furnishes Namport with the following documents-
 - (a) current LSA certificate as issued by the Directorate; and
 - (b) current fishing licence or proof of any other approved activity.
- (2) The invalidity of any document required under subregulation (1), shall render the small craft licence invalid.
- (3) Notwithstanding the fulfilment of the requirements in subregulation (1), Namport may, reject any application for a small craft licence.
- (4) A small craft licence holder is liable to pay charges at a prescribed rate arising out of the use of the commercial harbour and synchrolift.

43. Validity of small craft licence

The small craft licence is valid from the date of issue until 31 December of the year of issue.

44. Requirements for registration of pleasure craft

- (1) Namport may register a pleasure craft after Namport is satisfied that the pleasure craft complies with all the safety requirements stipulated by the Directorate and that the required fees have been paid.
- (2) A pleasure craft registration is valid from the date of issue until 31 December of the year of issue.
- (3) The registration of a pleasure craft under this regulation shall be revoked if, at any time, the owner fails to comply with all the safety requirements stipulated by the Directorate.

45. Contravention of restrictions or conditions affecting small craft

The Port Captain may, in addition to the imposition of any fine for the violation of any of these regulations, revoke the small craft licence issued by Namport.

46. Magnetic compass of small craft proceeding beyond port limits

- (1) Except with the permission of the Port Captain, no person shall manoeuvre a small craft within a port, unless that person has in his or her possession on board of the craft a certificate issued by a competent person, from which it appears that such craft's magnetic compass has been adjusted within the previous 12 months.
- (2) The certificate referred to in subregulation (1), shall not be deemed to be valid for the purposes of this regulation, unless it is accompanied by a deviation card issued by the person signing the certificate, showing the deviation of the compass found to exist on such adjustment.
- (3) If the owner of a licensed small craft that has proceeded beyond the limits of a port without the special permission of the Port Captain, fails to produce a certificate referred to in subregulation (1) within 48 hours after being called upon to do so by or on behalf of the Port Captain, such owner shall be deemed not to have been in possession of such certificate at the time when the craft concerned proceeded beyond the limits of the port.

Part V – SAFETY AND ENVIRONMENTAL PROTECTION**47. No foreign matter to be deposited**

- (1) No person shall throw, discard, discharge or deposit or allow to be thrown, discarded, discharged or deposited within a port any article, material or liquid which is liable to cause an obstruction, danger, pollution or nuisance.
- (2) Any expenses and claims that may be incurred by Namport in recovering or removing any article, material or liquid referred to in subregulation (1), shall be borne by such person, master, owner or agent.

48. Fire

No person shall light or cause to be lit any fire upon any wharf, jetty, stacking area, quay or at any other place where the lighting of a fire is prohibited without the permission of Namport.

49. Fire on vessel

- (1) In the event of a fire occurring on board a vessel in a port, the master shall-
 - (a) immediately give the alarm by sounding one continuous blast on the vessel's whistle, or in case it is not possible to use the vessel's whistle, by the continuous ringing of the vessel's bell;
 - (b) inform the Port Captain and the Port Operations Manager; and
 - (c) engage the local municipal fire brigade to assist in extinguishing the fire at the expense of the owner or agent of the vessel.
- (2) The personnel of such vessel shall immediately take all practicable steps to extinguish the fire and to protect adjoining property, and shall render such further assistance as may be required by the Port Captain.

50. Vessel inspection

Namport employees may, in the execution of their duties relating to inspection, at any time while a vessel is in port, board and inspect such vessel or any part of such vessel.

51. Responsibility of master

The master of a vessel within the area of Namport's jurisdiction shall at all times be responsible for the safety of such vessel, and nothing in these regulations shall be construed as relieving the master of such responsibility.

52. Gangways

- (1) The master of a vessel whether alongside a wharf, quay or jetty, or alongside another vessel, or lying at buoys, or at anchor, shall provide a safe and proper gangway so arranged as to admit free and safe passage to or from the deck of the vessel.
- (2) The gangway referred to in subregulation (1), shall be sufficiently lighted and be placed under control of a competent person who shall be in attendance at all times.
- (3) A proper safety net shall be rigged and secured below a gangway as soon as the gangway is in position to safeguard persons using the gangway from falling into the water or onto the wharf, quay or jetty.
- (4) A lifebuoy with a line attached thereto shall be placed near each gangway and kept ready for immediate use.
- (5) When lighters are being worked alongside a vessel at an outer anchorage the vessel's side shall be kept clear of all obstructions, the gangway or ladder being lowered only as and when required.
- (6) The master shall ensure that a gangway is at all times so positioned that it does not obstruct or foul rail or crane tracks or constitute a hazard to the safe movement of trucks and cranes and nothing in these regulations shall be construed as relieving the master of such responsibility.
- (7) The master of a vessel shall take such precautions as are necessary to prevent damage to quay surfaces by a vessel's gangways and a vessel's loading ramps.
- (8) If the nature or construction of a jetty or wharf is such that it is impossible for the vessel to comply with subregulation (1), the master shall conform to any instructions given to him or her by the Port Captain concerning vessel to shore access.

53. Boarding or leaving vessel

No person may-

- (a) except with the permission of the Port Captain, board or leave a vessel while such vessel is in motion; and
- (b) leave or board a vessel, except by means of the gangway or ladder provided for the purpose.

54. Repairs to vessel

Any work upon a vessel which may cause a fire shall only be carried out in a port with the written permission of the Port Captain and subject to such conditions as the Port Captain may impose.

55. Fumigation of vessel

A master of a vessel shall not cause such vessel to be fumigated in a port except with the written permission of the Port Captain and upon such conditions as the Port Captain may impose in the interest of safe, orderly, efficient and effective working of the port.

56. Sparks, fumes, soot, smoke and paint

- (1) A master of a vessel in a port shall take all necessary precautions to avoid the excessive emission of sparks, fumes, soot, smoke or paint from such vessel.
- (2) Any claim for damages caused by the emission of sparks, fumes, soot, smoke, or paint from such vessel shall be at the expense of the owner.

57. Engine trials of vessel

A master of a vessel shall not allow engine trials of such vessel when alongside a wharf, quay or jetty or berthed outside another vessel in a port, without the written permission of the Port Captain.

58. Lowering of boat from vessel

A master of a vessel shall not cause a boat or floating object to be lowered from such vessel in a port except with the permission of the Port Captain.

59. Vessel's material or gear in port area

- (1) Loose materials may not be placed upon a wharf, jetty or quay, or elsewhere in a port without the written permission of the Port Operations Manager.
- (2) Loose materials which have been placed upon a wharf, jetty or quay, or elsewhere in a port in contravention of subregulation (1), shall, if the Port Operations Manager so directs, be removed from Namport's premises by the owner of the materials, failing which they may be so removed at such owner's expense.

60. Water area adjacent to dry-dock or synchrolift

No vessel may be moored and no obstacle may be placed in a water area adjacent to a dry-dock or synchrolift.

