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PORTS DEVELOPMENT IN SOMALIA, THEIR IMPACT  
ON ECONOMIC GROWTH TO THE STATE

by

Ahmed Salah Mohamed

Somalia

November 1985

A paper submitted to the Faculty of the World Maritime University  
in partial satisfaction of the requirements of the  
GENERAL MARITIME ADMINISTRATION COURSE.

The contents of this paper reflect my own personal views and are  
not necessarily endorsed by the UNIVERSITY.

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PORTS DEVELOPMENT IN SOMALIA

THEIR IMPACT ON ECONOMIC GROWTH

CASE STUDY BY

AHMED SALEH MOHAMED

COURSE PROF. DR. A.A. MONSEF

G.M.A. 1985

Preface:

I have been working with the Somali Ports Authority for a considerable period. In this respect my thesis is related to this area, where, I shall try to identify certain crucial issues.

I am grateful to the Somali Ports Authority, the chairman of S.P.A Hon. Ali Elmi Barre (Member of National Assembly), the General Manager of S.P.A Mr. Ahmed .H. Ali "Adani" and Mr. Saeed Hasan Rageh, the former Port Manager of Mogadishu for all the help and the assistance given to me.

I am also grateful to the professors and staff of the WMU, and as well to the visiting professors. My deepest gratitude, however, goes to my course professor Dr. A.A. Monsef who gave me his valuable guidance and advice at all the stages of my study.

The last but not the least gratitude goes to my wife who has taken the responsibility of the family during my studying period at the World Maritime University, Malmo; Sweden

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## CHAPTER 1

### 1.0 INTRODUCTION

The Somali ports have served the nation as points of transfer between the sea and the hinterland for the sea borne trade as well as being an international link. These ports were many and were found along the coast of the country where there existed the volume of goods and conditions of safe anchorage for incoming sea transport. The hinterland served by these ports were small in area because the inland transport capacity was also small for both pooling the cargo and its distribution.

But today's modernisation has been introduced for inland transport and it has become possible to get efficient loading and discharging of cargo moving through the ports. In this respect three ports have been considered and developed in order to meet the requirements of the increased trade and to accommodate the increasing number of shipping lines .

In order to keep the three main ports of the country to be competitive and efficient nationally and internationally, a research has been carried out in the following sectors:

- (a) port operation in each port
- (b) present utilisation of the existing facility
- (c) training of human resources
- (d) investment in projects that can be economically viable
- (e) to improve the methods of resource allocation so that it can yield an optimum result

(f) safety measures to be taken with regard to the manpower, existing facilities and working equipment and to safeguard the environment as well.

The Somali Ports Authority requested a Danish firm, Ramboll and Hannemann A/S, to prepare the master plan for the three main ports of the country, namely Mogadishu, Berbera and Kismayu, for the work mentioned above. The consulting work has been required in order to reshape the factors of production in ports to meet the present demand and the future markets up to the year of 1999. Further to this, a national port's plan has been required to be formulated and designed so that all the sea ports - main ports and minor ports - of the country presently utilised will be included in the national port's plan and thus the picture of ports development in Somalia will be completed.

Since the title of the thesis is "Ports development in Somalia, their impact on economic growth to the state", it is however of great importance to make an analysis and bring to light how development was carried out and how an optimum use was aimed to be achieved in this field.

In order to step forward and be economically viable, it is a must to avoid unnecessary competition among the regional ports. A regional association for regional ports in eastern and southern Africa was established under the name of PMESA (Ports Management Eastern and Southern Africa). As the name denotes it is a regional grouping in the field of ports. Meetings are held twice every year for a general assembly and for an executive body. Meetings are held mostly at the end of the year in one of the association member countries in a rotating method. Many issues have been taken in consideration since the association (PMESA) came into existence and work has already started in the following:



1. Cargo handling operations studies
2. Regional dredging scheme
3. Port documentation for cargo movement in the ports
4. Port statistics
5. Training for manpower in the ports.

## CHAPTER 2

### 2.0 THE SEAPORTS OF SOMALIA

The seaports are classified as being major ports and minor ports. All ports except Mogadishu, Berbera and Kismayu are minor ports. These three ports are administered as being the main ports of the country and they handle approximately 80% of the seaborne trade.

The structure and position of these seaports vary by reason of trade pattern, the movement of goods and passengers and their accessibility to shipping lanes. The ports of Mogadishu and Kismayu are on the Indian ocean while Berbera is on the Red sea area and Golf of Aden. The port of Kismayu was planned and built to handle more exports and less imports. The exports are mostly of cartoned goods of perishable nature, such as bananas and meat in tins, and embarkation of livestock. This pattern of trade required special facilities and methods to handle and to load the vessels in time. In this port there is less storage area while a vast open area is there to accommodate the trucks that bring the commodities to the loading vessels. Also the port of Berbera handles more exports than import. The export trade in this port is concentrated on live animals, such as sheep, goats, cows and camels. They exceed one million heads every year and are mainly exported to the arabian countries. In this port the storage is small and this type of trade requires in addition to the careful handling a big marshalling area for the passage of animals. The great care extended to the live animals during the loading will definitely contribute to the reputation of the arriving animals to the port of discharge.

To the contrary the port of Mogadishu handles more imported cargo than exported. At this port multi-purpose general cargo terminals are maintained to provide efficient handling to containers, flat, presling cargoes, large units of iron and steel, large units of unitised timber, as well as cars and heavy machinery, in addition of course to a basic load of break bulk cargo. Berths are available for the loading of exported livestock and bananas as and when the need arises for such shipments. Therefore, a greater storage area is available in this port to cope with the imported commodities as the delivery process takes more time or, in other words, when the rate of discharge from the vessel is faster than the rate for delivery of the goods.

## 2.1 ESTABLISHING THE SOMALI PORTS AUTHORITY "S.P.A."

The Somali Ports Authority was established in 1962 as a national agency for all the ports of the country as a whole and in particular to administer the ports of Mogadishu, Berbera and Kismayu. In these ports the organization owns, maintains and operates the facilities available. The S.P.A. performs regular stevedoring and terminal work there.

The responsibility of the organization include:

1. Channel and sea lane improvement
2. Purchase and repair of cargo handling equipment
3. Planning of port administration and facilities
4. Setting tariffs for services
5. Cargo handling and stevedoring
6. Custody of goods and storage
7. Security of ports

8. Pilotage and marine craft service
9. Water and other supplies

The setting of the national Ports Authority with the above mentioned responsibilities and duties brought up the advantageous result to the following points:

- (a) An organization that can draw a unified plan for all the ports of the country, in this way the national interests as well as the local interests would be considered.
- (b) The national Ports Authority would be able to concentrate and specialize in the optimum location of capital and in assessing the different projects for ports development.
- (c) The Authority standardised port charges, practices and procedures in the three main ports.
- (d) The Authority is to manage the three important tasks of: training, research and statistical information on wider and advanced scales.

The Somali Ports Authority can not cope with some of the responsibilities due to lack of trained personnel, technological advancement and to insufficient capital. The Authority can not raise the appropriate charges to the services offered to foreign vessels in order to avoid competition from the near ports in the region. Also there are certain services that are carried out at the national level or by an international cooperation with other countries when it is possible. The S.P.A. can carry out training programmes at middle management level where the Authority can find the capital and higher skills and then the Authority has to look for assistance. A good example is the studies received at the World Maritime University (WMU), which have been fulfilled by assistance from International Maritime Organization (IMO).

The Somali Ports Authority has now four participants in the WMU receiving higher training in the studies of the general maritime administration.

The ports infrastructure is very costly and sufficient amount of repayments can not be gained directly on the services offered, but the charges on the services to the port users, specially to ships, will be only what they can bear at a time.

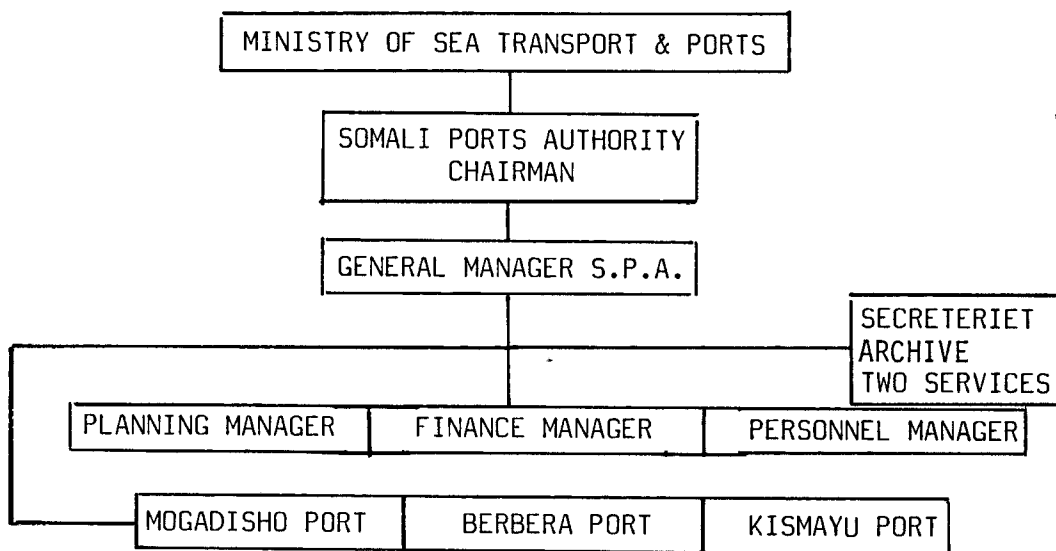
## 2.2 THE PATTERN OF ORGANIZATION AND ADMINISTRATION

The Somali Ports Authority is decreed as an agency connected to the Ministry of Sea Transport and Ports by law No. 1, article 3, of 1973. In this respect the agency is legally formulated and can carry out commercial activities in the terminal facilities of each port. When establishing the agency it was kept in mind that operations would be carried out at minimum cost, so that economic benefits may be derived at regional and national level. The desire was to improve the existing situation of ports in Somalia, in order to develop those ports that were economically feasible and whose funds can be obtained at a stage.

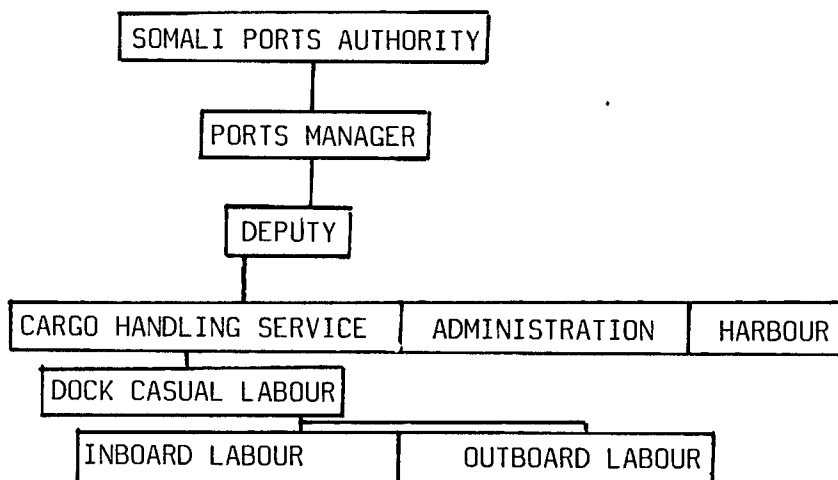
Organizationally, the Somali Ports Authority consists of a head office located at the old port in Mogadishu, containing the chairman, general manager, departments of finance, personnel and training, and in addition two services for engineering and general store. Reporting to the general manager directly are the managers of the ports of Mogadishu, Berbera and Kismayu. Each port has its own accounting and operating sections.

Responsibilities for cargo handling, stevedoring, custody, storage of goods and security, pilots and tug services, are delegated to the separate ports.

ORGANIZATIONAL CHART OF S.P.A. IS GENERALLY AS BELOW:



ORGANIZATIONAL CHART FOR THE MAJOR PORTS OF SOMALIA IS AS BELOW:



### 2.3 MANAGEMENT INFORMATION SYSTEMS

Just like any other commercial body, a port management needs to know what actually happens in the port to be able to monitor performance and respond quickly and positively with remedial action. This is to be achieved by means of improved reports containing hourly, daily, weekly and monthly operational data. Annual reports, issued six to twelve months after the end of the year, are of little value for timely action. In many instances, the raw data collected and the manner in which they are processed and presented are based on tradition and requirements for the annual report, rather than on the needs of management action.

To be able to produce meaningful port statistics, particularly operations data, it is necessary to consider step by step the arrival of ships, their stay at berth, the cargo handling activities and the departure, as well as the use of storage facilities, cargo handling equipment, port labour and land transport. Unless the required basic data, their processing and presentation are clearly defined, the results may approach fiction or may not be comparable for different periods of time or with results from other ports. The main purpose of collecting and processing port statistics are:

- (a) to know the characteristics of the ships which call, and their changes with time
- (b) to determine the extent of utilization of port facilities and labour
- (c) to determine the productivity of port equipment and labour
- (d) to determine whether equipment is properly maintained and that the relevant maintenance facilities are properly utilized, and

(e) to determine the areas and means for improved productivity, for better maintenance of equipment and for additional or modified facilities.

Based on the above considerations, basic data requirements and the principal results of their processing are very important. Above all, the information must be processed in a timely manner, and presented in a simple, easily assimilable form.

For each berth the main performance indicators are:

- (a) number of ships calling each year or season
- (b) number of days per year or per season
- (c) total and average number of hours ships spent waiting for a berth
- (d) total and average number of hours spent alongside
- (e) total and average number of hours spent alongside berth during shifts when cargo handling took place
- (f) average utilization (or occupancy) factor for berths (occupied berth time divided by available berth time)
- (g) average cargo handled per ship (metric tonnes)
- (h) average number of hatches worked simultaneously for general cargo ships
- (i) productivity for general cargo handling:
  - tonnes per hatch per shift
  - tonnes per hatch per actual working hour
  - tonnes per man-hour for all port labour
- (j) average storage period of cargo remaining in transit sheds and open storage areas, and
- (k) average total labour turnout per day, with maximum and minimum turnout over a period.



## 2.4 PORT REGULATIONS

Port operations have become very complex and technical, both from the point of view of the size of vessels and the nature of the cargoes transported. Nowadays in the major ports of Somalia, different types of vessels are frequently moving in and out, and their cargoes are sometimes dangerous. An accident could cause a disaster. These potential dangers call for regulatory measures to be imposed on and observed by vessels using the port and the manner in which their cargoes ought to be handled.

Many attempts have been made to standardize procedures and practices in ports and the International Maritime Organisation (IMO) is to be commended on its efforts in this direction. Usually the regulations are all embracing and have to be designed to achieve orderly behaviour on the part of vessels and other port users. They cover various port activities such as:

- (1) Regulating shipping traffic as well as preventing and removing obstruction or impediment to navigation,
- (2) Keeping free and open passages or channels of such width as is deemed necessary within the port and along or near the wharves, quays, docks, moorings and other similar facilities,
- (3) Regulating anchoring, fastening, mooring and unmooring of all vessels and the use of mooring buoys, chains and other moorings, and the granting of permission for the placing and maintenance of private moorings or buoys,
- (4) Defining the quays, docks and places, vested in or belonging to the Port Authority or under its control from which goods shall be landed and shipped in vessels,

- (5) Regulating the berths and buoys to be occupied by vessels and the shifting of vessels from one berth buoy or anchorage to another and when these movements should be accomplished,
- (6) Regulating the manner in which and the condition under which the loading and discharging of vessels shall be carried out,
- (7) Regulating cargo and vehicular traffic, preventing obstruction and keeping order on wharves and docks and ensuring their safety and any cargo thereon,
- (8) The information to be supplied by master, owners and other persons in respect of vessels arriving and departing and of goods loaded or discharged at the wharves and premises of the Port Authority, and the time and manner in which such information shall be supplied,
- (9) Regulating the reception, storage and removal of goods within and from the premises of the Port Authority, and the procedure to be followed for taking charge of goods which have been damaged before landing or are alleged to have been so damaged,
- (10) Regulating the use of fires and lights and the signals to be used and measures to be taken in case of fire in the port,
- (11) Enforcing and regulating the use of navigation lights, signals and signal lights by vessels and the steps to be taken for avoiding collision by vessels navigating in the waters of the port,
- (12) Regulating the use by vessels of whistles, sirens and other like instruments,
- (13) The prohibition of chipping, scaling or noisy repairs on vessels or the breaking up of vessels, except at such places and at such times as may be permitted,

- (14) Keeping clean the basins, the premises of the Port Authority, and the approaches to or waters in the port and preventing oil, filth, rubbish or other articles being thrown or entering therein or thereon,
- (15) Regulating the movements, conveyance, loading, discharging and storage of dangerous goods within the port,
- (16) Regulating the pumping, conveyance, loading, discharging and storage of petroleum products within the port,
- (17) Regulating the movements and safety of vessels under adverse weather conditions, and
- (18) Regulating the action to be taken in the event of a shipping casualty within the port.

Specimen of port regulations are attached in the annex 1.

IMO has played a significant role in the standardization of the procedures and manner of handling such cargo as dangerous cargo, and it is of utmost importance to formulate the port regulations in accordance with the international regulations for the carriage of dangerous goods by sea, published by IMO. The nine general classifications specified in the IMO Code (IMDG) should be closely followed but the Port Authority has to attach special conditions to the general classifications to meet local conditions.

## 2.5 PROPOSED PORT REGULATIONS

### PART I - GENERAL

#### 1. Title

These regulations are made pursuant to section 1/80 of the Ports Act and may be cited as the Port Operations Regulations 1985.

#### 2. Definitions

In these regulations:

'Act' means the Ports Act.

'Authorised Officer' means

- (a) any authorised employee of the Authority, or
- (b) any Police, Health or Customs Officer and any other person authorised in writing by the Authority.

'Authority's quays' means any quay, wharf, jetty, landing place or buoy-berth owned, operated, controlled or managed by the Authority.

'Berth' means a berth at an Authority wharf and includes a buoy-berth in the stream.

'Authority' means the Port Authority established under the Ports Act.

'Collision Regulations' means the regulations for preventing collisions at sea made under International Regulations for preventing collision at sea.

'Craft' means any vessel not exceeding 12.2 metres (40 ft) overall length and includes launches, tugs, lighters, barges or plying boats operating within the Port or outer Port.

'Dangerous goods' means such goods as may from time to time be classified as dangerous goods under the IMDG Code by the IMO for the carriage of dangerous goods by sea.

'IMDG Code' means the International Maritime Dangerous Goods Code for the classification of dangerous goods.

'Passenger' means any person carried in a ship or plying boat, but does not include:

- a person employed or engaged in any capacity whatsoever on board the ship or plying boat,
- a person on board the ship either in pursuance of the obligation of a master of a ship to carry shipwrecked, distressed or other persons by reason of any circumstance that neither the master nor the owner or charterers could have prevented or forestalled.

'Towage' means any operation in connection with holding, pushing, pulling, moving or attending any vessel for that purpose.

'Port Manager' means the Port Manager appointed by the Authority and includes any officer appointed in an acting or temporary capacity.

'Under way' in relation to a vessel means a vessel which is not

- at anchor, or
- moored or berthed alongside a berth or jetty, or
- made fast to the shore or quay.

### 3. Acceptance of conditions

An application for the use of any premises, facilities or services provided by, or under the control of the Authority, shall necessarily imply acceptance of all the provisions of the Act and these regulations and shall be subject to all enactments enforced in relation to the premises, facilities or services concerned.

#### 4. Normal working hours

(1) Subject to paragraph (2), the normal working hours of the Port shall be as follows:

- Weekdays: 0600 hours to 1400 with a break for meals and break for tea time.

(2) Where work is performed outside normal working hours or on Fridays or other public holidays, the work shall be charged at overtime rates.

#### 5. Payment of bills

(1) Every master, owner, agent of any vessel and every cargo owner or consignee shall pay promptly all bills submitted by Authority.

(2) If credit terms have been arranged with Authority, payment of the bills shall be effected within fortyfive days from the date the bills were submitted.

(3) Where a bill is not paid within the time specified either in subparagraph (1) or subparagraph (2):

- a surcharge of 10 percent of the amount borne on the bill shall forthwith become payable, and
- the Authority may suspend or refuse further to the defaulting debtor or to another vessel belonging to the same defaulting shipowner.

### PART II - DISTRESS, CYCLONES, EMERGENCY AND SAFETY PRECAUTIONS

#### 6. Fire

Where a fire occurs on board any vessel in port, or any craft alongside any such vessel, the master or other person in charge shall:

- (a) take immediate steps to combat the fire,
- (b) inform the Authority without delay by the most direct means,
- (c) exhibit the appropriate international signals,
- (d) ensure that every assistance to combat the fire is given by the crew of such vessel to any authorised fire-fighting party, or vessel,
- (e) prepare the vessel for shifting as required by the Authority,
- (f) after the fire has been extinguished, exhibit for a reasonable period the appropriate international signal to indicate that the fire has been extinguished,
- (g) submit a written report to the Authority on the circumstances relating to the fire within twentyfour hours of the occurrence, and, in any case, before application is made for port clearance,
- (h) satisfy the Authority that the vessel or craft is in a seaworthy condition for the voyage.

## 7. Cyclones

- (1) When a cyclone warning is issued by the Meteorological Services, the master or person in charge of each vessel in port shall proceed to his vessel and await instructions from the Authority.
- (2) The master or person in charge of each vessel in port shall thereafter liaise with the Authority and be prepared to leave the port as directed by the Port Manager.
- (3) Except with the written permission of the Authority, no vessel shall remain in the port during cyclonic weather conditions.
- (4) Where a vessel is permitted by the Port Manager to remain in the port, he may require the master, or other person in charge of the vessel, to indemnify the Authority against any damage or loss which may arise as a consequence of that vessel remaining in port.

## 8. Stranding or grounding

- (1) In the event of a vessel stranding or grounding in the port or its vicinity, the master or person in charge shall:
  - (a) take immediate steps to prevent any oil pollution or further deterioration in the condition of such vessel,
  - (b) inform the Authority without delay by the most direct means, stating whether assistance is required and the nature of such assistance,
  - (c) exhibit the appropriate international signals,
  - (d) on the approach of another vessel, to warn the approaching vessel by her whistle or siren, until the approaching vessel becomes aware of the danger,
  - (e) ensure that every assistance is given by the crew of such vessel to any other vessel or person rendering assistance,
  - (f) inform the Authority promptly when the vessel has been safely refloated and no further assistance is required,
  - (g) submit a written report within twentyfour hours to the Authority, setting out in detail the circumstances relating to the stranding or grounding and whether any damage has occurred which may affect the seaworthiness of the vessel.
- (2) No port clearance may be granted to a vessel to which subparagraph (1) applies until the submission of a written report by a qualified surveyor that the vessel is seaworthy to the satisfaction of the Authority.

## 9. Sinking, etc.

- (1) Where a vessel, craft, raft or float from whatever cause sinks, strands, capsizes or catches fire in the port or its approaches,



the master, owner and other person in charge of the vessel shall jointly and severally be held responsible for all consequences arising therefrom and shall immediately remove, at their own expense, the vessel, craft, raft or float, when called upon to do so by the Authority.

- (2) Where the master, owner or other person in charge of a vessel fails or is unable to remove the vessel when called upon to do so, the Authority may, in the public interest or the safety of shipping, carry out the removal of the vessel in the most expedient manner and the costs incurred shall be borne by the master, owner or person in charge of the vessel.
- (3) The Authority may require the master, owner or other person in charge of the vessel to furnish such guarantee or indemnity as may be required to secure the payment of any costs incurred under subparagraph (2).
- (4) No vessel shall, where it has caused any damage in the port or where costs have been incurred by the Authority under subparagraph (2), leave the port until the damage has been made good or the costs have been paid or where there is default, the vessel may be seized and disposed of by the Authority and the proceeds applied to meet the amount of the costs incurred.

#### 10. Emergency

- (1) Where an accident or emergency not provided for in these regulations occurs, the master or person in charge shall forthwith inform the Authority and shall comply with such instructions as the Authority may, in its absolute discretion, issue.

- (2) The master or person in charge of the vessel shall:
- (a) not later than twentyfour hours of an accident or emergency, or
  - (b) before the vessel leaves the port,
- whichever is the earlier, submit to the Authority a written report of the accident or the emergency together with a report by a qualified surveyor certifying the seaworthiness of the vessel.

### PART III - ARRIVALS AND DEPARTURES

#### 11. Notice of arrival

- (1) The agent of every vessel (Somali Shipping Agency & Lines) intending to call at the port shall, as soon as possible, but not later than twentyfour hours prior to the Estimated Time of Arrival (ETA) give notice in writing to the Authority of such arrival and make application for a berth if it is intended to berth within the port or to anchor in the port or its approaches.
- (2) The master, owner or person in charge of a vessel shall within twentyfour hours of arrival notify the Authority by completing the appropriate notice of arrival form.

#### 12. Particulars to be furnished

- (1) The notice of arrival and the application for a berth shall set out the following particulars:
  - (a) the name of vessel and its flag,
  - (b) the gross and net tonnage,
  - (c) the draft, length overall, and beam,
  - (d) the name of the owner, the master and the name of the agent,

- (e) the Estimated Time of Arrival (ETA) and the Estimated Time of Departure (ETD) of the vessel,
  - (f) the tonnage of cargo, if any, on board and the proper classification thereof under the IMDG Code,
  - (g) the number of passengers disembarking and embarking,
  - (h) any other relevant information relating to the working of cargo or safety of the vessel in the port.
- (2) The Authority may require the owner or agent of a vessel to furnish such other information as it may think fit.

13. Hoisting of national colours

- (1) The master of every vessel entering or leaving a port between sunrise and sunset shall cause its national flag to be hoisted.
- (2) Such national flag shall continue to be exhibited between sunrise and sunset while the vessel remains in port.

14. Customs and Health signals and clearances (I)

- (1) (a) The master of every vessel arriving from a foreign port shall exhibit the Customs and Health signals as are required by the relevant Government authorities.
- (b) Signals under subparagraph (1) shall remain hoisted until the appropriate officer has given permission for them to be lowered.
- (2) (a) No vessel or craft other than an authorised craft shall approach within 200 metres of a vessel which is exhibiting the Health or Customs signals.
- (b) For the purpose of subparagraph (a), an authorised craft means a Government launch or a craft of the Port Authority.

- (3) No person other than a pilot or authorised Government officer shall board or disembark from any vessel coming from a foreign port until the vessel is cleared by the Immigration, Health and Customs Officers and the respective signals have been lowered.

15. Customs and health signals and clearances (II)

Every vessel entering the port shall be anchored or properly secured to a berth before commencing:

- (a) the loading or discharging of cargo,
- (b) the embarkation or disembarkation of passengers.

16. Customs and Health signals and clearances (III)

No vessel shall leave the port or outer port unless, in addition to the requirements of any enactment, it is in possession of a valid Port Clearance issued by, or on behalf of, the Port Authority.

PART IV - SHIPPING OPERATIONS AND MOVEMENTS

17. Compliance with Port Manager's instructions (I)

The master or the person in charge of a vessel shall, while in the port or outer port, comply with the directions of the Port Manager or his authorised officers for the berthing, mooring, anchoring and unberthing of the vessel.

18. Compliance with Port Manager's instructions (II)

- (a) Every vessel or craft exceeding 12.2 metres (40 ft) in length overall, navigating or lying at anchor in the port or outer port, shall exhibit the respective navigational lights, signals and shapes prescribed in the International Collision Regulations.

- (b) Every power-driven craft not exceeding 12.2 metres (40 ft) in length overall shall, when under way in all weather conditions from sunset to sunrise, carry:
- (i) a white light in the forepart of the craft where it can best be seen at a height of not less than 1 m (3.2 ft) above the gunwale, so fixed as to show the light  $112\frac{1}{2}$  degrees (10 points) on each side of the craft, that is, from right ahead  $22\frac{1}{2}$  degrees (2 points) abaft the beam on either side, and of such character as to be visible at a distance of at least 3.2 km (2 miles),
  - (ii) a combined lantern showing a green light on the starboard and a red light on the port side at a height of not less than -- metre above the gunwale, and of such character as to be visible at a distance of at least 1.6 km (1 mile) and so fixed that the green light shall not be seen on the port side, nor the red light on the starboard side, or
  - (iii) separate green and red lanterns exhibited at the appropriate sides of the craft, and
  - (iv) a white light at the stern so fixed as to show the light  $67\frac{1}{2}$  degrees (6 points) from right aft on each side of the craft and of such character as to be visible at a distance of at least 1.6 km (1 mile).
- (c) Where, on account of bad weather or other sufficient cause, it is not possible for the light specified in subparagraph (b)(iv) to be fixed, an electric torch or a lighted lantern showing a white light shall be kept at hand ready for use and shall on the approach of an overtaking vessel, be shown in sufficient time to prevent a collision.

- (d) Every craft other than a power-driven boat shall have ready at hand an electric torch or a lighted lantern showing a white light which shall, on the approach of other vessels, be exhibited in sufficient time to prevent a collision.

19. Movement to be notified

The master or other person in charge of a vessel shall, before carrying out any movement in the port, notify the Authority at least three hours in advance of the intended movement and obtain its approval.

20. Moderate speed

- (a) The vessel under way shall proceed with due caution and at such speed as would enable the vessel to slow down and stop in as short a time as possible, with regard to prevailing conditions and the safety of the vessel.
- (b) No vessel shall proceed at a speed which, in the opinion of the Authority, is excessive or is likely to cause inconvenience or danger to other vessels or users in the vicinity.

21. Damage caused by wash (I)

Any vessel or craft causing damage to any property or vessel by her wash shall be held liable for such damage.

22. Damage caused by wash (II)

- (a) No craft shall cross the bows or otherwise impede the movement of any vessel under way in the port, and all craft shall give such vessel as wide a berth as possible.

- (b) Nothing in this regulations shall relieve the master or other person in charge of a vessel from his duty to prevent a collision or accident.

23. Anchorage and mooring buoys

- (1) The special Quarantine, Explosives, Dangerous Goods, Prohibited Anchorages and Prohibited Areas shall be such areas as defined from time to time. For this purpose the Authority may issue a chart of the port and outer port indicating thereon the various anchorage or prohibited anchorages.
- (2) No vessel shall anchor in a prohibited anchorage, and except for the purpose of assisting in berthing alongside or unberthing, no vessel shall use an anchor in a prohibited anchorage.
- (3) No vessel shall anchor in, or use, an anchorage other than for the purpose for which it is designated.
- (4) No vessel shall anchor or lie:
- (a) in the approaches to the port,
  - (b) in any fairway within the port,
  - (c) in such a manner as to obstruct the approach to an anchorage or wharf used by other vessels,
  - (d) in any cable reserve area, or any special anchorage specified in the chart of the port, except for purpose specified,
  - (e) in a position which is likely to foul a vessel which is anchored, moored or made fast to a buoy.

24. Private buoys and moorings

- (1) No private buoy or mooring shall be laid or positioned in the waters of the port, except with permission of the Authority and in accordance with such conditions as the Authority may impose.

- (2) A mooring or buoy under subparagraph (a) shall at all times be maintained in good condition at the expense of the owner.
- (3) The Authority may inspect any mooring or buoy, and where it thinks fit to do so, direct repairs or the relaying or removal of any such mooring or buoy.

25. Readiness to move

- (1) No person shall, unless he has obtained the written permission of the Authority:
  - (a) carry out engine repairs or other work which may render a vessel in the port unable to move when required to do so,
  - (b) reduce steam or power to a level below that which is adequate for moving a vessel in the port when required.
- (2) (a) The Authority may, where a vessel is unable to move when required by him, perform or direct to be performed all such work as may be necessary to enable the vessel to move.
  - (b) Any expense incurred by the Authority under subparagraph (a) shall be paid by the master, agent or person in charge.

26. Laid-up vessels

- (1) No vessel shall be laid up in the port except with the written permission of the Authority.
- (2) The person in charge of a laid-up vessel shall ensure that such vessel is securely anchored or moored in such position as may be directed by the Authority, so as to prevent it from swinging outside the limits fixed by the Authority and be clear of all other vessels during all conditions of wind and tide.



- (3) Every laid-up vessel shall have at all time on board a sufficient number of men competent to tend the anchor-lights, veer cable, let-go and anchor as well as to take appropriate action in case of emergency.
- (4) For the purpose of this regulation a vessel shall be deemed to be laid up if:
- (a) the vessel has no cargo on board,
  - (b) its articles of Agreement have been closed, and
  - (c) the Authority has declared that the vessel is laid-up.

27. Transfer of liquid cargo (I)

Except with the written permission of the Authority, no transfer of liquids or liquid cargo shall be carried out:

- (a) between two vessels berthed in the port or in the approaches to the port,
- (b) between one vessel lying alongside a berth and another vessel lying alongside such vessel.

28. Transfer of liquid cargo (II)

No oil, spirit, inflammable liquid or mixture containing oil shall be pumped or discharged from a vessel or a place on land into the waters of the port or outer port.

29. Smoke, soot, etc.

- (a) No vessel shall emit sparks, smoke, soot, ash, grit or oil from the funnel or any part of the vessel in such quantity as would, in the opinion of the Authority, cause a nuisance.

- (b) The Authority may issue directions or instructions to any vessel to abate or reduce a nuisance and the master or person in charge of the vessel shall comply forthwith with such directions or instructions.
- (c) If the master or other person in charge of the vessel fails to comply with the directions or instructions given by the Authority under subparagraph (b), then it shall be lawful for the Authority or any person acting on its behalf to board the vessel to abate or remove the nuisance, and any expenses incurred shall be borne by the owner, master or other person in charge of the vessel.

30. Excessive noise or use of siren

No steam whistle, siren horn or instrument of any kind shall be used in the port, other than as a signal of danger, or signals properly essential to give warning of vessel manoeuvres.

31. Chipping and scaling

- (1) Except with the written permission of the Authority, no vessel shall carry out any chipping or scaling of metal within the port.
- (2) Paragraph (1) shall not apply to any vessel undergoing constructions or repairs<sup>6</sup> in a recongnized slipway or shipyard.

32. Discharge of refuse/garbage

- (1) Every vessel entering the port shall have not less than 45 gallon containers provided with lids or covers for the purpose of storing all refuse, sweepings and garbage from the vessel while berthed in the port.
- (2) Subject to subparagraph (3) every container shall be emptied at least once a day.

(3) No person shall dispose of any refuse, sweeping or garbage from a vessel berthed in the port, except in barges authorised by the Authority.

(4) The Health Officer or employee of the Authority may board any vessel for the purpose of ensuring that subparagraph (1) and (2) have been complied with and make the necessary report on his findings to the Authority.