61. Beaching of vessel within port

No vessel shall be beached, stranded, careened or laid upon any foreshore, shoal or sand or other bank within a port for purposes of cleaning, repairing, or otherwise, without the prior written permission of the Port Captain and subject to such conditions as the Port Captain may impose in the interests of safe, orderly, efficient and effective port working.

62. Prevention of loose articles falling overboard

The master of every vessel which is loading or unloading bulk cargo or loose articles shall cause a tarpaulin or some other similar device to be placed in such a manner as to prevent any such loose articles from falling overboard.

63. Article dropped or thrown into sea within port

Any article dropped or thrown into the sea by a person, in a port, which is liable to cause a danger, obstruction or nuisance if it is not recovered, shall be immediately recovered by such person if it is

reasonably possible for such person to do so, failing which Namport may, if practicable, recover such article at such person's expense.

64. Deposit of foreign matter, including oil, in port

- (1) This regulation shall not exempt any person from due observance of the provisions of the Prevention and Combating of Pollution of the sea by Oil Act, 1981 (Act [No. 6 of 1981](#)).
- (2) If any act that constitutes a contravention of this regulation results in the obstruction of any berth in the port, the owner or master of the vessel responsible for the obstruction shall forthwith cause the obstruction to be removed at own expense, failing which-
 - (a) Namport may cause the obstruction to be removed at the expense of the owner or master; and
 - (b) should any other vessel sustain damage as a result of the obstruction, such owner or master shall be liable for such damage.
- (3) The master of a vessel that is berthed alongside a quay or jetty shall cause all the discharge outlets of such vessel facing the quay or jetty to be closed or to be provided with adequate covers to prevent any inadvertent discharge of water or effluent onto the quay or jetty.

65. Ballast

No ballasting or deballasting shall take place within a port, except with the permission of the Port Captain and under such conditions as the Port Captain may impose in the interests of the safe, orderly, effective and efficient port working.

66. Sanitary arrangements

When required by the Port Captain, a vessel's waterclosets and latrines shall be closed during such period as the vessel is in a port.

Part VI – WRECKS

67. Wrecks

No person shall break up a wreck, hulk or vessel in a port without the permission of Namport or in contravention of any condition which may be imposed by Namport.

Part VII – PORT OPERATIONS

68. Manifest of cargo

- (1)
 - (a) Unless contracted otherwise by Namport, and except in the case of coastal cargo transit bills and ISO containers, the owner or agent of a vessel must deliver at least 18 hours before the vessel's arrival in a port, to the Port Operations Manager the provisional manifest in duplicate or report of cargo inwards.
 - (b) Within 72 hours of a vessel's departure, the owner or agent shall deliver to the Port Operations Manager a manifest of the cargo shipped or transhipped to such vessel.
- (2) There shall be reflected next to every item appearing on the manifest (inwards or outwards), the mass in addition to the unit of volume or capacity or the number of units as required in terms of the scale of tonnage set out in the Tariff Book.
- (3)
 - (a) The owner or agent or duly authorized representative shall, in respect of a vessel carrying ISO containers and at least 72 hours before the vessel's arrival in a port, deliver to the Port

- Operations Manager separate container lists in duplicate for all containers to be discharged in the port, for-
- (i) each container terminal to which the containers are consigned (including lists for inland terminals);
 - (ii) containers to be transhipped at a port of discharge; and
 - (iii) empty containers.
- (b) There shall be reflected on the container lists-
- (i) the containers in alpha-numerical order;
 - (ii) the name of the container operator responsible for each container;
 - (iii) whether the container is a full container load (FCL) or less than a container load (LCL);
 - (iv) whether the container is refrigerated or special in any other respect;
 - (v) the IMO classification when the container contains dangerous goods in terms of regulation 105;
 - (vi) the cell position aboard the vessel;
 - (vii) the total gross mass of each container and its contents; and
 - (viii) the ISO symbol indicating the size of the container.
- (c) In cases where more than one container operator is involved in the venture, the container operators shall elect one of themselves to represent the group, and this operator shall be responsible for the provision of import container lists as specified in paragraphs (a) and (b).
- (4) Amendments to container lists are acceptable by the Port Operations Manager until 24 hours before arrival of the vessel in a port, if such amendments have been incorporated in the list presented to Customs and a certificate to that effect is produced.
- (5) The owner or agent or duly authorized representative shall, in respect of a vessel carrying ISO containers destined for a country other than Namibia, at least 48 hours before the arrival of the vessel in a port, deliver to the Port Operations Manager separate container lists for all containers to be discharged in the port, which shall-
- (a) reflect the particulars required in subregulation 3(b), the port of destination and the particulars of the oncarrying vessel; and
 - (b) if the particulars of the oncarrying vessel is not known, reflect the containers in alpha-numerical order.
- (6) A separate container manifest or packing declaration for the cargo packed in each ISO container shall be attached to the relevant container terminal order or transhipping order.
- (7) The master or agent of a vessel shall give notice of subsequent amendments to any manifest to the Port Operations Manager or authorised officer within 72 hours after such amendments have been made.
- (8) Unless landed packages are manifested or containers are listed within 72 hours of discharge, charges shall be payable by ship owners for such packages or containers that do not appear on the respective-
- (a) liquidated manifests; or
 - (b) container lists.
- (9) The requirements stipulated in subregulations (1) to (8), inclusive, do not apply to either packages or containers shipped between Namibian ports.

- (10) The Port Operations Manager may refuse to allocate a berth to a vessel until the provisional or liquidated manifest or container list has been received.

69. Master to prepare vessel for cargo operations

It shall be the responsibility of the master to prepare the vessel for cargo operations to the satisfaction of Namport.

70. Tonnage for cargo charges

Unless otherwise agreed with Namport, the charges in relation to any cargo or cargo operation shall be payable to Namport at the applicable tonnage and rates.

71. Submission of port orders

- (1) Importers, shippers, or persons in charge of goods or cargo shall deliver at the Namport revenue office at a port, between the hours stipulated in the Tariff Book, a separate transshipping order on Form 2, a landing order on Form 3, and a shipping order on Form 5 for each vessel and for each separate consignee or shipper, specifying-
- (a) the respective marks and numbers of the packages, their quantity, description and contents with mass and measurements of solids, and the number of litres of liquid contained in each package;
 - (b) the value thereof; and
 - (c) the name and expected date of arrival of the vessel, the country of origin and of destination for the cargo or goods.
- (2) Separate landing orders shall be submitted to the Namport revenue office at the port for cargo or goods ordered to be delivered-
- (a) by road;
 - (b) by rail to inland stations;
 - (c) by rail to private sidings; or
 - (d) within the port area to be stored or deposited.

72. Cancelling or amending orders

- (1) An order from a person having the control of cargo or goods, that cancels or amends any previous order may be accepted by Namport, if it is reasonably possible to act upon such cancelling or amending order at the time it is received.
- (2) Namport shall increase the rate of a charge in respect of the cancelling or amended order and any additional service pursuant thereto.