### 33. Pumping out of bilges

No vessel shall pump out its bilges while within the limit of the port.

### 34. Lighterage operations

Where lighters are used to unload cargo from or load cargo into vessels in the port, such lighters shall not be moored more than two abreast on either side of the vessel unloading or loading the cargo.

### 35. Licences

(1) No person, unless he is the holder of a licence or permit issued by the Authority, shall:

(a) operate, conduct or provide any stevedoring or cargo handling services or the supply of labour in the port or outer port,

(b) sell any goods or refreshment from any craft in the port or from any vessel alongside a berth or in the port premises.

(2) No person shall own or operate a craft within the port unless he is licensed by the Authority.

(3) No boatman, steersman, oarsman or other person engaged in the navigation, handling or control of a boat, shall be employed in any plying boat, unless he has first been licensed by the Authority.

- (4) No licence shall be granted under subparagraph (2) unless the Authority is satisfied with the applicant's ability and character.
- (5) A licence issued under this regulation shall, at all times, be subject to such terms and conditions as the Authority may impose whether at the time of issue or renewal of the licence or during the currency thereof.
- (6) An application for a licence or permit under these regulations shall be made to the Authority in the prescribed form.

#### 36. Damage to notices, etc.

No person shall remove, alter, deface, damage or otherwise interfere with any notice placed by the Authority, whether on any vessel in the port or on the port premises.

#### 37. Delivery of notices

A notice or other document relating to the arrival or departure of any vessel, or to the details for working its cargo, or to the delivery of goods to the premises of the Authority or any other notice required by any provision of these regulations to be given to the Authority at its registered office.

#### PART V - BERTHING

#### 38. Allocation of berths

- (1) Subject to subparagraph (2), no vessel shall be berthed or unberthed in the port other than as designated in each particular case by the Port Master.
- (2) A vessel occupying a berth in accordance with subparagraph (1) shall, if so requested by the Port Master, vacate the berth and any expenses arising from such movement shall be borne by the vessel.

39. Notice requesting a berth

- (1) Subject to subparagraph (2), where a vessel requires berthing between 1500 hours on any day and 1500 hours the next day, notice shall be given to the Authority by the master, owner or agent of such vessel not later than 1000 hours on that day.
- (2) Where a berth is required on a Sunday or other public holiday, the notice required to be given under subparagraph (1) shall be given not later than 1000 hours on the working day immediately preceeding the holiday.

40. Berthing directions

The pilot attending a vessel which is manoeuvring to a berth shall be advised by the Port Manager of the position of berth, which the vessel is to occupy in the port and the vessel shall comply with all directions of instructions of the Port Manager given through the Pilot.

41. Berthing of vessel

- (1) A vessel shall be berthed by the master and crew of the vessel acting under the advice of the pilot on board, and mooring or berthing labour shall be made available to render assistance under instructions from the vessel, for the purpose of taking ashore, making fast or casting off wire hawsers or ropes or of rendering similar assistance.

Double banking

- (2) No vessel shall berth alongside another vessel which is already occupying a berth without the permission of the Port Manager and of the master of the vessel already alongside the berth.

- (3) Where permission is granted under subparagraph (2), the vessel double-banking shall indemnify the Authority and the master or owner of the vessel already alongside the berth against all claims for damages that may arise from such double banking.
- (4) In carrying out any movement of any vessel:
  - (a) the Authority shall be deemed to be acting on behalf of the vessel,
  - (b) the employees of the Authority shall be deemed to be the employees of the vessel, and
  - (c) neither the Authority nor its employees shall be liable for any loss or damage caused by or attributable to any act or omission of the Authority or its employees.
- (5) The master of every vessel shall ensure that his vessel is properly and securely fastened or moored and the Authority shall not be liable for any damage or consequences arising from any insecure or improper mooring.

42. Vessel under master's charge

Every vessel shall, while lying at a berth, be under the charge, and, her safety shall be at the sole risk of, the master or person in charge and no instruction or direction given, or act performed, by any officer of the Authority shall make the Authority liable for the safety of the vessel.

43. Attending to moorings

- (1) Every vessel lying at a berth shall at all times have sufficient hands or crew on board to attend to her moorings and to cause them to be slackened or hove in as may be necessary.

(2) No rope shall be made fast ashore to the dolphins, buoys, moorings, posts, bits or bollards provided for that purpose.

(3) No chain cable shall be used for mooring alongside except in connection with the use of an anchor or by permission of the Authority.

#### 44. Rat guards

Every vessel lying alongside a berth shall provide rat guards or other adequate means on her mooring lines to prevent the passage of rats between the vessel and the wharf or pier.

#### 45. Fenders

(1) Every vessel lying alongside a berth shall provide and use suitable and adequate fenders of such material as will float, and absorb the impact of the vessel against the berth.

(2) No fender provided by the Authority shall be lifted or removed from the quay wall.

#### 46. Gangways

(1) A vessel lying at berth shall provide one or more proper gangways, which shall be securely fastened to the vessel and adequately lit at night.

(2) When a vessel is lying at a berth, no person shall embark on or disembark from such vessel other than through the gangway.

#### 47. No gear to be place on wharf

(1) Except with the written permission of the Authority, no boat, spar, anchor, cable, fishing gear or other article of ship's gear,

dunnage, loose box from , or belonging to, any vessel shall be placed or remain on a berth.

- (2) No dirt, ash, or rubbish of any description may be landed on a quay or wharf or thrown into the waters of the port.

48. Exhaust steam, etc.

- (1) Exhaust steam, water, and other discharges from a vessel lying alongside a berth shall be laid down the side of the ship to a point below the level of the berth by a hose or other appliance.
- (2) All water and steam pipes of a vessel lying at a berth shall be properly screened.
- (3) No refuse, filth, or excreta shall be discharged from any discharge pipe, water closet, or latrine upon any portion of a quay or wharf.
- (4) The master or owner of the vessel concerned and the owner of the cargo shall be jointly and in solido liable for the cost incurred by the Authority in cleaning or doing anything as a result of a contravention of this regulation.

49. Removal of obstruction, etc. (I)

The master of any vessel with its boats swung outwards or with anchors or other projections from the vessel's side or deck which may interfere with the vessel or another vessel loading, discharging, or berthing (including berthing alongside the first vessel), shall remove such boats, anchors or projections when required by the Authority to do so.

50. Removal of obstruction, etc (II)

Except with the written permission of the Port Master no vessel shall try her main engine or turn her propellers when lying at a berth.



PART VI - LOADING, UNLOADING, STORING AND TRANSPORTING OF GOODS

51. No liability for delays

The Authority shall not be liable for the detention or delay of any vessel nor for any detention or delay arising from any cause, in discharging or loading cargo.

52. Vessel to be ready for work

- (1) Every vessel shall, on completion of mooring or berthing alongside a berth, have all her working hatches and her cargo ready to commence working cargo.
- (2) Every vessel shall, when being loaded or unloaded or when any manoeuvre is being made for the purpose, have proper and sufficient lights to prevent any injury to life, limb or damage to property arising from such work or manoeuvre.

53. Vessels to be worked with dispatch (I)

- (1) Every vessel shall discharge or load her cargo with reasonable dispatch and shall be worked continuously, including such night or overtime hours as may be required by the Authority.
- (2) If a vessel fails or is unable to effect such dispatch or work such night or overtime hours as the Authority may require, the Authority may order the vessel to vacate the berth and the master shall forthwith comply with such order.
- (3) A vessel which is required to vacate a berth pursuant to subparagraph (2), may be reberthed solely at the discretion of the Authority.
- (4) All expenses incurred in complying with any order under this regulation shall be borne by the vessel concerned.

54. Vessels to be worked with dispatch (II)

- (1) The Authority shall, irrespective of the source of supply of labour for any stevedoring operation, not bear any responsibility or be liable as stevedores.
- (2) Stevedoring operations shall be carried out under the supervision and responsibility of an officer of the vessel concerned who shall also be responsible for the rigging, unrigging, trimming and safe working condition of the cargo gear of such vessel.
- (3) Any winchman, craneman, stevedore or other labour supplied to the vessel by the Authority shall be deemed to be the servant only of the master of the vessel.

55. Stevedorage and lighterage contractors

- (1) No person shall perform work as a stevedore, lighterage or labour contractor or render such services within the port's premises unless duly authorised or licensed by the Authority for this purpose.
- (2) The Authority may, in lieu of providing its own services, authorize a contractor to provide stevedoring or shore labour services in the port premises and in such a case, the contractor concerned shall be deemed to be the agent acting for and on behalf of the Authority.

56. Hire of cranes, cargo gear, etc.

- (1) Any crane, cargo gear or other equipment hired from the Authority shall be deemed to be hired on condition that the entire risk and liability in respect thereof, including its use and possession, shall rest with the hirer who shall be required to indemnify the Authority accordingly.

- (2) The Authority, while taking all reasonable precautions to ensure that the crane, gear or equipment it issues is in a sound and usable condition, shall not be liable for any consequence which may arise by reason of any breakdown or other unforeseen circumstances occurring during the period of hire.

57. List of inward cargo

- (1) The master or agent of every incoming vessel shall sign and deposit at the office of the Port Manager, at least 48 hours before the arrival of the vessel, two copies of the Hatch List or Stowage Plan and three copies of the inward manifest in the English language containing the following particulars:
- (a) the gross weight, measurement, marks, numbers and contents of each package or consignment,
  - (b) the names of consignees according to the bills of lading or the names of the persons actually paying the freight for the goods,
  - (c) such other information as the Authority may require.
- (2) The Authority may refuse to allocate a berth to a vessel unless three copies of the complete manifest have been deposited under subparagraph (1) or a written statement has been received that the vessel does not intend to work cargo or that the manifest cannot be lodged before the arrival of the vessel because of the short sea voyage of the vessel, in which case the same shall be lodged upon arrival of the vessel.
- (3) A certified statement of any alteration made in the manifest by reason of the remeasurement of the goods included therein or otherwise shall be furnished to the Authority immediately upon completion of discharge of cargo.

(4) The master or agent of every incoming vessel shall deposit at the office of the Port Manager at least fortyeight hours before the arrival of the vessel two copies of the list of Dangerous Goods, describing the nature, packing and quantity of the goods to be discharged in accordance with the IMDG Code.

58. Heavy lifts

No vessel shall, without written authorization from the Authority, discharge or lift any package exceeding 20,000 kgs gross weight (20 metric tonnes).

59. List of outgoing cargo

The owner or agent of every outgoing vessel shall prepare in the English language, sign, and submit, within three working days of the departure of the vessel, an accurate copy in triplicate of the manifest of all goods loaded by such vessel containing all particulars relating to:

- (a) gross wight, measurement, marks, numbers, and contents of each package/consignment,
- (b) the names of the shippers according to the bills of lading,
- (c) such other matters as the Authority may require.

60. Production of documents

The master or agent of a vessel shall produce without delay to the Authority any book or document which may be required in connection with the landing or shipping of her cargo and the embarkation or disembarkation of her passengers or crew.

61. Discharge of cargo by marks (I)

- (1) The master of a vessel shall, as far as practicable, discharge cargo by marks.

(2) The Authority may impose such charges as it may deem fit for sorting cargo not discharged as required under subparagraph (1).

62. Discharge of cargo by marks (II)

The Authority shall not be liable for the incorrect deliver of cargo consisting of goods which cannot be easily or readily identified because of:

- (a) their want or lack of description,
- (b) illegible or insufficient marking or the absence of proper distinguishing marks, or
- (c) any other reason.

63. Receipts for cargo received

Every receipt given by the Authority for cargo received or placed in its custody shall be based only upon the outward appearance of the packages of the cargo.

64. Receipts for cargo shipped

No cargo shall be shipped and the vessel in which the cargo is shipped shall not leave her berth unless a clean receipt can be granted by the ship or its agent to the Authority or its agent. For this purpose, a clean receipt means a receipt without conditions or endorsement.

65. Direct deliveries and shipments

- (1) The master or agent of a vessel shall, upon request, submit to the Authority a list in such detail and at such times as the Authority may require, of all inward and outward deliveries by lighters and all direct deliveries at the wharf and shipments from the wharf or through lighters.

- (2) The shipping agents shall arrange with the consignees or shippers as the case may be and ensure that:
- (a) inward direct deliveries are promptly removed from the port premises, and
  - (b) outward shipments are called up in an orderly and smooth manner to permit an expeditious loading of the vessel.
- (3) Goods shall not, without the written authorization of the Authority, be brought in or laid on any quay, wharf or pier before the vessel is ready to receive them nor laid on any storage area or roadway.

66. Delays and detention of cargo

The Authority shall not be liable for delay in the shipment, discharge or deliver of goods arising from congestion in the sheds or of vessels at the berths or from any circumstances beyond its control.

67. Discharge during rain

The Authority shall not be liable for any damage to cargo discharged in bad weather.

68. Firearms, ammunition and explosives

- (1) All cases containing firearms, ammunition, or explosives shall be clearly marked for identification.
- (2) Where cargo to which subparagraph (1) applies is intended to be discharged at the port, a written notice shall, at least 48 hours before the arrival of the vessel be given to the Authority of the intention to land or discharge the cargo.
- (3) The notice required to be given under subparagraph (2) shall contain full particulars of the cargo and shall be accompanied by any

permit or licence required by the provisions of any other enactment with respect to the importation of the goods.

69. Liability for storage space

- (1) The Authority shall not be bound to find storage for any goods either in warehouses or in open areas.
- (2) The Authority shall not, after notification to the owners, consignees, shippers, or agents of the vessel that accommodation for such goods is not available, be liable for any loss or damage that may arise from whatever cause to the goods and the Authority may remove the goods at the expense of the master or agent of the vessel discharging the goods.

70. Valuable cargo

- (1) The Authority shall not, except as hereinafter provided, be or become liable in any event for loss or damage to or in conjunction with any package or goods in an amount exceeding (state limit of liability) or such sum as represents the maximum liability between the carrier and the consignee of such package of goods whichever is lower, unless the package has previously been declared as valuable cargo.
- (2) The Authority shall have the option, but not the obligation to receive:
  - (a) any package containing bullion, specie, precious stones, jewellery, or
  - (b) any package of goods exceeding (state value).
- (3) The following provisions shall, in relation to goods to which subparagraph (2) relates, apply:
  - (a) before the delivery of the packages of goods to the Authority, the master or agent of the vessel concerned shall, in the case of

goods to which subparagraph 2(a) applies, have obtained the written approval of the Authority and in the case of goods to which subparagraphs 2(a) and (b) apply, have submitted a special application form, giving full particulars of the marks, numbers, value and contents of each package and also the name and address of each consignee thereof,

- (b) the package shall be specifically and separately handed over to a duly authorized officer of the Authority,
- (c) a receipt shall, on pain of being invalid, only be granted by a duly authorized officer of the Authority,
- (d) all charges for receiving and storing the package or packages shall be at special ad valorem rates,
- (e) the receiving and storing of the package shall be subject to all enactments governing the receiving and storing of general cargo.

#### 71. Passenger baggage

The Authority shall not be liable for the loss of personal effects or passenger's baggage stored in its transit sheds or warehouses unless a receipt has been issued for it, and in such cases, the Authority's liability shall not exceed (state value) per package unless duly declared and paid for at ad valorem rates.

#### 72. Storage in open areas

- (1) The Authority may store in the open any cargo which, in the opinion of the Authority, is not suitable, by reason of its bulk or the nature of its contents, for storage in a transit shed or warehouse, or which is suitable for storage in the open.
- (2) The Authority will accept no responsibility for any damage or deterioration to any goods stored in the open.



73. General responsibility for cargo

- (1) The Authority shall not be responsible for the weight, size, character or condition of the contents of any container, case or package and shall in no case be liable for any goods greater in value than is stated in a ship's receipt, bills of lading, manifest, or other documents regarding declaration of values and for this purpose, the Authority may rely upon, and the owners of the goods shall be bound by, all statements, exceptions, and conditions endorsed upon the aforesaid documents.
- (2) The Authority shall in no case be responsible for any loss, damage or deterioration of the contents of packages due to inherent defect, or to sea or water or chemical action, inherent or latent defects in its premises, acts of God, floods, cyclones, effects of climate, or any other circumstances over which the Authority has no control.
- (3) The Authority will receive fragile or brittle cargo only on the condition that it will not be responsible for any breakage thereof, or may refuse to land such cargo if it considers that the cargo is unpacked or the packaging is insufficient or inadequate.
- (4) When a vessel is lying at a buoy-berth, and her cargo is landed on the port's premises through or with the use of lighters, the master of the vessel or its agents shall enter into an arrangement, whereby the responsibility for transferring the cargo from the vessel to the quay, shall be assumed by the vessel and the lighterage company concerned.

72. Release of goods

- (1) Goods shall not be released from the transit sheds, open storage areas or warehouses of the Authority except on production of:

- (a) a duly endorsed Delivery Order from the agents of the vessel concerned,
  - (b) in the event of the deliver document having been lodged with the Authority for large consignments, a subdelivery order from the owner of the cargo,
  - (c) the appropriate Customs-release documents.
- (2) The Authority shall not release cargo except by marks and shall not sort and release cargo by numbers and submarks except at the request and expense of the vessel or cargo owner concerned.

75. Conditions of delivery

- (1) The Authority shall be discharged from all liability in respect of goods by delivery thereof to the person presenting an endorsed Bill of Lading or Delivery Order.
- (2) The Authority shall not be bound to make any enquiry whatsoever as to the right or title of such person thereto.
- (3) The Authority shall not be bound to make any enquiry whatsoever as to the correctness or otherwise of any endorsement appearing or purporting to have been made on any delivery order.

76. Damaged packages

The Authority may, at any time, in order to safeguard the contents of damaged bags or packages and to facilitate their storage in the transit sheds, open storage areas or warehouses, repair damaged bags or packages of goods, irrespective of survey, and the cost of such repairs shall be a charge upon the goods.

77. Damaged cargo

- (1) The Authority may put aside for survey damaged or bad order cargo.
- (2) The Authority shall not be liable for failing to note damage to cargo discharged at night or damage which cannot easily be detected by its external appearance on discharge.
- (3) Damaged, defective, or bad order cargo shall be surveyed on board the vessel by a representative of the ship or his agent.
- (4) (a) The Authority may refuse to receive any damaged, defective or bad order cargo if the packages are not properly repaired.  
Goods which are broken or damaged shall be removed from the port premises within fourteen days from the date of landing and, if not so removed, they may be disposed of by the Authority and thereafter no claim of such goods shall be entertained by the Authority.
- (b) The owner of the broken or damaged cargo or the master or agent of the vessel discharging the cargo shall be liable to pay the Authority the expenses incurred in disposing of the goods under this regulation.

78. Contamination of other cargo

- (1) If any cargo deteriorates so that it may contaminate or adversely affect any other cargo, the Authority may require the complete removal of the cargo, within twentyfour hours after notice has been given by the Authority to the cargo owner or the vessel's agent.
- (2) If a notice given under subparagraph (1) is not complied with, the Authority may remove the cargo to the open storage at the expense of the vessel's agent or the cargo owner, sell by public auction, destroy or otherwise dispose of such goods in such manner as it may think fit.

- (3) The Authority shall not be liable to pay any compensation for any goods dealt with under subparagraph (2).

79. Offensive or objectionable cargo

The Authority may prohibit the landing, or may refuse to accept for loading, any cargo which in its opinion, may imperil the safety of persons or property in the port, or damage any part of the port premises, or adversely affect any cargo in the custody of the Authority.

80. Removal of offensive cargo

- (1) The Authority may, after giving at least six hours notice to the vessel's agent or cargo owner or other person entitled to receive the cargo, order the removal, and if necessary the destruction of any cargo or matter appearing to the Authority to be of an offensive or perishable nature which may be landed or placed upon any part of the port premises.
- (2) No notice under subparagraph (1) shall be given where the owner or other person entitled to the cargo cannot be traced.
- (3) The cost of any removal, destruction, or other action to dispose of offensive cargo shall be charged to and payable by the vessel's agent or cargo owner or the person, if any, entitled to receive the cargo.

81. Right to shift or to remove goods

The Authority shall, if the convenient use of the port premises so requires and at the expense of the shipping agent or the cargo owner, shift cargo within a transit shed or open storage area or remove any goods which may have been landed or received in the Authority's custody to any storage area or from one to the other at its discretion.

82. Cargo for other ports

The Authority may prohibit the landing of cargo destined for any port outside (state country).

83. Recovery of goods ex vessels

- (1) When a vessel is lying at berth, any material including cargo, stores or equipment that has fallen from the vessel or the vessel's sling shipside or overside shall be recovered by the master of the vessel or arrangements for the recovery shall be made to the satisfaction of the Authority before the vessel may be permitted to depart.
- (2) The costs of recovery, damage to the quay, wharf, pier or other works, cargo or thing shall be the liability of the master of the vessel and her owners, whether the act is due to his negligence or not.

84. Responsibility in case of fire, etc

The Authority shall not incur any liability for:

- (a) any loss or destruction of, or damage to goods while in its custody caused by fire, or by water or other agent used in extinguishing fire, or by vermin,
- (b) any loss of, or damage to iron works, or goods in an unprotected state, while in its custody,
- (c) any deficiencies of merchandise produced by inherent, natural or unavoidable causes,
- (d) any deficiency in the contents of unbroken packages,
- (e) the dangerous nature of goods,
- (f) any act or default of the owner or carrier of the goods,
- (g) any loss or damage caused by cyclone, flooding or consequence of a cyclone.

## 85. Animals (I)

- (1) Animals shall be brought into port for direct shipment.
- (2) The Authority is required to effect proper handling of the animals.

## 86. Animals (II)

No person shall:

- (1) smoke, carry or ignite any naked flame on any part of the port premises except in such place and under such conditions as may be expressly permitted by the Authority,
- (2) fish or bathe from or at any quay, wharf or pier within a port,
- (3) ease himself on any part of the port premises except in such place as may be set aside for the purpose,
- (4) tamper with any navigational aid, machinery, water appliances, electric fitting, or equipment of whatever kind in or on port premises,
- (5) knowingly permit any dog or other animal to be on the premises of the Authority without permission of the Authority.

## 87. Access to premises

- (1) (a) Subject to subparagraph (2), no person shall enter, or remain in, any part of port premises unless he is in possession of a valid pass issued by the Authority.
- (b) No person shall bring any vehicle into the port premises unless he is in possession of a valid vehicle pass issued by the Authority with respect to the vehicle.
- (c) Every person in charge of a vehicle in port premises shall, at the request of an employee or security guard of the Authority or a police officer, allow the employee, security guard, or police officer to examine the vehicle and its contents or to check the weight thereof.

(d) Every person in port premises shall, if so requested by an employee, cargo warden or security guard of the Authority or a police officer:

(i) state his business,

(ii) leave the premises.

(e) No person or vehicle shall enter or leave the port premises except by the entrances and exits designated by the Authority for the purpose.

(2) (a) The Authority may, in its absolute discretion and without assigning any reason, refuse entry to any person or vehicle, whether or not the person or vehicle is in possession of or covered by a pass issued by the Authority.

(b) The Authority may, in its absolute discretion, close the whole or any part of the port premises.

(3) Notwithstanding the issue of a pass for entry into the Authority's premises, the Authority will accept no responsibility for any loss or damage to property or injury to any person unless it is proven that such a loss, damage or injury was caused by the negligence of the Authority or its employees.

#### 88. Vehicles

(1) Every person driving a vehicle within the port premises shall:

(a) drive with due care and paying special attention to the operations on the premises,

(b) observe such speed limits and regulations as may from time to time be imposed by the Authority, and

(c) do so at his own risk.

(2) Every person using a vehicle within the port premises shall:

(a) keep a constant look out for all types of mobile cargo-handling and mechanical equipment,

(b) take all precautions to avoid collisions.

(3) No vehicle shall be taken or driven along, or upon any quay, wharf or pier or inside any shed or warehouse without the permission of the Authority.

(4) Every person shall comply with directions given by an employee or cargo warden or security guard of the Authority or by a police officer for the purpose of regulating traffic within the port premises.

(5) No vehicle shall park on or obstruct any passage or gangway leading to or from any wharf, dock, shed, warehouse, or pier or other part of the port premises.

(6) No vehicle or craft shall be left unattended while in the port premises.

(7) No vehicle in the port premises shall be fuelled or refuelled at any place other than an authorized fuelling point without the permission of the Authority.

(8) Where, in the opinion of an employee or cargo warden or security guard of the Authority or a police officer, any vehicle should be moved from any place in the port premises, it shall be lawful for him to direct the driver to move such vehicle to such other place as he may direct and, in the absence of such driver or his failure to comply with such directions, it shall be lawful for any such employee or cargo warden or security guard of the Authority or police officer to move the vehicle.

89. Littering, etc. (I)

(1) No person shall, while discharging or loading cargo, cause or permit the port premises to be dirtied or littered with the remnants or spillage of the cargo.



- (2) Every person acting in breach of subparagraph (1) shall cause the premises to be cleaned forthwith to the satisfaction of the Authority, failing which the Authority shall carry out the cleaning and charge the cost thereof to the person concerned.

90. Littering, etc. (II)

- (1) No dunnage or ship's stores shall, without the prior permission of the Port Manager and upon compliance with such conditions as he deems fit to impose be loaded or discharged
- (2) All dunnage which are not required for ship's use and all ship's stores shall be deemed to be cargo for the purpose of levying charges.

PART VII - PILOTAGE

91. Pilotage district

The Authority may from time to time declare any area in the port or outer port by notice defining the boundaries thereof, to be a Pilotage District.

92. Compulsory pilotage

- (1) Pilotage shall be compulsory in a Pilotage District.
- (2) No vessel exceeding two hundred and fifty gross tons (200 GRT) shall, when entering or leaving the port, berthing or unberthing, or moving from one part of the port to another, do so except under the charge of a licensed pilot
- (3) Every vessel coming into, moving within, or going out of the outer port may, on request, be provided with a licensed pilot.

93. Licensing of pilots

- (1) No pilot shall be employed in a Pilotage District unless he has been so licensed by the Authority.
- (2) No person shall be licensed as a pilot in any Pilotage District unless he satisfies the Authority of his qualifications, ability and experience.

94. Training of pilots

- (1) The Authority shall provide on such terms and conditions as it may determine, general training on pilotage movements or manoeuvres in a port to suitably qualified employees with a view to their obtaining a pilot's license.
- (2) The Authority may prescribe the conditions for such general training and the tests to be passed before any person may be granted a pilot's license.
- (3) Any license granted by the Authority:
  - (a) shall be subject to such terms and conditions as the Authority may impose, whether at the time of issue or renewal of the license or during the currency thereof,
  - (b) may be withdrawn, suspended or cancelled at any time.
- (4) For the purpose of this regulation, an employee of the Authority who, on the coming into force of these Regulations, holds an appointment as pilot or skipper shall be deemed to be a licensed pilot.

95. Liability for pilot's license

The issue of a license to a pilot by the Authority shall not impose any liability on the Authority for any loss or damage caused by an act, omission, or default of such pilot who shall at all times be deemed to be the servant or employee of the master or owner of the vessel while performing pilotage services.

96. Discipline of pilots

- (1) The Authority shall supervise and ensure the maintenance of good conduct and discipline of every licensed pilot and may require the Port Manager to submit a report on any pilot where it appears to the Authority that the public interest or the efficiency of pilotage service so requires.
- (2) Where it appears to the Authority that any licensed pilot has committed a breach of professional conduct or discipline, a Disciplinary Committee appointed under subparagraph (3) shall conduct an inquiry into the matter and report to the Authority and the Authority shall take such measures in relation to the pilot as it may determine.
- (3) A Disciplinary Committee appointed under these regulations shall consist of the Port Manager, who shall be the Chairman, and two other persons appointed by the Chairman of the Authority.

PART VIII - DANGEROUS GOODS

97. General restriction

- (1) No person shall cause to be imported or exported and no vessel shall cause to be loaded or discharged or transported any dangerous goods within the limits of a port except in accordance with the instructions or directions of the Authority.
- (2) Subject to subparagraph (3), no other cargo shall, while dangerous goods are being loaded or unloaded by a vessel or lighter, be loaded or discharged from that vessel or lighter.
- (3) The Authority may authorize the loading or unloading of limited quantities of dangerous goods simultaneously with other goods as it may, in any particular case, determine.

98. Declaration of dangerous goods

- (1) No dangerous goods shall be brought into the port unless:
  - (a) the goods have been declared as such and adequately described in the notice required under Regulation 12,
  - (b) the goods have been certified by the master or agent of the vessel to be properly marked, packed and labelled in accordance with the IMDG Code,
  - (c) the master or agent of the vessel has notified the pilot piloting the vessel into the port or outer port of the dangerous goods on board.
- (2) A certificate given by the master or agent under subparagraph (1) shall be in duplicate and shall indicate the quantity, the correct technical name and identification of the goods and its appropriate classification in accordance with the IMDG Code.

99. Defective packaging

- (1) No defective package or container containing dangerous goods shall be landed on or brought into the port premises.
- (2) The Authority may, in case of emergency or for the purpose of securing the better safety of the port or of shipping therein, destroy or otherwise dispose of any dangerous goods without payment or compensation therefor.

100. Warning signals to be hoisted

- (1) Every vessel carrying dangerous goods shall, so long as the dangerous goods remain on board, exhibit in such manner as can clearly be seen all around the horizon:
  - (a) in the case of dangerous goods other than dangerous petroleum,

a red flag not less than 0,6 m<sup>2</sup> during daylight or a red light by night, and

(b) in the case of dangerous petroleum, a red flag not less than 0,6 m<sup>2</sup> with a white circular centre 10 cm in diameter during daylight or a red light by night.

(2) The provisions of subparagraph (1) shall not apply to:

(a) dangerous goods on board any vessel used or intended to be used solely for the purpose of ship's stores for the vessel,

(b) small quantities of dangerous goods lawfully taken for sample purposes by any authorized officer.

#### 101. Restriction on working hours

(1) Except with the written permission of the Authority and under such conditions as the Authority may impose, no dangerous goods shall be loaded or unloaded between 1800 hours and 0600 hours of the following day.

(2) Where loading or unloading of dangerous goods has commenced, it shall be continued with all the due speed and diligence and, where it is impracticable to complete the operation before 1800 hours:

(a) all operations shall cease after 1800 hours and all holds or hatches shall, unless permission to continue operations has been obtained from the Authority, be securely fastened immediately after the loading or unloading has discontinued, and

(b) the same precautions shall be taken as though the vessel had not yet commenced loading or unloading.

(3) The agent of every vessel loading dangerous goods at any berth, and intending to depart shall ensure that the dangerous goods to be loaded on a vessel are so loaded:

- (a) with due speed and diligence before 1800 hours on the day of departure, and
  - (b) after all other cargo has been loaded.
- (4) Except with the permission of the Authority, no vessel or craft carrying or containing dangerous goods shall remain alongside any vessel, quay, wharf, pier or outer landing place between 1800 hours and 0600 hours.

#### 102. Restrictions (I)

No person shall smoke, and no fire or naked light, other than navigation or signal lights shall be allowed on board any vessel or craft which has or is about to receive on board any dangerous goods.

#### 103. Restrictions (II)

- (1) The master of every vessel having dangerous goods on board shall ensure that all precautions, including the provision of fire services are taken on board the vessel while in the port and on the quay during loading or unloading of the dangerous goods.
- (2) The master of every vessel shall ensure that the following precautions are taken on board the vessel during the time when any dangerous goods are on board and, in the case of a vessel which has been unloading inflammable liquids, until the vessel has been certified free from inflammable vapour:
  - (a) chipping or scaling or any operation likely to cause a spark is not carried out,
  - (b) welding of any kind on the vessel is not carried out,
  - (c) iron or steel hammers are not used in opening or closing hatches or steel tank lids or in any other operations,

(d) no repairs are carried out in any compartment containing dangerous goods.

(3) The master of every vessel loading or unloading dangerous goods in bulk shall ensure that direct communication by telephone or radio is established and continuously maintained between the berth and the receiving tanks ashore during loading or unloading operations.

#### 104. Removal of landed dangerous goods

(1) No dangerous goods shall be landed at any quay, wharf or pier until the ship, lighter, barge, carrier or vehicle by which the goods are to be removed is in readiness to receive them.

(2) All dangerous goods imported and landed on the Authority's quay, wharf, or pier shall, unless special permission is granted to store the goods in the port premises, be removed to a proper place for storage.

(3) The agent of every vessel from which dangerous goods are landed, shall ensure that the dangerous goods are removed from any Authority quay, wharf or pier before 1800 hours on the day the goods are landed.

#### 105. Unauthorized persons

No person other than the ship's crew, persons engaged in the loading, unloading or handling of dangerous goods or other persons on lawful business in connection with the dangerous goods, shall be:

(a) on board any vessel, lighter or barge carrying dangerous goods, or

(b) within 50 metres of any place ashore where the goods are being loaded, unloaded or handled.

#### 106. Bulk landing or discharge, etc.

(1) Subject to Regulation 101 and subparagraph (2) of this Regulation ,

every vessel which has commenced loading or unloading inflammable liquids in bulk before sunset shall be permitted to continue loading or unloading from or into reservoirs or tanks ashore.

- (2) Where anything occurs during the loading or unloading of inflammable liquids under subparagraph (1) after sunset to necessitate a repair to the plant, pipes or connection or to interfere in any way with the uninterrupted loading or unloading, the loading or unloading shall discontinue forthwith until after sunrise.
- (3) Every pipe and other appliance used for the loading or discharge of inflammable liquids in bulk shall be free from leakage.

#### 107. Loading after discharge of inflammable liquids

No vessel which has completed the unloading of inflammable liquids shall commence loading any cargo until the holds or compartments in which the liquids were carried, have been properly ventilated and are free from inflammable vapour.

#### 108. Leakage of vessel in the harbour

- (1) Where any vessel discharging inflammable liquids commences to leak while in port, the master shall immediately report the leakage to the Port Manager or his representative.
- (2) The master of every vessel which leaks while in port shall comply promptly and diligently with such directions as the Port Manager or his representative may give.

### PART IX - TOWING OPERATIONS

#### 109. Terms of authority towage

Towage of and other assistance to vessels and other objects to be towed



or assisted shall only be undertaken by the Authority upon the following terms and conditions:

- (a) the towage or other assistance shall be deemed
  - (i) to commence only when the tug is in a position to receive orders direct from the tow or to pass or to receive the tow rope, whichever is the sooner, and
  - (ii) to end when final orders from the tow to cease attending have been carried out or when the tow rope has been finally slipped and the tug is safely clear of the tow, whichever is the later.
- (b) the Authority shall not be liable to the ship owners for any loss or damage which they may suffer and ship owners shall be liable to the Authority for any loss or damage which the latter may suffer and which might arise during the course of or in connection with the towage or other assistance from any cause whatsoever, including any negligence of the Authority, its servants or agents, unseaworthiness, unfitness or breakdown of the tug, its equipment or towing gear, lack of fuel, stores or speed or otherwise, provided only that such loss or damage is not caused by want of reasonable care on the part of the Authority before and at the beginning of the towage or other assistance in order to make the tug seaworthy for the towage or other assistance.
- (c) The burden of proving the want of reasonable care referred to in subparagraph (b) above shall be upon the ship owners, and the mere fact of unseaworthiness of any kind shall not be taken to be evidence of such want of reasonable care.
- (d) The terms and exceptions in this regulation shall remain in force during and notwithstanding any deviation or interruption or failure in the performance of the towage or other assistance and whether or not there has been any substitution of tugs.