73. Documents to be produced to Namport

- (1) Orders for the delivery of cargo, goods or ISO containers shall not be accepted by Namport, unless the following documents are produced to Namport
- (a) the signed and completed bills of lading;
 - (b) the liner or sea waybills;
 - (c) the delivery orders issued by the shipping company or vessel's agent;
 - (d) a bill of entry signed and stamped by Customs; or

- (e) the freight notes and invoices.
- (2) Subregulation (1) is not applicable to orders stamped by a container operator approved by Customs.

74. Charges for late orders

Any order for the landing of cargo received by a Namport revenue office after the closing time stipulated in the Tariff Book may be subject to the late order charges.

75. Measurement of cargo or goods

When the measurement of cargo or goods for whatever purpose is either not declared, or incorrectly declared to Namport, the cargo or goods may be measured by Namport at the expense of the owner of the cargo or goods, or agent, and, where appropriate, additional wharfage charges may be increased.

76. Mass of certain packages to be marked

- (1) All packages exceeding 1000 kg in mass, shall have the actual mass in kilograms legibly painted on the outside of the package in close proximity to the shipping mark.
- (2) If subregulation (1) is not complied with, the package may be mass measured by Namport, and all expenses related to the mass measuring shall be charged to the consignee.

77. Marking of packages and storage charges

- (1) Namport shall not be liable for any loss, delay, or non-delivery of cargo or goods occasioned by insufficient or erroneous marking.
- (2) When cargo or goods are insufficiently or erroneously marked, Namport may, notwithstanding that all dues and charges have been deposited or paid, require from any person claiming such cargo or goods-
 - (a) a special release order signed by the vessel's agents; or
 - (b) an indemnification against any loss or damage Namport may sustain by reason of the delivery to such person.
- (3) Storage charges may be levied at a prescribed rate in respect of all cargo or goods remaining on Namport premises in consequence of such insufficient or erroneous marking.

78. Charges to be prepaid or secured

- (1) Orders for the delivery, forwarding, warehousing, shipping or transshipping of cargo or goods shall not be acted upon, unless all port dues and charges payable in respect of the landing, warehousing, shipping or transshipping of such cargo or goods have been paid or sufficient security has been furnished for the payment thereof.
- (2) Namport may prevent the removal of the cargo or goods from the port area until such dues and charges are paid or sufficient security for the payment thereof has been furnished.

79. Ledger accounts

Namport shall, on application made on Form 6 and subject to such conditions set out in that application, open a weekly or monthly credit account (called "ledger account") against which shall be debited all dues, rates, fees or charges that may become payable by an applicant under these regulations or the Tariff Book.

80. Delivery of uncleared cargo or goods

- (1) The delivery of cargo or goods to the State Warehouse or other place appointed by the Customs, shall constitute delivery of such cargo or goods to the consignee, and Namport shall be relieved of all liability in respect of cargo or goods that have been so delivered.
- (2) ISO containers that cannot be delivered to the consignee for whatever reason will be removed to a container depot licensed by the Customs after a period of three days from the day following the day on which the vessel completed discharging containers.
- (3) The removal referred to in subregulation (2), shall be undertaken at the expense of the container operator or the importer or the vessel owner, and Namport shall be relieved of all liability in respect of containers so delivered.
- (4) Perishable cargo or goods landed from a vessel's cold chambers for which orders have not been received before they are landed-
 - (a) may, at the discretion of Namport, be delivered to cold stores approved by Customs and nominated by the agent of the vessel for cold storage purposes at the expense of the consignee; and
 - (b) Namport shall be relieved of any liability in respect of cargo or goods so delivered.

81. Perishable cargo or goods landed in bad order

Whenever perishable cargo or goods have been landed in bad order Namport may deliver such cargo or goods without examination.

82. Defective packages stopped for examination

- (1) If any bags, packages or other containers in a defective condition have been stopped for examination, Namport shall give written notice to the owner or agent calling upon such owner or agent to attend at a specified place and time for the purpose of examining the cargo or goods.
- (2) If the owner or agent is present at the appointed time, Namport may examine the bags, packages, or other containers in the owner's or agent's presence.
- (3) If the owner or agent is not present, or have signified in writing that they do not wish the cargo to be examined, Namport may-
 - (a) examine the bags, packages or other containers in their absence; or
 - (b) if considered necessary in the interests of all concerned, cause the bags, packages or containers to be examined by an expert.
- (3) All costs incurred in connection with any examination under this regulation shall be at the expense of the owner or agent.
- (4) If the owner or agent does not, within 24 hours after the time fixed for the examination of the cargo or goods in a notice referred to in subregulation (1), give Namport instructions as to how the cargo or goods are to be dealt with, Namport may, at the expense of the owner or agent-
 - (a) have the bags, packages or other containers delivered or forwarded to destination; or
 - (b) place the bags, packages or containers in a warehouse.

[The last two subregulations in regulation 82 should be labelled (4) and (5); the number "(3)" is repeated.]

83. Package in leaking or defective condition

- (1) Namport may-
 - (a) refuse to accept any cargo or goods in bags, packages or other containers that are in a leaking or otherwise defective condition, and if such goods have been landed the cost of making good any damage which Namport or any third party may have sustained as a result of the landing of such cargo or goods shall be borne by the owner of the cargo or goods;
 - (b) refuse to warehouse cargo or goods in bags, packages or other containers that are in a leaky or otherwise defective condition until such bags, packages or other containers have been repaired or the cargo or goods rebagged or repacked to the satisfaction of Namport; or
 - (c) at the expense of the owner, repair, rebag or repack such bags, packages or containers.

84. Packing or unpacking of cargo or goods

- (1) No cargo or goods of any kind shall be packed or unpacked within a port without permission of the Port Operations Manager.
- (2) Any straw or other materials left over from any packing or unpacking of cargo or goods shall be immediately removed by the owner of such cargo or goods, failing which Namport may remove such cargo or goods at the expense of the owner.

85. Container landed in leaking or defective condition

- (1) When a container containing acids, grease, oils, tar, pitch, bitumen, paints or other similar substances comes into the custody of Namport in a leaking or otherwise defective condition, Namport may-
 - (a) without being obliged to do so, repair such leaky or otherwise defective container at the expense of the owner; and
 - (b) refill a container from which the original contents have leaked with like substances from other leaky or defective containers forming part of the same consignment.
- (2) If a container is repaired or refilled the consignee or owner shall have no claim against Namport for any loss or damage alleged to have been sustained by such repair or refilling.
- (3) The owner may at the time of handing in the orders notify Namport that the owner wishes certain articles to be set aside in which case the articles shall be removed to a depositing ground or placed in a warehouse at the owner's expense.

86. Namport may destroy or otherwise deal with dangerous cargo or goods

The Port Captain or Port Operations Manager may, in a case of emergency relating to dangerous cargo or goods or for safety of life and property, destroy or otherwise dispose of dangerous cargo or goods within the port, without any liability on the part of Namport to compensate the owner.