- (e) (i) The Authority may at any time, whether before or after the commencement of the towage or other assistance, substitute one tug for another and may tow or otherwise assist more than one vessel at a time.
- (ii) The Authority shall be at liberty to employ a tug belonging to other tug owners for the whole or part of the towage or other assistance.
- (f) (i) The provisions of this regulation shall determine as between the Authority and the shipowners where liability for loss or damage shall lie.
- (ii) Any sum which may be payable by the shipowners under the provisions of this regulation shall, notwithstanding anything contained in subparagraph (b) of this regulation, be treated as a debt and not in the nature of an indemnity.
- (iii) No sum so payable shall be discharged or diminished by any sums recovered by the Authority from its insurers in respect of the loss or damage and the ship owners shall not be entitled to be subrogated to any rights of the Authority or to have any rights of contribution from the Authority's insurers.
- (g) The shipowners shall not be liable to the Authority under subparagraph (b) of this regulation beyond the sum to which they would be entitled to limit their liability under the provisions contained in the Merchant Shipping Acts 1894 of the United Kingdom as amended, if their liability were a liability to damage arising out of an occurrence described in such enactments, provided always that the shipowners shall prove that the occurrence from or out of which the Authority's loss or damage arose took place without their actual fault or privity.

- (h) (i) In the event of the Authority employing a tug belonging to other tug owners for the whole or any part of the towage or other assistance, the shipowners shall not bring any suit against such other tug owners in respect of any matter arising out of any towage or other assistance rendered.
- (ii) If such other tug owners suffer any loss or damage of any nature whatsoever, including any liability to the shipowners in any suit brought against them by the shipowners, against which loss or damage the Authority shall be liable to indemnify such other tug owners under the terms of its contract of hire of such other tug owner's tug, the shipowners shall repay to the Authority any sums including costs which the Authority shall have paid or shall be liable to pay to such other tug owners.
- (j) (i) Any claim which the shipowners may have arising out of or in connection with any towage or other assistance performed or rendered or to be performed or rendered by the Authority shall be notified to the Authority in writing within twentyeight days of the date when the shipowners' cause of action arose and any suit shall be commenced by the shipowners within two years of such date.
- (ii) If either of these conditions is not complied with, the shipowners' claim shall be absolutely barred and the Authority shall be discharged from all liability in connection therewith.
- (k) Nothing in this regulation shall preclude the Authority from claiming or receiving salvage reward.

110. Towage serve

- (1) Subject to subparagraph (2), no vessel or other object requiring towage

or other assistance for the purpose of approaching or leaving an Authority berth shall make use of any towage or other assistance other than that provided by the Authority on the terms and conditions prescribed in Regulation 109 above.

- (2) Subject to subparagraph (3), a vessel may with the written permission of the Port Manager, tow or otherwise assist any other vessel or object in accordance with the following conditions:
  - (a) the tow shall always be under the proper and seamanlike control of the tug,
  - (b) not more than one vessel or object shall be secured to any one side of the tug,
  - (c) not more than four vessels or objects in the aggregate shall be towed or otherwise assisted in line by any single tug, and
  - (d) if two or more vessels are being towed, the distance from the stern of any tug to the stern of the last vessel or object towed as the case may be, shall not exceed 100 metres.
- (3) The Port Manager may in his absolute discretion permit towage or other assistance otherwise than in accordance with the foregoing conditions and the following provisions shall have effect in relation to any application for such permission:
  - (a) the owner or master of the tug shall make written application to the Port Manager specifying the grounds on which the permission is sought,
  - (b) the Port Manager in exercising such discretion as aforesaid may impose such terms and conditions as he may think fit in relation to the permission applied for,
  - (c) any failure strictly to comply with any such conditions shall constitute an offense under this regulation on the part of the person

making application for permission whether such application shall have been signed by him or any person purporting to act on his behalf.

#### 111. General towing definitions

In regulations 109 and 110 above, unless the context otherwise requires:

'Shipowners' shall mean the owners of the vessel or the charterers thereof or the persons otherwise in possession or control of the vessel who have requested or accepted towage or other assistance; 'Loss or damage' shall mean injury, loss or damage whether physical or pecuniary and whether direct or consequential, including loss of life, injury to persons, loss, damage or expenses consisting of or caused by delay or otherwise arising without physical loss or damage to property, and also including loss, damage or expense consisting of or caused by liability of any kind to third parties, including any employee or agent of the Authority.

#### PART X - SPECIAL OPERATIONS

#### 112. Launching of new vessels

No newly constructed vessel of more than 15 metres in length shall be launched or otherwise caused to be placed into the waters of the port without the prior written permission of the Port Manager.

#### 113. Breaking up of vessels

No vessel may be broken up either wholly or in part without the permission of the Port Manager who may lay down such conditions as he deems appropriate to the circumstances of the case and who may require sufficient security that such conditions will be observed.

114. Submarine cables and pipe lines

- (1) No person shall lay, lift, repair or inspect any submarine cable or pipe line without giving at least twentyfour hours notice in writing to the Port Manager.
- (2) The owner of any submarine cable or pipe line shall re-lay such cable if it is found to be outside an area approved by the Port Manager and shall remove any cable or pipe line which is no longer in use.

115. Vessels under fumigation (I)

The provision of Regulation 43(1) shall not apply to a vessel which is under fumigation by hydrogen cyanide or other toxic gas provided that:

- (1) the written permission of the Port Manager shall have previously been obtained,
- (2) the operating company maintains a competent staff on board the vessel during the whole period of the fumigation until sufficient members of the crew of such vessel have returned on board, and
- (3) the appropriate International Signal is displayed prominently on the vessel during the entire course or period of fumigation.

116. Vessels under fumigation (II)

Except with the written permission of the Authority, no pitch, tar, wax, resin or similar substance shall be heated on board any vessel which is berthed at any Authority berth.

PART XI - PENALTIES

117. (1) Any person who contravenes any condition or other provision of these Regulations shall commit an offence.

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(2) Any person who commits an offence shall, on conviction, be liable to a fine not exceeding (state amount) and to imprisonment for a term not exceeding (state period), and in the case of a continuing offence, to a fine not exceeding (state amount) for every day or part of a day during which the offence is continued after the date of conviction thereof.

## CHAPTER 3

### 3.0 THE NEED FOR DEEP WATER PORTS IN SOMALIA

Deep water ports have been constructed in Kismayu (1968), Berbera (1969) and also in Mogadishu (1976). The reason for replacing the lighterage systems originally found in these ports was to achieve economic benefits mainly derived from the following:

- (a) Reduction of cargo costs. This is achieved because double handling of the cargo is eliminated when alongside facilities are utilised, and because improved cargo handling equipment is employed.
- (b) Reduction of cargo damage or losses.
- (c) Reduction of waiting time to vessels and their cargoes. This can be done by building more berths to avoid excessive waiting time and to get quick round of vessels. This in turn will have a positive effect on the freight as the cost is partly based on time spent in port; it is obvious they will be able to achieve an earlier delivery of cargo to consignees.
- (d) Acquisition of quay facilities in the ports which used to be lighterage system is to cope with the increasing seaborne trade as well as the increasing shipping lines.

### 3.1 PORT FACILITIES

The port facilities available to the port users in the three main ports of the country can be generally classified as falling under:

- port entrances
- the quay fronts



- the port area, sheds etc.
- port equipment
- efficiency of labour employed

These facilities are required in order to cope with the types of ships trading in these ports and to satisfy their traffic flow and trade patterns.

### Port of Mogadishu

The port of Mogadishu has six deep water berths with a total quay length of 1,000 metres and three modern transit sheds with a covered area of 15,000 m<sup>2</sup>.

The port has been built recently (1976) and it can be considered to be a modern port. The port of Mogadishu also has an administration building and a mechanical workshop, although the latter could be improved.

The berths in this port are divided as follows:

Berth No. 1	Oil terminal (crude oil)
" 2	General Cargo Terminal
" 3	"
" 4	Livestock berth
" 5	Banana or multi purpose terminal
" 6	Container terminal and ro-ro ramp with a vast open area available for container traffic.

### Port of Berbera

The port of Berbera has a quay of 690 metres long for ocean-going vessels and two transit sheds with a covered storage area of about 10,000 metres. Also available is a pier jetty capable of accomodating three coasters and an oil dolphin that can berth standard product carrier. The berthing facilities available at Berbera port can be generally said to need improvement and maintenance.

At Berbera we also find:

- an administrative building
- a mechanical workshop
- an oil berth
- a jetty for coastal shipping, and
- 4 berths for ocean-going vessels

#### Port of Kismayu

The port of Kismayu has four deep water berths with a total quay length of 620 metres. The port was built in 1968. The quay and most of the facilities have been deteriorated by normal wear and tear and a rehabilitation scheme for the port has been scheduled.

At this port we find:

- one berth for oil products
- three multi purpose berths
- an administration building, and
- a mechanical workshop to be renovated in order to cope with the task of cargo handling equipments.

### 3.2 SHIPPING IN THE MAIN PORTS OF SOMALIA

Ideally there should be a close cooperation between ports and port users forming part of the various links in the transport chain. In coastal shipping this is easily achieved, but it can prove difficult when overseas operations are involved. However, such cooperation between shipping companies and ports authority is well known, and it will normally be of mutual benefit to the parties concerned. Ports should try to cope with the technological improvements in ship types, despite the fact that such an attempt will cost the port huge funds.

The types of ships now calling at the main ports of Somalia are:

(a) Break bulk carriers

(b) Bulk carriers

At present only oil products and crude oil are carried to these ports in bulk, but preparations are underway to build terminals which will be able to accommodate grain and cement in bulk, in the very near future.

(c) Special purpose vessels, including:

- livestock carriers,
- reefer vessels, and
- pure car carriers.

Livestock carriers calling to these ports are transporting alive animals and consist of the carriage of sheep and goats, cattle and camels.

Operations of livestock carriers take place mostly at night hours with proper handling appliances to load the animals efficiently and in a very short time compared to the time taken by other commodities.

Reefer vessels carry mainly bananas. They load at two ports located near to the plantations to avoid delays.

(d) Container ships

Those vessels with crane arrangements to lift on or lift off containers can be accommodated, but plans are under way to build port gantry cranes in the container terminal.

#### Coastal shipping

Coastal general cargo operations are also increasing in the main ports of the country because more small ships are trading within the region. Great consideration and assistance are being given to these ships by the Somali ports authority, so that they can achieve a quick turn round, because special berths have been allocated to them in the ports.

### 3.3 CARGO HANDLING

In Somalia, the Ports Authority manages and operates the stevedoring (cargo handling between ship and apron) and shore handling and storage of cargo. Thus cargo handling equipment is operated and maintained by the same organisation.

The main ports of the country are mainly handling imports, the only exception being livestock and banana export. Deployment of labour in these ports (Mogadishu, Berbera and Kismayu) follows the same pattern where gangs are supplied according to the requirements of the commodity, as per ports regulations. All the work is performed during normal day-time working hours, since the night hours are calculated as overtime. It is economically advantageous if three shifts can be made available to vessels undergoing port operations in the berths, but mostly two shifts are arranged, due to the availability of gangs at certain hours.

#### Livestock

Livestock can be loaded in all the ports, but Berbera handles about two thirds of this trade. In Somalia livestock vessels are given berthing and sailing priorities and their operations are arranged in such a way that loading is done as fast as possible.

#### Bananas

The loading of bananas is done at the ports of Mogadishu and Kismayu because the plantations are close to them. Like the livestock carriers, reefer vessels are also given priority regarding berthing and sailing.

Bananas arrive by trucks in cardboard boxes weighing 16 kg, due to their perishable nature. The loading from the trucks to the ships hatches is usually done with no stoppage. The ship's port stay is minimized.

#### General Cargo

In the main ports of the country the most important means of discharging and loading ships is their own gear. The load is then landed on a trailer. The Somali Ports Authority apply the use of the trailer and tractor as an alternative means of cargo handling. One important advantage of using the tractor and trailer is that the tractors may be used elsewhere while the trailers are being loaded or discharged. They may be used with considerable success when loads have to be carried long distances. The tractors can also, of course, tow a train of trailers. The commodities handled in this way include:

pallets,  
drums,  
pipes,  
timber,  
bagged cargo,  
vehicles, and  
containers.

#### Procedures for and planning of operations

Procedures have been laid down for daily operations but are rarely observed.

The main points to consider in cargo operations should be:

- (a) Ships will be berthed in the order they arrive or based on official priorities.

- (b) Ships will be allocated labour, storage and equipment according to their schedule of arrival or based on official priorities.
- (c) Preplanning to be carried out on the basis of advance information from the Somali Shipping Agency, especially the expected time of arrival, ships manifest, hatch lists and stowage plans.
- (d) A working performance sheet shall be prepared for each vessel by the ships foreman.

### 3.3.1. CARGO RELEASE

Cargo release from the port to the consignee is done through a documentation procedure involving many parties and a bureaucratic procedure that needs to be re-studied and simplified.

#### Direct delivery

Direct delivery of any commodity can be undertaken when the documentation procedure is completed prior to the arrival of the vessel. The Somali Ports Authority encourages these practices by giving rebates or bonuses from the handling charges paid by the cargo owners. Then there are commodities such as cement bags, chemicals and dangerous goods for which storage facilities are not available, the only alternative being to prepare the direct delivery procedure.

We consider that it would be economical and advantageous to install storage facilities for such commodities at the ports of Mogadishu, Berbera and Kismayu. The type and design of such infrastructure to be formulated according to the needs and the availability of funds.

### 3.3.2 PORT SAFETY AND SECURITY

Cargo operations in any port involve certain risks during the different stages the cargo is moving and the Somali ports are no exception. In order to carry out safe operations in the ports some preliminary steps should be taken:

- (1) First aid and ambulance services have to be made available.
- (2) Fire prevention and fire fighting.
- (3) Handling of dangerous cargoes in port.
- (4) Enforcement of port safety rules and regulations.
- (5) Control of cargo damage.
- (6) Control of the movement of vehicles and visitors in port areas.
- (7) Pollution control and combatting.
- (8) Co-ordination of human resources for port safety operations.

### 3.4 PORT RELATED SERVICES

The operators' work in connections with the discharging and loading of cargo is closely associated with the duties and services carried out by several other government and private agents including:

- Ship Agents
- Customs Inspectors
- Port Health Officers
- Forwarding and Clearing
- Shippers' Council Representatives

#### Ship Agents

Ship Agency Services in Somali ports are offered through a Government owned company (SSA&L), the exclusive representative of every ship (ocean going or coastal) calling at national ports. Aside from assisting ships in every way

possible to ensure compliance with all regulations for entering and clearing the ships, the Somali Shipping Agency and Line, as the name implies, is also a shipowner. Its work in this field includes fleet management and general commercial activities.

#### Customs Inspectors

All goods must go through a customs check up. The master is compelled to provide Custom Officers with a list of any dutiable goods declared to be in possession of each crew member. Then after bonded ships stores remaining onboard have been checked and sealed up by the customs, then the ship is cleared. Seals must not be broken without the customs' presence when inside the territorial waters of Somalia.

#### Port Health Officials

In nearly all Somali ports the Health Officers work under the supervision of the Ministry of Health's hygiene department. Their functions are:

- (a) To prevent the importation of infectious diseases.
- (b) To prevent the importation of rats and other such disease carriers.

In compliance with the International Sanitary Convention, 1926, particularly as regards to the granting of derating and derating certificates.

- (c) To supervise and inspect the hygiene condition of the accommodations of crew and passengers.
- (d) To inspect food imports.
- (e) To supervise the general sanitary condition of port area.

The Port Health Officer boards vessels to secure from the master a health declaration form. He also supervises and advises on arrangements for the disposal of ship's refuse whilst in port. He is competent to deal with



3

conditions on board ships regarding conditions adversely affecting the health of the crew. He deals with any cases of infectious disease and arranges with Ports Authority and Ship Agent for the provision of a special berth for the isolations of such vessels. Alternatively, they can allow such vessels to proceed to their normal working berth under a special regime and certain restrictions.

#### Forwarding and Clearing

A cooperative is in charge of forwarding, clearing and tally activities in the ports. This cooperative has many functions and works in close cooperation with the Somali Shipping Agency and Line and the Somali Ports Authority.

#### Shippers' Council

Shippers' Councils were very recently established in the main ports of the country. Now they function in all the main ports of the country, although they are concerned with only one type of commodity. The Shippers' Council is formed by the principal traders in this and organised with the assistance of the Government. They are mostly engaged in:

- (a) Consolidation of cargo.
- (b) Bargaining of freight rates and frequency of sailings.

The Shippers' Council so far have been very successful from the port operator's point of view and their creation was a good solution to some outstanding problems.