87. Offensive cargo or goods

- (1) The Port Operations Manager may order the removal, and, if necessary, the destruction of offensive cargo or goods which may be landed or placed upon the wharves, jetties or quays, or any other place within the port.
- (2) The order referred to in subregulation (1) may be made at the expense of the owner or person entitled to receive the offensive cargo or goods, and-
 - (a) with the consent of Customs and after giving at least two hours notice to the owner or person entitled to receive such cargo or goods; or

- (b) without a two hours notice, if the owner or person entitled to receive such cargo or goods cannot be found.

88. Certain cargo or goods may not be placed in warehouse

- (1) The following cargo or goods, when not packed in crates, shall not be placed in a shed or a warehouse or protected by a tarpaulin, but shall be stored or deposited in the open, at the discretion of the Port Operations Manager:

Acids

Asphalt

Axles

Bitumen

Bones

Bricks

Cables on drums

Chalk

Charcoal

Coal

Coke

Columns

CKD'S (Complete knock-downs)

Copper bars

Drums

Fencing material

Flammable liquid, in drums

Flowerpots (all types)

Girders

Horns

Iron (angle or bar)

Iron (cast, wrought, pig or ingot)

Iron and steelwork

Logs

Machinery

Marble slabs

Mineral concentrates

Motor cars on wheels or in cases

Ores

Pipes (earthen, iron and steel)

Railway material
Rubber, scrap
Rubber tyres, second-hand
Sand
Sanitaryware
Scrap metal
Slates
Sleepers
Steel (bars, plates, reinforcing and structural)
Stone
Sulphur in bulk (not being flowers of sulphur)
Tar
Timber (rough)
Tractors
Wheels.

- (2) Namport may, at a charge, and on a written application, subject to the availability of necessary facilities, protect any cargo or goods listed in subregulation (1).

89. Depositing and warehousing

Unless otherwise agreed with Namport, the charges on cargo or goods in a warehouse or on a depositing ground are those published in the Tariff Book.

90. Collection and delivery of livestock

- (1) No livestock may be left at a port without the consent of the Port Operations Manager and such livestock shall be so left at the expense of the owner.
- (2) Namport does not undertake to collect or deliver livestock in a port.

91. Hours of delivery

A consignee or receiver of cargo, goods and ISO containers shall accept delivery and unload Namport vehicles during the hours specified in the Tariff Book.

92. Non-delivery not due to Namport's fault

- (1) When delivery of cargo or goods cannot be effected owing to an insufficient address, the absence of the consignee, importer or receiver of the cargo or goods, the refusal or inability of the consignee, importer or receiver of the cargo or goods to accept delivery, or for any other cause beyond the control of Namport.
- (2) The cargo or goods shall be transported at Namport's discretion either back to the port or to some other address, at the expense of the party who presented the order, and who shall be liable for all additional charges in respect of the warehousing of the cargo or goods and any extra cartage, railage or handling entailed in so dealing with the cargo or goods.

93. Receipt for cargo landed and tendering of qualified receipts

- (1) A receipt on Form 4 shall be given for cargo or goods delivered by Namport.
- (2) Cargo or goods for which a receiver desires to give a qualified receipt other than as set out on the delivery ticket, may be returned to the port for the purpose of examination.
- (3) Should the cargo or goods be found to be in a defective condition such cargo or goods will be re-delivered by Namport without further charge.
- (4) If the cargo or goods are found not to be in a defective condition, the consignee shall make arrangements for the delivery of such cargo or goods at the consignee's own expense.

94. Shipping order

Shipping orders for cargo or goods intended for shipment shall be delivered to Namport at the Namport Revenue office not later than the time fixed for the purpose at such port.

95. Acceptance of shipping order

- (1) The handing in of a shipping order shall be deemed by Namport to also be a notification that the consignment is ready for collection.
- (2) Namport may withhold delivery of cargo or goods not shipped, until all charges in respect of extra handling, cartage and storage have been paid by the party who presented the order.

96. Liability for shipment of cargo or goods

Namport shall not be liable for any delay in shipment or for non-shipment of cargo or goods due to the failure of shippers or their agents to comply with the regulations applicable to the shipment of such cargo or goods at any port.

97. Clearing and delivery of luggage

The right of clearing and delivering luggage from, or to, a vessel in a port, when not effected personally by the passenger, is reserved to Namport, or to such person as Namport may appoint or license for that purpose.

98. Insurance and warehousing of luggage

Namport may insure or warehouse luggage when requested to do so by the owner.

99. Landing and shipping of cargo

- (1) Except with the permission of Namport, all cargo or goods including ISO containers to be landed or shipped shall, when within a port, be brought to or taken from the side of a ship by Namport.
- (2) Cargo or goods including ISO containers are deemed to have been landed and delivered to Namport when placed where directed by Namport and the lifting gear has been disconnected.
- (3) Cargo or goods including ISO containers are deemed to have been shipped and delivered to a vessel when properly placed in and connected to the lifting gear of the crane.
- (4) Cargo or goods including ISO containers when landed over a vessel's ramp are deemed to have been landed and delivered to Namport when the cargo or goods including ISO containers are clear of the ramp.
- (5) Cargo or goods including ISO containers when shipped over a vessel's ramp are deemed to have been shipped and delivered when the leading wheels of the vehicle contact the ramp.

- (6) For the purpose of this regulation, “vehicle” means any vehicle designed for the transportation of cargo or goods or ISO containers and includes any cargo or goods on such cargo’s or goods’ own wheels.

100. Vessels to be worked with reasonable dispatch

- (1) If a vessel fails to take in or discharge cargo, goods or ISO containers with such dispatch as is reasonable in the opinion of the Port Operations Manager, such vessel shall, after written notice to that effect has been given by the Port Operations Manager to the master, lose its turn to take in or discharge its cargo, goods or ISO containers.
- (2) If the vessel referred to in subregulation (1) is occupying a berth, such vessel may be removed from such berth by the Port Captain at the expense of the vessel.
- (3) If either the equipment or labour engaged for the purpose of landing, shipping or transshipping any cargo, goods or ISO containers are not fully employed owing to the default or deficiency of a vessel, the expenses incurred thereby and tariff charges applicable shall be paid by the vessel.
- (4) If the Port Operations Manager considers it necessary in the interests of safe, orderly, efficient and effective port working, the Port Operations Manager may require a vessel to suspend discharge or loading or reduce the rate of discharge or loading of cargo, goods or ISO containers.

101. Cranes

- (1) The master of a vessel at a port who desires to discharge or ship cargo or goods shall, on requisition made on Form 7, use the available Namport cranes exclusively for that purpose at a prescribed hire charges.
- (2) The Port Operations Manager may, on requisition made on Form 7, and in the interests of safe, orderly, efficient and effective port working, grant permission to the master to use other cranes instead of the Namport cranes on condition that the hire charges have been paid, if demanded.
- (3) The hire charges for Namport cranes shall commence-
 - (a) from the time stated in the requisition for Namport cranes submitted to Namport by the master, agent or stevedore of the vessel on Form 7;
 - (b) from the time Namport’s cranes become available to the vessel until the hire is terminated; or
 - (c) if permission is granted under subregulation (2), from the time stated in the requisition for the use of cranes other than Namport cranes submitted to Namport on Form 7.
- (4) A Namport crane shall only be used for direct vertical lifts of cargo or goods clear of any obstruction, and not for the purpose of breaking or dragging out cargo or goods.
- (5) The Port Operations Manager may not permit a hirer of a Namport crane to keep the crane, if such hirer is not actually using the crane, to the prejudice of another applicant.
- (6) Namport shall not be liable for any loss or damages suffered by the hirer or any other person caused by anything done or not done by Namport cranes.
- (7) Notwithstanding that the cranes are operated by Namport while under hire, the hirer shall be liable for any loss or damage done to such cranes, the gear in connection therewith or to any property whatsoever.
- (8) No Namport crane shall-
 - (a) while under hire, be used to make a lift in excess of the crane’s certified lifting capacity; or
 - (b) be used in tandem with any other crane without written permission of Namport.

- (9) The hirer of a crane shall comply with any order or condition in regard to the working or the discontinuance of the working of such crane which may from time to time be made or imposed by the Port Operations Manager in the interests of safe, orderly, efficient and effective port working.

102. Stevedoring activities in port

- (1) Except with the permission of Namport, stevedoring activities shall only be carried out during port working hours as stipulated in the Tariff Book.
- (2) A stevedore licensed in terms of regulation 3, shall-
 - (a) only use equipment which, to the satisfaction of Namport, is safe and suitable for the safe performance of the activity for which the equipment is employed; and
 - (b) only use personnel trained or qualified to the satisfaction of Namport, to perform safely the stevedoring activities.
- (3) Namport may cancel or suspend the license of a stevedore who does not comply with subregulation (2).

Part VIII – SYNCHROLIFT

103. Use of synchrolift facility

Before a vessel is admitted to the synchrolift, the name and particulars of the vessel shall be declared to the Synchrolift Manager.

104. Conditions applicable at synchrolift

- (1) The owner, master or agent of a vessel is subject to the conditions and applicable charges specified in the Tariff Book: Synchrolift.

When vessel may lose her turn

- (2) If a vessel is not docked on the day duly booked for that purpose owing to the default of the master, such vessel shall, if the relevant bay be required for another vessel, lose her turn in the order shown in the entry book, and the master, owner or agent of such vessel shall-
 - (a) forfeit the booking fee, if any; and
 - (b) pay to Namport the preparation charges which may have been incurred for the reception of such vessel.

When preference may be given

- (3) Notwithstanding any previous arrangements to the contrary, the Port Captain may give priority to any vessel, in the interests of marine safety and environmental protection that requires dry-docking, for a period not exceeding 72 hours.

Vessel to be lifted and docked under supervision of dockmaster

- (4) A vessel shall be lifted and docked under the direction and supervision of the dockmaster and in the presence of the master or other responsible officer whose duty is to be present during lifting and docking and to remain there until such lifting and docking is completed.

When vessel is considered to be properly placed on cradle

- (5) When the dockmaster has declared a vessel to have been properly and safely placed upon the cradle, the master or other responsible officer shall forthwith make sure that the vessel has been so

properly and safely placed at the master's or such person's satisfaction, whereupon the vessel shall be deemed to have been properly and safely lifted.

- (6) The owner, master or duly appointed agent of the vessel docked in terms of subregulation (5) shall sign the confirmation of safe docking on Form 8.

Limit of period of occupation of synchrolift bay

- (7) If necessary the Synchrolift Manager may limit the period which a vessel occupies a synchrolift.
- (8) The master of a vessel shall arrange for such overtime to be worked in carrying out repairs as may be required by the Synchrolift Manager.

Vessel failing to leave synchrolift

- (9) No vessel shall have an absolute right to the use of the synchrolift either in turn or at any other time and a vessel which fails to leave a synchrolift bay on the expiration of the period agreed upon may, if the bay be required by another vessel, be removed at the expense of the owner after the expiration of 24 hours written notice.
- (10) If the vessel should not then be capable of being floated, Namport may cause such vessel to be made capable of being floated at the expense of the owner.

Master to give notice of readiness for vessel to leave synchrolift

- (11) The master of a vessel on the synchrolift shall give 24 hours notice in writing to the Synchrolift Manager of the vessel's readiness to leave the synchrolift.

Supports not to be removed without proper authority

- (12) No person shall remove or alter the position of any of the supports upon which a vessel rests whilst on the synchrolift, except with the permission of the dockmaster.

Displacement of weights in or upon vessel in bay

- (13) No person shall displace or remove any weight in or upon or connected with a vessel in a bay on the synchrolift without permission in writing from the dockmaster, and then only after proper arrangements have been made by the master to prevent damage of any kind occurring by reason of such displacement or removal.
- (14) Full disclosure of material changes in weight distribution shall be provided in writing by the master or representative.
- (15) All costs and charges connected with any such displacement or removal shall be borne by the owner of the vessel.

Vessel to pay for the labour for the shifting of shores, blocks or other purposes

- (16) The owner of every vessel in a bay on the synchrolift shall pay for all labour supplied by Namport for the shifting of shores, blocks or for other purposes connected with the vessel, after the vessel has been blocked or shored.

Discharge of effluent water or refuse by vessel in bay

- (17) No effluent water, oil or refuse may be discharged from a vessel while the vessel is in a bay except with the permission in writing of the Synchrolift Manager and then only on such conditions as the Synchrolift Manager may impose in the interest of safe, orderly, efficient and effective port working.

Cleaning of bays before refloating of vessel

- (18) The master of the vessel shall, prior to the refloating of the vessel, cause the bay occupied by the vessel to be cleared and cleaned to the satisfaction of the Synchrolift Manager.

Trimming of vessel

- (19) A vessel should be trimmed to the dockmaster's requirements prior to lifting.

Part IX – HANDLING OF DANGEROUS GOODS

105. Applicability of IMDG Code

Except where specified in these regulations, the handling of dangerous cargoes shall be in accordance with the rules laid down in the IMDG Code.

106. Handling of packaged dangerous goods

- (1) The owner, master or agent of a vessel having on board explosives, flammable liquids, radio active materials or other dangerous goods as defined in the IMDG Code shall, at least 72 hours before arrival of the vessel, give written notices to the Port Captain and to the Port Operations Manager or their representatives.

[The word “radioactive” has been erroneously rendered as two words in the Government Gazette, as reproduced above.]