### 3.5 THE PROBLEMS OF PORTS IN DEVELOPING COUNTRIES

#### 3.5.1 NATURE OF PROBLEMS

Most developing countries face a formidable array of economic and social problems in order to raise the level of their economies, to improve the standard of living of their people and to narrow the gap between them and the developed countries.

Reliable and efficient means of transportation coupled with maritime connections with the outside world, specially its trading partners, are very essential prerequisites for economic progress and development of any developing country. One of the important things most developing countries tried to do after independence was improving their ports, a most important link in overseas transport and trade. Port improvement and development are not easy tasks. They require a lot of planning. Men, material and money are needed to achieve the objectives of improvement and development.

" Ports in advanced countries have been enlarged and improved in a process of gradual evolution over a long span of years. They had at their disposal a centuries long experience, well trained personnel and human resources within their immediate hinterlands. None of these precious advantages was available to a great majority of developing nations. They were obliged to radically modernize, within a very short period of time, the primitive port facilities of the colonial epoch and to adopt them to a deeply changed pattern of foreign trade. "

(Port problems in developing countries  
Principles of Port Planning and Organization  
by Rohdan Nagorski, page 1, para 3 & 4)

After independence the need for accelerated economic development of developing countries resulted in a substantial increase in imports such as trucks, tractors, agricultural and road building equipment and heavy industrial installations. Improvements in living standards in certain countries and the creation of new tastes considerably raised the demand for general cargo of foreign origin and for basic foods such as grain and sugar. Discoveries and exploitation of rich mineral deposits made it necessary for the provision of high capacity terminals for loading big quantities of bulk materials.

This led to extension work of existing ports and cargo handling methods improved to meet modern requirements of the modified traffic. In many countries, new ports had to be constructed such as in Aqaba in Jordan, Jeddah and Dammam in Saudi Arabia, Mogadishu, Berbera and Kismayu in Somalia. New port administrations had to be organized or in other areas re-organization of the old administrations had to be undertaken to meet the demands of independent governmental machinery. Other allied activities both commercial and technical have to be provided to the expanded maritime trade.

#### 3.5.2 HOW TO SOLVE THE PROBLEMS

To overcome the above difficulties the developing countries could ask for technical advice and financial assistance from international sources such as the United Nations, the World Bank, the European Development Fund, United States Agencies, British, French, West German, Scandinavian as well as Japanese donors and other possible donors to give assistance to developing countries in port development.

In developing countries land is available and easy to get for development into large modern ports, while this is not the case in the developed countries.

Ports are basically established:

" to provide a fast and efficient dispatch of vessels and a rapid, safe and economical flow of cargo through the port. "

(Ibid)

To achieve rapid economic development it is absolutely necessary for developing countries to improve their ports to facilitate fast and efficient working of cargo moving through the ports. This will reduce the cost of their imports and make their exports cheaper on the world market and the net result will render more revenue in foreign exchange, which could be used on importing the necessary machinery and equipment for industrialization and other import for development and improving the living standards of their citizens.

## CHAPTER 4

### 4.0 SOMALI PORTS ECONOMY

The Somali Ports Authority derives its economy from the revenue charges to the port users and generally the charges are divided into:

- charges for ships
- charges for commodities
- charges for other services

All services performed to ships are charged with hard currency and credited to the Somali Shipping Agency & Line, which is the only shipping agency in the country. The hard currency earning services include:

- ship entrance charges
- port dues
- berth occupancy
- pilotage
- tug & marine craft services
- mooring services
- stevedoring charges
- crane hired to ships
- water to ships

but the shore handling charges for import and export are collected in Somali shillings.

The port pricing is nearly changing every year because of the effect of the inflation. Any way the tariff of the ports of Somalia is cost based, where changes in traffic is carefully observed and noted.

4.1 This table shows the trade movements in the years of 1981, 1982, 1983 and 1984 in all the three main ports of the country (000 tons)

Port	1981	1982	1983	1984
<b>MOGADISHU</b>				
- import	556	741	523	723
- export	38	81	120	93
Total	594	822	643	816
<b>BERBERA</b>				
- import	224	154	170	192
- export	47	39	44	39
Total	271	193	214	231
<b>KISMAYU</b>				
- import	89	68	40	37
- export	30	58	34	23
Total	119	126	74	60
Total for all 3 ports	984	1.141	931	1.107

This table also shows the ship movements in the Somali ports for the period of 1981, 1982, 1983 and 1984. Mostly these ships consist of the general cargo ships, tankers, cement, reefer vessels, livestock vessels.

Port	1981	1982	1983	1984
MOGADISHU	273	281	287	326
BERBERA	290	314	286	342
KISMAYU	102	112	82	146

4.2 TRAFFIC THROUGH THE BERBERA PORT 1983

Month	No. of vessel	Type of cargo (tons)		Petroleum (tons)	TOTAL IMPORT
		Bagged	General		
January	11	11.900	2.339	1.000	15.239
February	4	8.072	326		8.398
March	8	3.653	1.940	10.980	16.573
April	10	12.350	3.439	3.000	18.789
May	10	6.775	4.254		11.029
June	11	17.453	6.273	6.992	30.718
July	8	5.364	2.590		7.954
August	12	2.400	4.479	5.890	12.769
September	5	3.999	470		4.469
October	12	30.239	1.455		37.584
November	11	12.088	3.996		16.084
December	8	3.299	1.513	1.500	6.312
<b>TOTAL:</b>	<b>110</b>	<b>117.592</b>	<b>33.074</b>	<b>29.362</b>	<b>180.028</b>

Month	No. of vessel	Camel (Nos)	Cattle (Nos)	Sheep/Goat (Nos)	Total live-stock	Incents	TOTAL
January	5	322	2.252	43.613	46.187	149	
February	8	400	3.166	105.890	109.856		
March	3	479	1.418	30.988	32.885	21	
April	4	481	500	54.036	55.496		
May	5	100	300	57.615	58.015		
June	1	-	-	14.099	14.099		
July	2	-	-	26.562	26.562		
August	22	998	850	327.163	329.011	15	
September	21	165	450	291.775	292.390		
October	1	-	-	8.300	8.300		
November	1	-	349		349	72	
December	1	-	200		200	30	
<b>TOTAL:</b>	<b>74</b>	<b>2.955</b>	<b>9.485</b>	<b>960.041</b>	<b>973.350</b>	<b>287</b>	
<b>Total in tons</b>		<b>1241,1</b>	<b>2086,7</b>	<b>28801,2</b>	<b>32129,0</b>		
<b>GRAND TOTAL:</b>							<b>32.416</b>

4.3 SUMMARY OF SPA FINANCIAL POSITION AS OF DECEMBER 31, 1984 (000 So.Sh.)

	<u>AMOUNT</u>	<u>% GROSS INCOME</u>
<u>INCOME</u>		
1. Charges on Ships	22.158	14.5
2. Other Maritime	1.043	0.7
3. Harbour Tax	27.014	17.7
4. Stevedoring	14.755	9.7
5. Shore Handling	44.251	29.0
6. Other Cargo Charges	43.030	28.2
7. Interest Income	171	.1
	<hr/>	
GROSS INCOME	152.422	
 <u>EXPENDITURES</u>		
1. Salaries	9.292	6.1
2. Day Employees (stevedoring, dockers)	25.157	16.5
3. Other Payroll	2.490	1.6
4. Utilities, Consumables	17.882	11.7
5. Depreciation	15.995	10.5
	<hr/>	
TOTAL EXPENDITURES	70.816	
	<hr/>	
GROSS PROFIT	81.606	53.7
Administration	4.567	3.0
Financial Costs	2.943	1.9
NET BEFORE TAX	74.096	48.6
Turnover Tax*	37.048	24.3
Government Share*	22.229	14.6
Reward and Housing	5.704	3.7
Investment*	11.114	7.2

(Percents of NBT established by law)



#### 4.4 GAINS TO BALANCE OF PAYMENT

The Somali Ports Authority as a Government agency contributes part of its profit turnover directly to the state as can be seen from the financial statement issued yearly - as an example of the statement of December, 1984, it shows 40% of the profit turnover goes to the Ministry of Finance.

Despite the above mentioned contributions there are several indirect contributions gained from the ports and this can be classified as:

- The first consideration is the gains derived from the efficiency of ships quick turn round from the main ports of the country - which is the effect of lowering the freight rate.
- The second consideration is to avoid ports congestion which will have the adverse effect on the national economy. The ports of this country have very rarely experienced congestions except on limited occasions and it would be during the periods of the monsoons, during the boom season for animal exportations or during the pilgrimage time.
- The third consideration is the laid up vessels in the workable areas in the ports. These vessels need to be removed and other arrangements have to be made for them. The port workable berths cannot be utilised for revenue earnings when the laid up vessels occupy the space. This definitely assists to accelerate port congestion at times of need for the workable berths.

## CHAPTER 5

### 5.0 PORT LABOUR

The Somali Ports Authority in the day to day operations in the main ports of the country (Mogadishu, Berbera, Kismayu) employs the manpower as categorized below:

- Administrative and Technical personnel
- Dock workers

The administrative and technical personnel in the main ports of the country carry out their duties as laid down by their occupational frame work.

The S.P.A. has trained the middle management staff mostly on the scheme called Improved Port Performance (IPP), prepared and received the material of the training from UNCTAD.

On the other hand the dockers of the ports do not have schemes for job training. It seems that the greater number, the gang sizes, are employed and the pay is low. We recommend that gang sizes be revised as well as the income to the dockers. It is no doubt that it is to the advantage of the Authority to take remedial actions as to increase the wages and employ the required size to the operations intended. The dockers are paid on piece rate.

The Somali Ports Authority is required to take proper measures to train the manpower in this sector. A training scheme has to be laid out for the dockers in all ports of Somalia with the assistance from ILO in this field, and has to seek the cooperation from the Ministry of Education, Labour and Health.

The training program intended to the dockers will be on:

- (1) Cargo operations
- (2) Safety measures at work and in the port area

The gain derived from this will touch upon the following:

- (a) increase towards port productivity, and
- (b) economic and social benefits to the dockers.

In order to achieve the above mentioned goals it is required from the Ports Authority to establish in all the ports schemes of promoting the know-how of the dockers and this means that the training scheme mentioned above be planned and implemented towards port workers mostly on cargo operations and other port works. It is a necessity to have a training centre in each port for the dockers where training, meetings and socio-economic gatherings can be arranged. This centre will also contribute towards the maximisation of port productivity and prepare trained or skilled dockers. Wages are also to be considered and to be increased to a higher level to other competing industries, so that dockers will be obtained at all times. Gang sizes should also be re-studied and a productive size be tailored for the commodity to be handled.

## CHAPTER 6

### 6.0 CONCLUSION AND RECOMMENDATIONS

In concluding the subject of ports development in Somalia, its impact on economic growth has been clearly noted on the effects on the trade moving through the ports of the country and the transportation chain. To make the ports of the country - mostly the main ports - contribute to the economic progress positively it is most essential to review and suggest the alternative path which mostly is identified in the following areas:

- Management reorganization and delegation of responsibility
- Training of human resources
- Port operations
- Safety measures

#### (1) MANAGEMENT REORGANIZATION AND DELEGATION OF RESPONSIBILITY

It is very important to reorganize the management in order to suit the most effective way of carrying the ports objectivity which is to make the ports a gain in their day to day activity and to avoid bottlenecks whatsoever in addition to job satisfaction, security of employment and the improvement of working environment. In this aspect the management of the Somali Ports Authority should be reorganized as mentioned below:

##### Organizational set up

The Somali Ports Authority is to be divided into five departments, namely:

- The Administrative Department
- The Operational Traffic and Marine Department

- The Department for Finance, Economy & Commerce
- The Engineering Department
- The Planning, Research and PR Department

#### The Administrative Department

The functions and duties to be delegated to this department must be clear and ambiguity to be avoided. The department would be required to carry out daily assignments as laid out in the organizational set up. This department comprises the legal advisors and secretaries. The flow of matters committed to the Port Authority by the Government is steadily increasing. Very often, these matters have to be attended to by the secretariat, in any case from a formal or juridical point of view. The same applies to consultations and negotiations with other port enterprises or port users, especially in legal matters or disputes. The head of the department acts as secretary in a number of consultative committees set up by the port operators and users.

#### The Operational Traffic & Marine Department

To plan and to direct ships movement within the port water area, including distribution of berths, operation of quay cranes and generally utilisation of mechanical equipment and appliances and provision of cargo storage space. As for the port water area, the Port Operations Department also has to operate all dredging equipment and navigational aid within the harbour area. Safety matters of first rank include the handling of dangerous goods, and the prevention of oil spills and oil abatement if any. The Port Operation Department has to issue regulations within this field of its responsibility.

#### The Department of Finance, Economy & Commerce

This department prepares - in close cooperation with other departments -

plans of operational revenue and expenditure of the redemption and borrowing of capital, etc., as the necessary basis for decisions on the ports' future. The complex system of tariffs also demands attention, not only with regard to the fixing of charges. Among the objectives of the department are the simplification of the basis for charging of tariffs, various tariff items, etc.. The department also has to follow the developments of the Ministry of Sea Transport and Ports of the country if any concerning maritime developments as a whole and to ports in particular and also to make investigations, prepare reports etc. as bases for action.

#### The Department of Engineering

This department is responsible for the projecting, design and construction of port facilities, mechanical and electrical equipment. The department also sees to the maintenance of port facilities of all-kinds. The control and coordination of consultant services and work by contractors is another responsibility of the department. The Somali Ports Authority is by now at a level to identify that the costs of new port facilities and also maintenance costs, could be kept at a lower level by using the specialized staff of the Authority for work, but there may be occasions when the Authority employs the work of contractors or consultants.

#### The Department of Planning & Research

This department prepares studies of trends in trade and of potential future cargo flows. These forecasts generally serve as a basis for all development activities of the Ports Authority. However, the Somali Ports Authority is required to follow up their forecasts continuously, as conditions change. The follow up is the responsibility of the Department of Planning and Research. On the basis of its forecasts the Department of Planning and

Research has to draw up long-, medium- and short range plans for port extension, re-shaping, re-allocation of port traffic through study programs. This is generally done in close cooperation with, for example, the Port Operations Department, the Engineering Department, and the Department of Finance.

#### Factors to be observed

1. The port should secure clear lines of management from top to bottom within its financial sector.
2. The ports should base their financial analysis on correct analytical methods, while making allowance for depreciation and amortization of capital.
3. The ports should base their forecasts on the right performance indicators.
4. The ports should preferably use cost-benefit methods in its investment analysis.
5. The ports should use a competitive bidding for all investments above a certain amount.
6. The ports should remember that it is serving its hinterland. When appropriate it should take socioeconomic analysis into account in their investments and show that these will benefit society as a whole.
7. The ports should undertake uncertainty and risk analysis, showing the uncertainty of future planning factors to its superiors, so as to avoid accusations of mismanagement.
8. Generally the ports should have a solid port informative system, especially for the financial sector of management.

(2) TRAINING OF HUMAN RESOURCES

It is very important to train the human resources employed in the ports of the country to result in an increase of productivity and make them prepared administratively and technically oriented towards their daily work.

Some of the most important personnel groups to be further trained are:

- Executive port management
- Middle managers
- Cargo handling superintendents, foreman and manpower
- Maintenance superintendents, foreman and manpower
- Marine personnel
- Administrative staff

The training programs will emphasize on the necessity of a complete change of the present tradition and attitudes to the above mentioned different fields in the port management. It has to be clarified that the training periods in the different levels of port management will definitely differ and more training periods be planned to the lower level management and manpower. Training programs have to be carefully selected and have to be tailor-made to suit the demands and be in line with ports objectivity.