- (2) The notice referred to in subregulation (1) shall give full particulars, correct technical name as required by regulation 4.1 of Part A of the SOLAS Convention, class and UN number, number of packages and mass of such dangerous goods that fall within any of the categories listed in the IMDG Code.
- (3) (a) No dangerous goods may be landed before landing, delivery and forwarding orders or container terminal orders in respect thereof have been accepted by Namport.
- (b) If any goods referred to in paragraph (a) are landed before the requirement in that paragraph is met, the Port Operations Manager may, at the expense of the owner of the vessel-
- (i) order such goods to be returned on board the vessel from which they were landed; or
- (ii) otherwise deal with such goods or destroy such goods as the Port Operations Manager considers necessary.
- (c) In addition to any expense referred to in paragraph (b), the master of the vessel shall be guilty of an offence and liable on conviction to a penalty referred to in regulation 110.
- (d) Notwithstanding the provisions of paragraph (a), certain selected uncontainerised dangerous goods may, in special circumstances with the approval of the Port Operations Manager and on such conditions as the Port Operations Manager may determine, and before landing, delivery and forwarding orders have been accepted by Namport be discharged and stored at specially demarcated areas in the port at the expense of the owner or master of the vessel.
- (4) If so required by the Port Operations Manager, dangerous goods shall be discharged at such time as may enable such goods to be removed from the port or be otherwise disposed of during working hours of the same day.
- (5) (a) When berthed alongside a wharf or jetty, a vessel having dangerous goods on board shall, if the Port Captain so directs, have the appropriate fire extinguishing medium for the particular type of dangerous cargoes as well as a fireman in attendance, the cost thereof shall be borne by the owner of the vessel.

- (b) The master of a vessel having dangerous goods on board, shall also, at the expense of the owner of the vessel, adopt such other precautionary measure as the Port Captain may reasonably consider necessary for ensuring the safety of the port, the vessel or the cargo.
- (6) This regulation shall not exempt a master from due observance of-
 - (a) the regulations made under the Act relating to dangerous or offensive goods or flammable liquids in bulk or in containers in quantities exceeding 10 kl per shipment; and
 - (b) the provisions of the Explosives Act, 1956 (Act [No. 26 of 1956](#)) and the regulations promulgated thereunder.
- (7)
 - (a) A person intending to ship dangerous goods of the nature mentioned in subregulation (1), shall furnish the owner or master of the vessel with a dangerous goods certificate or declaration that the shipment offered for carriage is properly classified, packaged, marked and labelled in accordance with the IMDG code.
 - (b) The certificate or declaration in question shall reflect the correct technical name and a description of the goods as well as the class to which the goods belong.
 - (c) A copy of the certificate or declaration shall be attached to the order covering the shipment, failing which, the shipment may be refused and all costs arising from the non-compliance with this requirement, including costs incurred in connection with the return of the goods, shall be for the account of the shipper.
- (8) Where dangerous goods are being landed in ISO containers, the Port Operations Manager or his or her representative shall, before such container is landed, be presented with-
 - (a) a container packing certificate reflecting the correct technical name, mass UN number if available and IMO class of each consignment in the container; and
 - (b) a declaration that-
 - (i) the container is fit to transport such dangerous goods;
 - (ii) the cargo is adequately secured in the container; and
 - (iii) no other cargo known to be incompatible with the dangerous goods has been placed in the container.
- (9) The container packing certificate together with the declaration referred to in subregulation (8) shall accompany the container to the container's final destination.
- (10) All ISO containers with IMO labels attached will be treated as though such containers contain dangerous goods, and the container operator is responsible for removing or defacing irrelevant IMO labels.
- (11) Subregulations (5) and (6) shall, with necessary change, apply to the shipment of dangerous goods.

Part X – FLAMMABLE LIQUID BULK CARGOES

107. Definitions applicable to this Part

In this Part, unless the context otherwise indicates-

“**cargo deck**” means the deck of the tanker on which openings to oil tanks are situated;

“**certified chemist**” means a holder of a B.Sc Degree in chemistry or the National Diploma for Technicians (Analytical Chemistry) who, in either case, shall have had at least two years laboratory experience and specialized training in the testing of atmospheres in vessels;

“flame screen” means a portable or fitted device incorporating one or more corrosion resistant wire woven fabrics of very small mesh used for preventing sparks from entering a tank or vent opening or, for a short time, preventing the passage of flames;

“flammable liquids” means a liquid, or mixture of liquids, or a liquid containing solids in solution or suspension (except substances otherwise classified on account of their dangerous characteristics) having flashpoint not exceeding 61 degrees Celsius and a Reid vapour pressure not exceeding 100 kPa absolute at 38 degrees Celsius;

“flammable liquid in bulk” means any flammable liquid conveyed otherwise than in containers;

“flashpoint” means the lowest temperature at which a liquid gives off sufficient gas to form a flammable gas mixture near the surface of the liquid;

“gas-free certificate” means a certificate issued by a certified chemist confirming that at the time of testing a tank, pipeline, compartment, container or any other enclosed space was gas free for a specific purpose;

“oil tank” means any hold, tank, compartment, pipeline (whether ashore or afloat), or any enclosed space, which contains or has contained any flammable liquid in bulk, or any sludge, deposit or residue therefrom;

“owner” means the master of the tanker or the duly appointed representative or the owner of the flammable liquid, as the case may require;

“prohibited area” means any area adjacent to a tanker demarcated as a prohibited area by such means as a fence or barricade or notice boards, and shall include all the water surfaces within 30 metres of the tanker;

“safe berthing” means berthed to the satisfaction of the Port Captain;

“true vapour pressure” means the absolute pressure of a liquid exerted by the gas produced by evaporation from the liquid when gas and liquid are in equilibrium at the prevailing temperature and the gas or liquid ratio is effectively zero; and

“weather deck” means a deck exposed to the weather, including the cargo deck, bridge, forecastle and upper decks.

108. Tanker working in port

- (1) In addition to any other regulations which may be applicable, this regulation shall apply at a port to tankers conveying, discharging or shipping flammable liquids in bulk or during bunkering operations.
- (2) Every tanker shall be in possession of a valid survey certificate issued by the flag State or an authority recognized by the flag State, for the carriage of any flammable liquid with a flashpoint of less than 61° Celsius.
- (3) A Port Captain may refuse entry into the port by any tanker which is not in possession of the survey certificate referred to in subregulation (2).
- (4) A tanker within a port shall not open an oil tank before it is safely berthed or at anchor and then only for safe operational purposes.
- (5) The master shall be responsible for the cost of such fire patrols, safety measures and supervision as may be provided, taken or exercised pursuant to these regulations or by direction of the Port Captain.
- (6) A tanker shall be sufficiently manned for the purposes of dealing with any situation that may detrimentally affect the safe, orderly, efficient and effective working of a port.
- (7) The master of a tanker in a port shall on berthing cause a telephone communication link to be established with the Port Captain.

- (8) Whenever the Port Captain considers it necessary or in the interests of safe, orderly, efficient and effective port working, he or she may order the removal of a tanker with flammable liquids on board, from the berth at which it is lying, and the master shall be responsible for the charges incurred in connection with such removal.
- (9) Flammable liquids in bulk shall be handled only at the places specially provided for that purpose at a port, as directed by the Port Operations Manager after consultation with the Port Captain.
- (10) Immediately after all flammable liquids have been removed from each oil tank, such tank shall be secured.
- (11)
 - (a) No flammable liquid of any description and no water which is contaminated with oil or flammable liquid, shall be discharged or allowed to escape into a port.
 - (b) If flammable liquid or contaminated water is discharged or allowed to escape into a port from a tanker, pipeline, bulk storage or other installation, the owner shall be liable for any costs which may be incurred by Namport in removing such liquid or water.
 - (c) The master of a vessel shall not discharge clean ballast water into the port prior to “back loading” without the permission of Namport.
 - (d) Permission shall not be granted unless a current certificate is produced by a certified chemist certifying that the ballast water is free of oil or other matter.
- (12) No loading or discharge of flammable liquids shall be permitted unless deck lighting equal to a minimum of 55 lux is provided to the satisfaction of the Port Captain.
- (13) From the time when the oil tanks of any tanker are first opened for the purpose of handling flammable liquids in the process of discharging, shipping, ballasting or transfer of cargo within the vessel, and during one hour after all the tanks are securely closed and sealed after completion of the above mentioned operations, the following provisions shall apply-
 - (a) if the vessel is fitted with masthead venting or other gasline venting, the vent shall be open;
 - (b) smoking shall not be permitted except in the accommodation and then only at the discretion and at the responsibility of the master;
 - (c) galleys may be used, but if they are used, no sparks shall be permitted to escape from the funnel or other outlet;
 - (d) vessel's electrical installations shall not be used unless they comply fully with classification society's rules; and
 - (e) no person on board the vessel shall be in possession of matches or a cigarette lighter in any place other than where smoking is permitted in accordance with paragraph (b).
- (14)
 - (a) The handling of a vessel's stores and equipment shall be completed before any oil tank on the tanker is opened for any purpose whatsoever.
 - (b) Consumable stores for consumption on the voyage may be shipped during cargo or goods handling operations on condition that they are placed aboard on the after deck away from the discharge and loading manifolds.
- (15) The handling of packaged cargo shall not be permitted unless bulk discharging operations of flammable liquids have been suspended, all tank openings closed and a gas-free certificate issued in respect of the hold from which such cargo is to be removed or into which it is to be loaded.
- (16) When consumable stores or packaged cargo contained in metal containers are being handled, every precaution shall be taken to prevent the creation of sparks by landing such containers on board the vessel on canvas or other insulating material.
- (17) No work of any description that may cause a fire shall be performed on a tanker or within the prohibited area, except with the written permission of the Port Captain.

- (18) (a) All flexible hoses used in cargo handling and bunkering operations, except as provided for in subregulation (30)(c), shall-
- (i) be of the electrically conducting type and shall have all metallic armouring continuous and securely bonded to the flanges of each section;
 - (ii) be installed as indicated in subregulation (37); and
 - (iii) be tested by the terminal operator in accordance with paragraph (b).
- (b) (i) New flexible hose, before being placed into use, shall be subjected to a maximum working pressure test, and the exact length of the hose shall, before, during and after the test be measured and any set or stretch thereof recorded.
- (ii) Whilst in service the length of the hoses shall be checked annually to ensure that the permanent set does not exceed 7 per cent of the original lengths, and no hose of which the permanent set exceeds this limit shall be retained in use.
- (iii) All hoses shall be marked with the date placed in service and the date last tested.
- (iv) Namport may, whenever it considers it desirable, require any flexible hose to be subjected to a test of half-hour duration at a pressure 25 per cent in excess of the normal working pressure.
- (v) On first installation, and annually thereafter, the hoses shall be tested by the user to ensure that they are of the electrically conducting type.
- (vi) Namport may at any time require that electrical continuity tests be undertaken to confirm that the flexible hoses are electrically conducting.
- (c) Sufficient flexible hose shall be used to provide for all possible movement of the vessel whilst moored.
- (d) All connections shall be properly and tightly made, with oil-tight gaskets and every bolt hole in the flange securely fastened.
- (e) In the event of any section of flexible hose showing signs of bulging or of percolation, the section in question shall be replaced immediately.
- (f) The flexible hose shall be supported by a derrick and raised above deck or wharf level by means of chocks or other suitable means with all due provision made to prevent chafing.
- (g) Drip pans shall be placed under each joint where practicable, and the flexible hose and drip pans shall be kept under constant supervision at all times while pumping is in progress.
- (19) A tanker shall not lie within 30 metres of any other vessel except by express direction of the Port Captain, but in the case of transshipment this subregulation may be departed from on the written authority of the Port Captain.
- (20) (a) A vessel which is conveying or has conveyed flammable liquids shall not enter a synchrolift or repair quay nor shall any repairs be carried out on such a vessel while it is in a port, unless-
- (i) a gas-free certificate for the vessel has been issued; or
 - (ii) the tank is inert, and then only after permission has been obtained from the Port Captain in the interests of safe, orderly, efficient and effective port working and under such conditions as the Port Captain may determine.
- (b) The Port Captain may direct that a fresh gas-free certificate issued by a certified chemist shall be obtained daily before work is commenced, and if during the course of the work any risk of flammable vapour arises, work shall be suspended until a further gas-free certificate has been obtained.

- (c) The Port Captain may insist upon the production of a gas-free certificate in any circumstances in which the Port Captain may consider such a certificate to be necessary.
 - (d) Minor repairs may be carried out on board a tanker at the discretion of the Port Captain, subject to the following conditions in the interests of safe, orderly, efficient and effective port working-
 - (i) a gas-free certificate shall be obtained daily in respect of the tank, compartment or hold where minor repairs are to be carried out and for each adjoining tank, compartment or hold;
 - (ii)
 - (aa) a sign shall be prominently displayed on each tank hatch on the cargo deck indicating the condition of that tank, i.e. "Danger" or "Gas Free" as the case may be;
 - (bb) similar signs shall be displayed at the entrance to any hold or compartment affected;
 - (cc) signs shall not be of smaller dimensions than 61 cm by 38 cm and the size of each letter shall not be less than 15 cm by 8 cm;
 - (dd) "Danger" signs shall have white letters on a red background and
 - (ee) "Gas Free" signs shall have black letters on a white background; and
 - (iii) if the Port Captain so directs, any electrical equipment required to carry out repairs shall be examined and approved by a technical officer of Namport before it is used.
 - (e) Nothing in this subregulation contained shall be deemed to prohibit the carrying out of repairs in the engine room, if such repairs are approved by the Port Captain.
- (21) (a) A tanker may, with the approval in writing of the Port Captain, be immobilized in a port in order to enable repairs to be effected.
- (b) Every request for immobilization shall be accompanied by a "Certificate of Essentiality", issued by a recognized surveyor, stating briefly the reason for and probable duration of the immobilization, together with a gas-free certificate in respect of the engine room.
- (c) If the vessel is not gas-free, immobilization will be permitted only at the discretion of the Port Captain and at a berth outside the security area allocated by the Port Captain, and then only before breaking cargo or after completion of discharging or ballasting, provided all openings are closed, except the gasline vent.
- (22) Until any oil tank, compartment or hold has been certified gas free, no person shall-
- (a) take into any such oil tank, compartment or hold anything that could cause ignition within close proximity to any such oil tank, compartment or hold as to constitute a hazard;
 - (b) enter such oil tank, compartment or hold, unless such person-
 - (i) is provided with a suitable breathing apparatus consisting of a helmet or facepiece with necessary connections by means of which such person can breathe outside air or with an approved self-contained breathing apparatus; and
 - (ii) is wearing a safety belt connected to a life line, which life line shall be tended at deck level by two persons.
- (23) No portable equipment which has not been certified as intrinsically safe by a recognized testing authority shall be used in any prohibited area.
- (24) Boots or shoes shod or strengthened with irons shall not be worn in the prohibited area or on iron or steel surfaces on board a vessel carrying flammable cargo.