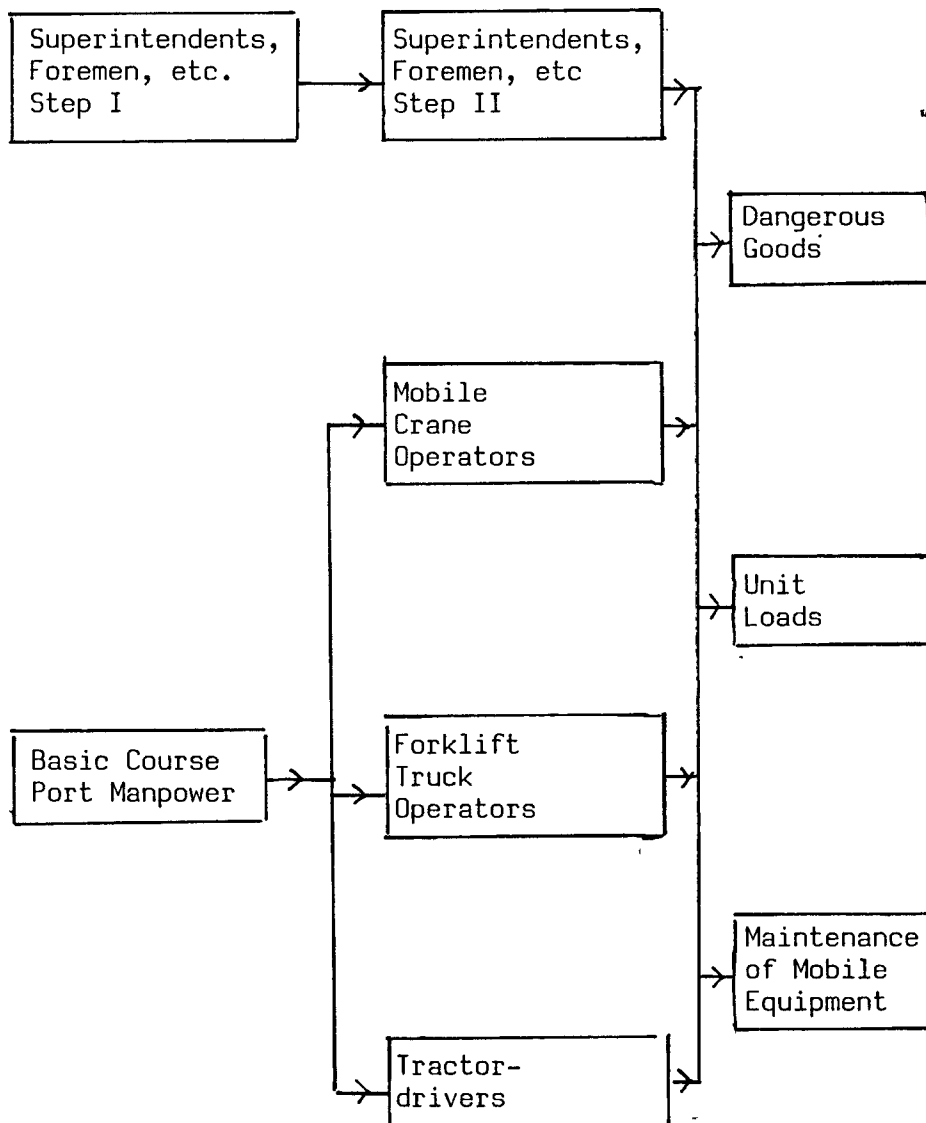


SOMALI PORTS AUTHORITY, MASTER PLAN STUDY

TRAINING PROGRAMS

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Structure of Training Programs



(3) PORT OPERATIONS

Port operations involve all that is performed in the ports. However, particular attention is to be given to the cargo moving through the ports of Somalia. The cargo operations may be divided into:

- (1) The means of cargo handling
- (2) The methods of work employed
- (3) The documentations involved

Mostly in the ports of Somalia, the means to handle cargo is ship gears, when loading and discharging. Delivery of cargo from the transit area is carried out manually except heavy pieces that require mechanical equipment.

The second and third points require to be examined in detail because they need improvement in order to achieve optimum result on productivity and to minimise discrepancies to a great extent and to increase the quick turn round of ships. In this way the ports will be operating economically and as for port operations when considering the methods of work employed, whether inboard or outboard, it requires that each operator playing a part in the many functions should always keep the following points in mind:

- (a) Safety of personnel
- (b) Safety of property
- (c) Safety and condition of cargo
- (d) Economic and rapid turn round of the ships
- (e) Efficient and rapid disposal of cargo from the port

If operations on cargo and ships in port not are carried out economically, the losses received will be an economic burden to the state. In order to avoid

such hindrance great attention has to be made to the port operations and appropriate planning has to be laid down before operations are carried out.

(4) SAFETY MEASURES

It is of great importance to take safety measures when operating ports.

Safety measures in the port will be in the areas of:

- Safety to personnel
- Safety to property
- Safety to environment

Statistics show that compared with other industries the percentage of accidents to workers employed in port operations both inboard and outboard is relatively high. Therefore the Somali Ports Authority has to recognize and get prepared to tackle this problem by supplying first aid equipment and to train the operators themselves in its use.

The very nature of the work carried out in cargo operations makes it risky, although operators at all levels may do much to minimise the risks:

- (1) Correct and efficient care and maintenance of cargo handling gear and plant.
- (2) Use of correct cargo handling gear.
- (3) Efficient maintenance of lighting and colouring on obstructions and edges or putting proper signs.
- (4) Issuing clear and easily understood working instructions in simple language.
- (5) Training and encouraging all personnel for whom they are responsible to obey safety precautions.

Safety of ships, port facilities and safety and condition of cargo should also be observed and cared for, and also safety to environment - to control pollution and, when it occurs, to abate the pollution and to clean the spill.

## PORT STATE CONTROL

The Maritime Administration and the Ports Authority must ensure that vessels brought into the ports should not endanger the facilities and the whole marine environment in the country.

In order to carry out port state control, the Government has to adopt and implement the conventions enumerated below:

- (1) The International Convention on Load Lines, 1966
- (2) The International Convention for the Safety of Life at Sea, 1974
- (3) The Protocol of 1978 relating to the International Convention for the Safety of Life at Sea, 1974
- (4) The International Convention for the Prevention of Pollution from Ships, 1973, as modified by the Protocol of 1978
- (5) The International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978
- (6) The Convention on the International Regulations for Preventing Collisions at Sea, 1972
- (7) ILO Convention on Minimum Standards (ILO Convention 147) to the Merchant Shipping
- (8) International Convention for Safe Containers, 1972
- (9) International Convention on Tonnage Measurement of Ships, 1969

ANNEX 1

SOMALI PORTS ACT

Like other ports, the Somali ports have commercial boundaries and legal limits where the Port Act is applied. The Port Act is a legal instrument and read as under:

Section 1

This Act may be cited as the Somali Ports Authority Act 1978 and is applied to all ports run by S.P.A. unless specifically mentioned in this Act.

Section 2

In this Act, unless the context otherwise requires:

'S.P.A.' means Somali Ports Authority, established by Law No. 1 of 7.1.1973.

'By day' means between sunrise and sunset.

'By night' means between sunset and sunrise.

'Cargo' includes all kinds of movable personal property.

'Collision Regulations' means the International Regulations for prevention of collision at sea.

'Dangerous Goods' includes explosives, compressed, poisons, substances giving off inflammable vapours, substances which become dangerous by interaction with water or air, strong oxidising agents and substances which are liable to spontaneous combustion.

'Master' means the master or other person for the time being in charge of a ship but does not include a pilot.

'Oil' means oil of any description and include spirit produced from oil of any description.

'Owner' when used in relation to a ship includes any part owner, charterer, consignee, or mortgagee in possession thereof.

'Pilot' means a person not belonging to a ship who has the conduct thereof.

'Port' means the ports of Mogadishu, Berbera, Kismayu, Marka and any other port specifically mentioned in this act.

'Port Manager' means the officer in charge of a port or any of his officers delegated by him.

'Vessel' means any ship propelled by machinery.

'Ship' includes any ship, vessel, tug, lighter, canoe, or boat of any kind whether propelled by steam, towed or otherwise, but does not include a ship propelled by oars, paddles or poles.

'Whistle' includes any whistle or siren sounded by steam or otherwise.

'Underway' when used in relation to a ship means when the ship is not at anchor, moored or made fast to the shore or a ground and include a ship dropping up or down a port with her anchor on the ground.

'Quay' includes any quay, wharf, pier, breakwater or other landing place belonging to S.P.A.

'Approach to a Port' means any navigable channel.

## ARRIVALS AND DEPARTURES

### Section 3 - Notice of Arrival

The Master, owner or Agent of every vessel intending to call at S.P.A. ports shall, as soon as possible, and in any case not later than 24 hours prior to the estimated time of arrival (ETA) give notice in writing to the port manager, and make an application for a berth or to anchor at outer port.

#### Section 4 - Particulars required

- (i) The notice of arrival and the application for a berth shall contain the following particulars:
  - (a) Name of vessel and its flag
  - (b) The gross and net tonnage (GRT & NRT)
  - (c) Draft, length overall and beam
  - (d) Names and addresses of the owner, the Master, the Ship's Agents in the port
  - (e) ETA and ETD of vessel
  - (g) Dangerous cargo on board (when to be discharged or not) and the appropriate classification under IMCO dangerous goods classification
  - (h) Number of passengers disembarking and embarking
  - (i) Any other relevant information relating to safety, heavy lifts, etc.
- (ii) Information received from Masters shall be recorded in the register of arrival maintained by the Port Manager in numerical order.

#### Section 5 - Immigration and quarantine

- (i) The Master of any vessel arriving from a foreign port shall show the immigration, quarantine and customs signals if prescribed by these agencies. The signals shall remain hoisted until permission is given by officers concerned.
- (ii) No vessel or craft other than those authorised shall approach any vessel or craft showing the immigration, health or customs signals. In this context, an authorised craft means an immigration, health, customs or pilot launch.
- (iii) No person other than an authorised officer of the Government or a pilot may board or disembark from a vessel coming from a foreign port, until it is cleared by the health, immigration and customs, and the appropriate signals cease to be hoisted.



#### Section 6 - Vessels to be secured

Before commencing discharging/loading operations and embarkation and/or disembarkation of passenger, every vessel entering the port shall be anchored or properly secured to a berth.

#### Section 7 - Clearance

- (i) No vessel shall leave the port or enter anchorage unless it is in possession of a valid port clearance issued by the Port Manager or on his behalf. The port clearance is not a substitute of any other requirements by other Government agency or agencies.
- (ii) Clearance by the Port Manager may not be granted to any vessel where any fees, dues, charges or other expenses have not been settled in full.
- (iii) Where dispute arises, an amount equal to the sum ---

#### Section 8 - Hoisting of National Flag

- (i) The Master of a ship navigating in a port or in an approach to a port shall observe and obey these regulations and the collision regulations in so far as they are consistent therewith.
- (ii) Vessels approaching or leaving the ports of the Somali Democratic Republic shall hoist, by day, the national flag of the country to which the ship belongs and the flag of the Somali Democratic Republic as soon as they enter or until they leave the compulsory pilotage limits.
- (iii) The flags referred to in these regulations shall be hoisted by day, and during the period a ship remains in port and until it leaves the compulsory pilotage area.

### Section 9 - Berthing Priorities

Ships arriving at any port shall be berthed on "first come, first served" basis, except in the following circumstances:

- (a) Ships loading or discharging perishable cargo including livestock.
- (b) Ships in distress berthing of which is undertaken for safety reasons.
- (c) In exceptional cases, the Port Manager may direct any ship to be given priority berthing, provided that such berthing is undertaken on grounds of national and port interest.

### Section 10 - Unberthing

Ships shall be unberthed as soon as loading or discharging operation is completed, unless the Port Manager's written approval is obtained by the Master.

### Section 11 - Tugs and pilots at the time of entry and departure

No vessel is allowed to enter, leave or make shifting within the ports of Mogadishu, Berbera and Kismayu without a pilot or tugs. Pilotage is also compulsory for anchoring in the roads.

- (i) Where the ship concerned is exempted from compulsory pilotage or tug service, then permission of entry, departure or shifting shall be obtained from the Port Manager in advance.

### Section 12 - Calling for a pilot or pilot on board

Vessels arriving shall call for a pilot by hoisting the flag "G" as provided by the International rules. Moreover, vessels having the pilot on board shall hoist the flag "H".

Section 13 - Vessels bound to anchor

Vessels bound to anchor in the road may make use of the pilot service via V.H.F.

Section 14 - Watch on V.H.F.

Vessels at anchorage shall keep watch on V.H.F. channel 16 round the clock. The watch shall be for at least 10 minutes every hour.

Section 15 - Instruction via V.H.F. channel 12

In Mogadishu vessels on arrival and bound to anchor in the roads will receive instructions via V.H.F. channel 12, from the pilot station, regarding their point of anchorage.

- (i) In the port of Mogadishu, anchorage is prohibited northward bearing  $310^{\circ}$  true the red light of the quay wall.
- (ii) Anchorage at Kismayu port: bearing  $310^{\circ}$  about one mile distance from serpent Island.
- (iii) Anchorage at Berbera port: lights in line two mile  $068^{\circ}$  old port customs pier.
- (iv) Anchorage at Merka Port: lights in line - light house and mosque  $327^{\circ}5''$  half mile from the Ras Cabel.

Section 16 - Pilot to be notified in case of movement

Vessels leaving the port or to be shifted must inform the pilot station, before the time of departure or shifting.

Section 17 - Oil Waste

Ships in ports or at anchorage or within the vicinity of the ports are not under any circumstances allowed to discharge oil and other substances causing pollution or waste into the sea.

Section 18 - Engine testing etc.

Without the approval of the Port Manager, no ship is permitted to test, run the main engines or turn the propellers whilst lying at a berth. Similarly no ship may put its engines out of service without the permission of the Port Manager.

Section 19 - Repairs to Engine

No repair works to engine lasting more than one hour is allowed without the written consent of the Port Manager. Where the engine cannot be used, two lines shall be lowered seaside, one from the bow and the other from the stern, ready to be given to the tugs in the case of emergency.

Section 20 - Welding, Chipping and Scrapping

Welding, noisy repairs and chipping of paint work are prohibited in the port, unless permission is granted by the Port Manager. If such permission is granted, the Master may proceed with the works authorised, with utmost caution in order to avoid dirty or heavy material falling into the sea.

Section 21 - Discharge of Garbage

Ships in the port are not permitted to throw or discharge refuse, waste, garbage or other disposable matter into the port water or over board.

Section 22 - Garbage Service

Normally each port provides a garbage service at cost. The use of that service is compulsory. Where garbage is not run by the port, the service shall be undertaken by agents or contractors duly authorised by the Port Manager.

Section 23 - Mooring Ropes

Masters of vessels moored alongside a quay are required to pay careful attention to the ropes and lines at all times.

Section 24 - Chief Mooring Man

The Chief mooring man's instructions regarding ropes and/or lines shall be observed by the vessel's crew member on duty.

Section 25 - Damages to the quay or other port installations

The cost of damages to the quays, marine installations, equipment and any other property of the port, caused by fault of any vessel shall be made good by such ship/vessel or its agent before the ship/vessel is permitted to leave, unless a suitable indemnity is provided.

Section 26 - Employment of Watchman

Every vessel in the port or at anchorage shall employ at least two watchmen provided by the Marine Department.

Section 27 - Adequate crew on board ship

Vessels in the port shall always be manned by adequate crew, capable of moving the vessel at once, in case of necessity or emergency.

Section 28 - Testing of siren, etc.

Except for a reasonable good cause, vessels moored inside the port or at anchorage are not allowed to test the siren or other sound signals, without the approval of the Port Manager.

- (i) Where authority has been granted, a copy of such authorisation specifying the time of test shall be passed to the pilot station.

Section 29 - Fire on Board

In the event of fire on board any vessel in port, the Master or a person in charge shall:

- (a) take immediate steps to fight the fire,
- (b) inform the Port Manager without delay by the most direct mean,
- (c) show the appropriate international signals. The signals shall be kept for a reasonable period even if the fire has been put out.
- (d) make sure that his crew assists in all respects any authorised fire fighting party or vessel,
- (e) prepare his vessel for immediate shifting,
- (f) submit to the Port Manager within 24 hours, a report on the causes of the fire as well as any damages. In any case, the Master should hand over the report before he files any application for departure.

Section 30 - Grounding, etc.

In the event of a vessel being grounded or stranded, the Master or the person in charge shall:

- (a) take immediate and reasonable precaution to prevent pollution,
- (b) stop further deterioration of the vessel's position,
- (c) inform the Port Manager immediately and if necessary request for assistance specifying the nature of assistance,
- (d) exhibit the required international signals,
- (e) warn by the siren or by other means any approaching vessel, until such vessel becomes aware of the danger,
- (f) ensure that the crew of the vessel gives ample assistance to any person or vessel giving assistance,
- (g) inform the Port Manager as and when the vessel is safely refloated,

- (h) Submit a report to the Port Manager before an application is made for departure. The report shall relate to the causes and effects of the accident.

Section 31 - Sinking, etc.

- (i) Where any vessel, craft, raft or any other floating object sinks, strands, capsizes or catches fire within the port limits, including the inner and outer anchorage and its entrance or immediate approaches, the Master or owner of the vessel shall be responsible for all damages arising therefrom and shall therefore immediately remove at his "expense if and as soon as requested by the Port Manager.
- (ii) If the owner or Master fails to remove it for any reason, the Port Manager may without delay undertake or order the removal and any expenses incurred shall be at the expense of the Master or owner.
- (iii) The Port Manager may require the Master or the owner to provide an indemnity or guarantee to secure the payment of the cost or removal.

Section 32 - Emergency

If an accident or emergency which is not covered by these regulations occurs, the Master or person in charge shall inform the Port Manager without delay, and shall comply with any instructions given by the latter at his discretion. The Master shall submit a report of the accident within 24 hours of the occurrence or before the vessel is given clearance to leave, whichever is earlier.

Section 33 - Loading, unloading, storage and transportation of goods

The Somali Ports Authority shall not be responsible for detention or delay of any vessel nor for the delay in discharging, loading or detention of cargo or goods for any reason.

Section 34 - Vessels to work properly

- (i) Every vessel shall discharge or load her cargo with reasonable speed whether she occupies a berth or otherwise. Notwithstanding the above, any vessel occupying a berth, which is or will be required shortly for any purpose, shall work without interruption whether overtime is involved or otherwise.
- (ii) Where such vessel fails to comply with the request of the port to work without interruption, the Port Manager may order such vessel to leave the berth and the Master shall act in conformity with the order.
- (iii) Any vessel vacating a berth consequent to such instructions will be reberthed at the discretion of the Port Manager.
- (iv) All expenses incurred on account of the compliance with any order given under this regulation, shall be borne by the vessel.

Section 35 - Stevedoring

Neither the Somali Ports Authority nor its respective port accept liability or responsibility as stevedores irrespectively or the source of labour engaged for stevedoring operations. Such operation shall be carried on under the supervision of the vessel concerned who shall be responsible for rigging, unrigging and efficiency of the vessel's cargo gear. Any winchman, crane operator, stevedore or worker, if supplied to a vessel by the Authority, shall while on board, be treated as an employee of the vessel.