- (25) The right of any person to enter, remain in, or leave a prohibited area at a tanker berth shall be subject to the production of a permit issued by Namport.
- (26) When cargo is being handled or ballast taken on board, all cargo deck doors and ports as well as all upperdeck doors facing the cargo deck shall be kept closed, and such doors may only be opened for the purpose of entry and exit where this is essential to the working of the vessel.
- (27) (a) With the permission in writing of the Port Captain and subject to such conditions as the Port Captain may impose in the interests of safe, orderly, efficient and effective port working, a tanker may discharge gas in a port.
- (b) Any application to the Port Captain for permission to discharge gas in a port shall be accompanied by a statement signed by the master of the vessel to the effect that suitable and efficient mechanical equipment for discharging gas is on board the vessel.
- (c) When pressure is built up in any tank by compressed air or other means, prior to discharging gas, the master shall certify that all gasline vent valves are in working order.
- (d) The lid of any tank may only be opened after it has been established that such a tank is gas free.
- (e) In instances where discharging gas is permitted prior to back loading, all tanks shall be securely closed before back loading is commenced.
- (28) The main engines, steering engine or deck machinery of a tanker shall not be immobilized, except with the Port Captain's permission.
- (29) (a) All moorings of a tanker shall be capable of being readily cut or slipped in an emergency from both vessel and shore.
- (b) Wire towing pendants shall be made fast to bitts and ranged out through bow and stem on a tanker's offshore side, convenient to tugs, and these wires shall be rigged at all times while a tanker is in a port.
- (c) When insulation exists between the vessel and pipelines, all moorings shall be insulated with fibre tails for a distance of at least two metres, and the fibre tails shall be at least 25% stronger than the wire ropes to which they are attached.
- (30) To guard against the dangers of stray electric currents during cargo handling and bunkering operations, effective means of preventing the flow of such currents in discharge pipelines shall be provided by means of one of the following four forms of insulation-
- (a) two insulated joints in each continuous length of fixed pipework, which shall be separated by not less than two metres of pipe;
- (b) one insulated joint in each continuous length of pipework, which shall be adequately protected and insulated externally for a length of not less than two metres, to prevent inadvertent metallic contact across the flanges of the joint;
- (c) a single length of electrically non-conduction flexible hose, not less than two metres in length and without any intermediate metallic flanges inserted in the ship-to-shore flexible hose, and which shall be-
- (i) tested annually by the user to confirm its insulating properties; and
- (ii) painted white, which colour shall be maintained carefully to avoid confusion with the electrically conducting type section of the flexible hose.
- (d) A static earth cable shall be provided at each tanker berth for connecting the vessel's standpipe electrically to the shore standpipe and earth, and a suitable flame proof switch

shall be installed at the shore end, and a notice board shall be provided adjacent to the switch describing the method of operation in the following words-

- (i) when connecting cargo hoses-
 - (aa) see that switch is open;
 - (bb) connect static earth cable to vessel ensuring good contact;
 - (cc) close switch; and
 - (dd) connect cargo hose; and
 - (ii) when disconnecting cargo hose-
 - (aa) disconnect and remove cargo hose from vessel;
 - (bb) open switch; and
 - (cc) remove static earth cable from vessel.
- (31) (a) The insulation shall be tested once per annum by the terminal operator in order to determine that the resistance of the insulation is at least 20 kilohm tested with a 500 volt continuity tester (megger).
- (b) A logsheet with details of such tests shall be kept and made available to Namport whenever required.
- (32) A vessel's manifold valves and shore pipeline valves shall be kept closed until-
- (a) the hose connection has been made;
 - (b) the vessel's cargo valves have been set and outlet valves checked;
 - (c) all safety precautions have been complied with; and
 - (d) the permission of Namport to commence pumping has been obtained.
- (33) As soon as pumping has commenced, and again when full pressure has been reached, the vessel's officer on duty shall ensure that no oil or ballast is being discharged into the sea.
- (34) Should there be any spillage of flammable liquid apart from minor drip leakage or should anything occur which necessitates repair to the plant, pipes, pumps or connections or which might endanger the vessel or wharf, Namport shall immediately-
- (a) order pumping to be stopped in which event pumping shall not be resumed without the permission of the Port Captain;
 - (b) notify the Port Captain; and
 - (c) ensure that all possible safety precautions are taken.
- (35) The Pumping of flammable liquids and ballasting shall cease upon the order of a Namport official who shall inform the Port Captain and the Port Operations Manager of any action taken-
- (a) when such order is given in terms of any other provision of this regulation;
 - (b) during the failure of lighting either on the cargo deck or on the wharf;
 - (c) at the close approach of an electric storm and until all danger has passed;
 - (d) in the event of any undue concentration of vapour being detected in the accommodation or the engine room or pump room; or
 - (e) in the event of any condition being observed which in the opinion of Namport is not conducive to the safe working of the vessel.

- (36) (a) Prior to the commencement of cargo handling operations, the master shall ensure that all sea valves and overboard discharges in the pump rooms and cofferdams are securely closed, and remain lashed closed during discharging or shipping operations, except for such sea valves as it may become necessary to open for the purpose of flushing shore lines with water.
- (b) In addition, all scuppers shall be effectively plugged.
- (c) In order to minimize the risk of spills, the pressure during pumping shall be increased gradually and all flexible pipe joints shall be carefully examined during this period.
- (37) The Port Captain shall ensure that fire-fighting personnel are in attendance at all times when a tanker loaded with flammable liquid having a flashpoint of less than 61 degrees Celsius or in ballast but not gas free is berthed in a port.
- (38) For the purpose of any provision of this part which requires a gas-free certificate to be obtained, such certificate shall-
 - (a) be deemed not to have been issued until both the master and the Port Captain are in possession of duplicate originals signed by the certified chemist; and
 - (b) be posted in a conspicuous place on board the vessel where it can easily be read by all persons concerned.
- (39) The master of a tanker shall afford every facility to Namport to ascertain whether any of these regulations or any instruction which is intended to give effect to any of these regulations has been observed.

Part XII – SAVINGS, OFFENCES AND PENALTIES

109. Savings

A licence issued, authority or permission granted, order or direction given, or other action lawfully taken under a regulation hereby repealed shall be deemed to have been issued, granted, given or taken under a corresponding provision of these regulations.

110. Offences and penalties

A person commits an offence, if such person contravenes or fails to comply with any of these regulations, and is liable on conviction to a penalty not exceeding a fine of N\$ 20 000 or imprisonment for a period of five years.

ANNEXURE A

FORMS

[Editorial note: The forms have not been reproduced]