Section 36 - Hire of Cargo Gear

- (i) Any cargo gear or equipment hired from S.P.A. or its ports shall be hired on condition that any liability arising therefrom rests with the hirer and the Authority is considered absolved of any damages resulting from the use of such gear or equipment.



- (ii) S.P.A. and its respective ports shall nevertheless take reasonable precautions that any gear or equipment it puts for hire is in a reasonable condition.

#### Section 37 - Inward Cargo

The Master or the Agent of every vessel coming to the port shall deposit with the Port Manager, at least 24 hours before the arrival of the vessel, two copies of the inward manifest in English which are duly signed.

The manifest copies should contain sufficient and correct particulars regarding:

- (i) Gross weight, measurement, marks, numbers etc. of each package or consignment.
- (ii) Names of consignees according to the bills of lading.
- (iii) The port concerned may refuse to allocate a berth to a vessel whose manifest copies have not been deposited, unless it is shown that it is not working any cargo or that the manifest cannot be deposited before the arrival of the vessel due to the short voyage of the vessel. In such case the manifests shall be deposited immediately the vessel arrives.
- (iv) A certified statement of any alterations made in the manifest because of remeasurement or reweighing of the goods shall be furnished to the port.

#### Section 38 - Outward Cargo

The Master or Agent of every outgoing vessel, shall submit to the Port Manager signed and accurate copies (two) in English of the manifest comprising all goods loaded to such vessel. The manifest shall contain correct particulars of:

- (i) Gross weight, measurement, marks, numbers and contents of each package/consignment.
- (ii) Name of shippers according to the bills of lading.

#### Section 39 - Inspection of Documents

The Master of any vessel or its Agent shall show to the Port Manager any book or document relating to the cargo of the vessel, its passengers or crew.

#### Section 40 - Sorting

The port shall not be responsible for incorrect deliveries of cargo which are lacking descriptions, distinguishing or illegible markings or that cannot be identified easily.

#### Section 41 - Cargo received and shipped

- (i) Receipts for cargo by the port are normally issued on the basis of outward appearance only, and as such shall not be held responsible for any short-comings resulting --
- (ii) Receipts for cargo shipped shall be given to the port or its agent before the relevant vessel leaves the berth.

#### Section 42 - Direct Delivery or Shipment

S.P.A. ports accept direct delivery and shipments under the following conditions:

- (a) That all inward deliveries are promptly removed and that outward shipments are brought in, in orderly and systematic manner which contributes to the port's efficiency.
- (b) Goods shall not be brought in before the ship is ready to receive them.

### Section 43 - Delays of Cargo

Under no circumstances should the Authority be responsible for delay in shipment, discharge or delivery of goods due to congestion in storage or vessels or to any other reason which is beyond the control of the Authority.

### Section 44 - Liability for Storage

The Authority shall not be liable for loss or damage to goods resulting from any cause and including damages resulting from severe weather condition, such as rain, provided that notice has been given to the owners, consignees, shippers or agents of the vessel to the effect that no storage in the sheds or open area is available for such goods.

### Section 45 - Valuable Cargo

The Somali Ports Authority is not bound to accept handling of valuable cargo. However, if such goods are to be handled, the owner of the goods, the Master or the Agent of the vessel shall deliver to a specifically authorised officer of S.P.A., thereby declaring the value of each package, the contents and marks,. Where the authorised officer of S.P.A. opts to receive the goods, he should take special care with regard to its storage and redelivery to the consignee. Valuable goods whatever their nature, should be charged at special or valorem rate as far as storage and handling charges are concerned.

### Section 46 - Open Area

Due to lack of a transit shed, or to the nature of goods to be stored, the port may store cargo in the open area. The Authority shall not be held liable for any damages or loss resulting from any cause whatsoever in respect of cargo so stored.

#### Section 47 - Personal Baggage

The port shall not be liable for damage or loss to passenger baggage unless appropriate receipt has been issued. Even where a receipt has been issued, the port shall only be liable for damage or loss to the extent of So.Sh. 300:- per package.

#### Section 48 - Responsibility for Cargo

- (i) The Somali Ports Authority or any of its ports shall not be held responsible for any short-comings in contents of any package, size or weight, value and condition of goods received. In so far as these are concerned, the shipping documents should be relied upon.
- (ii) The Somali Ports Authority or any of its ports shall not be responsible for deterioration of contents, loss or damage to cargo where such loss, damage or deterioration is due to any circumstances or acts which are beyond the control of the Port Authority include Acts of God, inherent defects in cargo or storage facilities.
- (iii) The Somali Ports Authority or any of its ports may refuse to handle delicate cargo such as fragile goods, or goods which are not properly packed, unless it is indemnified of any losses due to breakage, etc.

#### Section 49 - Delivery

The Somali Ports Authority delivers cargo and/or goods on the basis of delivery orders and as such is automatically absolved of any responsibility with regard to wrong deliveries with respect (i) title, (ii) marks or (iii) wrong endorsements on deliver orders.

#### Section 50 - Release order

- (a) Goods are released on production of delivery order duly endorsed by the ship's Agent, and the Customs release order.

- (b) Goods are not released by marks and the Authority is not responsible for sorting, counting etc., unless the owner or ship agent bears the cost involved.

#### Section 51 - Cargo Damages

- (i) Repairs to damaged bags or packages shall be undertaken by the Port Authority at the expense of the consignee whether request has been made or not.
- (ii) Under normal circumstances S.P.A. arranges a survey of damaged or poorly bagged cargo. However, S.P.A. shall not be responsible for damage or losses that cannot be detected easily from outside appearance at the time of discharge. Notwithstanding the above poorly packed or damaged cargo found on board the vessel shall be surveyed on board by the Master or ship's agent. Even if survey of such cargo is arranged on board the vessel, the Somali Ports Authority may refuse to discharge defective, poorly packed or damaged cargo.
- (iii) Consignees or ship agents shall remove damaged and defective cargo from the port within 15 days from the date of arrival. Where such goods are not removed within the above period, the port may order disposal at the expense of the consignee. Any claim lodged with the Authority for goods disposed of shall be refused and the consignee shall not therefore be entitled to damages or compensation.

#### Section 52 - Contaminated Cargo

Where the Authority is of the opinion that any cargo hold is likely to contaminate other cargo, it may order the owner to remove such cargo within 48 hours, after notice is given. If the order is not fulfilled, the Somali Ports Authority may dispose of the goods in any manner it deems fit or

or transfer them to another warehouse or open area. The owner of cargo so removed shall not be entitled for compensation.

#### Section 53 - Sale of Cargo

The Somali Ports Authority may sell by auction, tender or in any other manner cargo or goods which remain in the ports for a period of 45 days. Any expense or port charges may be deducted from the sale proceeds and balance remaining after such deduction shall be deposited with the Customs for distribution.

#### Section 54 - Shifting

For the sake of port convenience, the Port Manager may order shifting of cargo from one warehouse to another, from warehouse to open area or vice-versa or within the same warehouse. Where goods have been so shifted, any expenses shall be paid to the port by the owner of the cargo.

#### Section 55 - Liability in Case of Fire

The Somali Ports Authority or any of its ports shall not be liable for damages to cargo or property in its custody under the following circumstances:

- (i) Loss or damage sustained by badly rapped or unprotected cargo.
- (ii) Deficiency or shortage sustained or detected in unbroken packages.
- (iii) Any damage or loss resulting from the acts or defaults of the owner or carrier of the goods.
- (iv) Losses or deficiencies due to evaporation, leakage or other causes inherent in the nature of goods.
- (v) Loss, damage or destruction due to fire, water, or any other loss resulting directly or indirectly for remedial measures applied to save the goods.

Section 56 - Port Safety / Smoking

No person shall smoke or make fire whatsoever, in any port shed, storage area whether open or otherwise, workshop, fuel station without the permission of the port.

Section 57 - Fishing

Fishing within the port waters, wharfs, piers and quays is not allowed without the specific permission of the Port Manager.

Section 58 - Bathing and/or Resting

Resting or bathing within the port area is forbidden unless authorisation is obtained from the Port Manager.

Section 59 - Port Property

Persons permitted to enter the port shall not in any way interfere with the port installation, craft, equipment buildings, cargo vessels in port or any other property belonging to S.P.A. without obtaining permission from the Port Manager.

Section 60 - Animals

Animals including dogs and those intended for export are not allowed to be brought into the port without the specific authorisation of the Port Manager.

Section 61 - Entry

- (i) Entry into the port is forbidden except to persons in possession of a valid permit granted by the Port Manager.

- (ii) Any employees of the Somali Ports Authority including a security guard, or a police officer may question any person in the port and such person shall state his business and other particulars he is requested. If the person concerned is required to leave the port area, he should comply with such request by the employees, guard or police officer as the case may be.
- (iii) Vehicles are not allowed to be driven into the port or within the port, unless in possession of a valid port permit which has been issued by the Port Manager. Even where a valid permit has been granted, the vehicle, its contents or the person in charge may be stopped, checked or searched by a port employee, port security guard or a police officer.
- (iv) Persons and vehicles shall enter or leave the port by the ordinary entrance and exit gates designated by the port.
- (v) The Somali Ports Authority or the Port Manager may without giving reasons refuse a person or a vehicle entry into the port even if such person or vehicle is in possession of permit. Moreover, without giving reasons, the Somali Ports Authority or the Port Manager may withdraw or cancel any permit granted to a person or vehicle.
- (vi) The Somali Ports Authority may at its discretion and without prior notice close any quay, pier, wharf, warehouse or any other port building or area.
- (vii) The Somali Ports Authority does not accept responsibility for damage, or loss to property or injury to persons even if such property or person is in possession of valid permit unless it is proved beyond doubt that such damage or injury has been caused by the negligence of the employees of the port concerned.



Section 62 - Port responsible for Stevedoring and Shore Handling

All stevedoring activities and shore handling of cargo is the sole right and responsibility of the Somali Ports Authority or its duly authorised agents and/or contractors. Moreover, cargo handling equipment other than that of the respective ports shall not be employed within the port without the permission or consent of the Port Manager.

Section 63 - Ship responsible for Rigging, Derricks, Opening of Hatches

The opening and closing of hatches or rigging, derricks is the vessel's responsibility. If assistance is required, the port shall give such assistance at cost, after a written request has been made by the Master or the vessel's agent. Any person or persons given by the Somali Ports Authority for the above purpose shall for all intents and purposes be considered as an employee of the ship and the port shall not be liable for any damage caused by him during the time he is on board.

Section 64 - Waiting time for Hatch Opening, Derrick Failure or Rigging

Time lost in waiting for hatches to open, rigging of derricks or derrick's failure or through any other fault and thereby causing delay in discharging and loading operations of the ship shall be charged to the vessel's account.

Section 65 - No smoking in port

There shall be no smoking in the port transit sheds, warehouses, storage and open areas or on deck and in hatches of vessels during the discharging and loading operations. This regulation shall be observed whether or not the port displays a no smoking sign.

Section 66 - Goods Recovery

Any material, cargo or equipment falling into the sea or on the quay, pier and wharf shall be recovered by the Master. Where the Master is not able to recover, he should arrange satisfactory recovery. The cost of any damages caused and any expenses incurred in connection with the recovery shall be paid by the Master or owner of the vessel.

Section 67 - Handling Explosives, Petroleum and other Dangerous Cargo

Vessels and ships discharging or loading dangerous cargo, petroleum, explosives or petroleum products shall fly by day a red flag at the foremast, observe no smoking and must have on board adequate crew and fire fighting equipment and hoses rigged and ready for immediate use. By night such vessel shall show a red light all round which shall be visible for at least 2 nautical miles.

Section 68 - No Welding, Paint Work or Naked Lights

Vessels loading or discharging dangerous cargo, petroleum and explosives shall not under any circumstances undertake any welding, chipping paint work or show any naked lights on board.

Section 69 - Survey by Port Fire Brigade

The chief of the Port Fire Brigade, or one of his assistants may survey the fire fighting equipment of any vessel loading or discharging dangerous goods, petroleum products and explosives. The Port Manager may refuse or suspend discharging and/or loading operations on the recommendations of the Head of Port Fire Brigade, where the latter finds that equipment and facilities on board are inadequate.

- (i) Notwithstanding any provisions contained elsewhere in these regulations, vessels with inadequate fire fighting facilities and equipment may be refused berthing facilities, until such time the Port Manager is satisfied with the adequacy of the anti-fire facilities available on board. Permission of discharging/loading and recommencement of operations may be granted by the Port Manager on the recommendations of Port Fire Brigade.
- (ii) Notwithstanding the contents of the above regulation the Somali Ports Authority may refuse landing or acceptance for loading cargo which in its opinion endangers the port or other cargo or persons.
- (iii) The Somali Ports Authority may order removal, destruction or disposal of dangerous cargo, even if the owner cannot be found. The cost of removal, destruction, disposal shall be borne by the owner or other person entitled to receive them. At the same time such owner or receiver is not entitled to claim damages or compensation from the S.P.A.

#### Section 70 - Labour Accidents on Board

In the event of accident to any person on board a vessel or a ship, first aid assistance shall be provided by such vessel or ship, irrespective of the cause of accident.

#### Section 71 - Working Hours

Normal working hours in the ports of the Somali Democratic Republic are:  
Week days (Friday excluded) from 06.00 to 14.00 p.m.

#### Section 72 - Charges on Overtime Work

Overtime charges after normal working hours, fridays and public holidays are provided in the port tariffs.

Section 73 - Public Holidays

Public Holidays are:

- |                        |  |
|------------------------|--|
| 1st and 2nd of Shuwaal | - Iid alfitir  |
| 9 - 10th Dulhija       | - Pilgrimage Holiday                                     |
| 12th Rabil Awel        | - Prophet's birthday                                     |
| 1st May                | - Labour Day   |
| 26th June              | - Independence Day<br>Northern Somalia                   |
| 1st July               | - Union Day and Independence<br>Day for Southern Somalia |
| 21st and 22nd October  | - Revolution Anniversary                                 |

Section 74 - Powers of the Port Manager

The Port Manager is empowered to exercise:

- (i) Boarding of vessel/ship entering the port or those moored inside the port or lying at the inner or outer anchorage.
- (ii) To order anchorage, mooring or berthing, unberthing of vessel/ship.
- (iii) Shifting vessels from one berth to another or within the port limits including inner or outer anchorage.
- (iv) To ensure that the safety rules are observed by all vessels, ships, other craft and employees.
- (v) To order commencement and suspension of loading and unloading operation.
- (vi) To lead operations in the case of fire within the port limits.
- (vii) To authorise qualified personnel to board vessels/ships berthed or anchoring within the port area.
- (viii) To undertake any other activity strictly connected with the safety, productivity and traffic movements of the port.



customer or visitor including vehicle drivers who fails to comply with the present regulations or other general or local rules, bye-laws or directives issued by the Somali Ports Authority may be liable to a fine ranging from So.Sh. 200:- to So.Sh. 5.000:-, depending on the gravity of the case or damages sustained.

- (i) The fine mentioned in the preceding subsection shall be imposed by the Port Manager at his discretion.
- (ii) The fine mentioned in article 3 of the local rules is not discretionary and does not therefore fall under this section.

#### Section 78 - Bye Laws

As and when it deems fit, the Somali Ports Authority is empowered to issue directives or local rules which may have the effect of bye-laws or regulations.

#### Section 79 - Abrogation

Any Law or Regulation contrary to these regulations shall be regarded as abrogated.

#### Section 80 - Coming into Force

These regulations shall be observed by all persons and shall come into force on 15th April, 1978.

Mogadishu,

(Major General Mohamed Siad Barre)  
PRESIDENT  
of Somali Democratic Republic

(BRIG/GENERAL MOHAMUD GELLE YUSUF)  
MINISTER  
of Marine Transport and Ports

ANNEX 2

INTERNATIONAL MARITIME DANGEROUS GOODS CODE  
PACKAGED DANGEROUS GOODS CLASSIFICATION

Dangerous goods are classified in accordance with the International Maritime Dangerous Goods (IMDG) Code as follows:

Class 1	Explosives
Class 2	Gases; compressed, liquefied or dissolved under pressure
Class 3.1	Flammable liquids (low flashpoint group)
Class 3.2	Flammable liquids (intermediate flashpoint group)
Class 3.3	Flammable liquids (high flashpoint group)
Class 4.1	Flammable solids
Class 4.2	Substances liable to spontaneous combustion
Class 4.3	Substances which, in contact with water emit flammable gases
Class 5.1	Oxidising substances
Class 5.2	Organic peroxides
Class 6.1	Toxic substances
Class 6.2	Infectious substances
Class 7	Radioactive substances
Class 8	Corrosives
Class 9	Miscellaneous dangerous substances

REFERENCES:

1. Somali Ports Authority Publications
  - (a) Brochure on Somali Ports
  - (b) Berbera Port Book of Information
  - (c) S.P.A. Yearly Reports on 1979, 1980, 1981, 1982, 1983 and 1984
2. Mr Saeed Hasan Rageh Paper on Mogadishu Port Pricing, pages 1-5
3. Romboll & Hannemann - Master Plan of S.P.A., unpublished
4. Dr. A.A. Monsef WMU, hand outs on Ports, pages 182-204
5. Bown & Cove - Port Operations and Administration
6. Captain L.G. Taylor - Sea Ports
7. P.M. Alderton - Sea Transport
8. Norwegian Academy - Port Economy & Finance
9. Norwegian Academy - Ports and Port Users
10. Norwegian Academy - Liner trade and Cargo handling
11. Agershou, Hans - Planning and Design of Ports and Marine Terminals