



LEGAL NOTICE NO.....

THE MERCHANT SHIPPING ACT
(No.4 of 2009)

THE MERCHANT SHIPPING (MARITIME TRANSPORT OPERATORS)
REGULATIONS, 2023

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THE MERCHANT SHIPPING ACT

(No. 9 of 2009)

THE MERCHANT SHIPPING (MARITIME TRANSPORT OPERATORS) REGULATIONS, 2023

IN EXERCISE of the powers conferred by section 8(gg) and (h) of the Merchant Shipping Act, No. 4 of 2009, the Cabinet Secretary makes the following Regulations—

THE MERCHANT SHIPPING (MARITIME TRANSPORT OPERATORS) REGULATIONS, 2023

PART I—PRELIMINARY

- Citation. **1.** These Regulations may be cited as the Merchant Shipping (Maritime Transport Operators) Regulations, 2023.
- Interpretation. **2.** In these Regulations, unless the context otherwise requires—
- “**Authority**” means the Kenya Maritime Authority established under section 3 of the Kenya Maritime Authority Act, 2006;
- “**authorized officer**” means an officer employed by the Authority and directed to carry out an act on behalf of the Authority;
- “**bill of lading**” means a document signed by an ocean carrier or his representative and issued to a shipper that evidences the receipt of goods for shipment, contract of carriage and ownership or title of goods;
- “**cargo**” means goods carried in or on a vessel whether or not of commercial value and includes livestock;
- “**cargo consolidation**” means aggregation of small consignments of different cargo owners into a full container load;
- “**consumer**” any person who uses maritime transport services or products offered by a licensee;
- “**cargo consolidator**” means a person or company undertaking cargo consolidation or de-consolidation or dis-aggregation of cargo from full

container load and includes a cargo de-consolidator;

“cargo de-consolidation” means desegregation of a full container load into small consignments of different cargo owners;

“cargo handling facility” means a common user facility with cargo handling facilities licensed to offer services for handling and temporary storage of import laden containers, empty containers and motor vehicles under customs control and includes—

- (a) container freight station;
- (b) liquid cargo storage facility;
- (c) inland container depot; or
- (d) empty container handling and storage depot;

“clearing and forwarding agent” means any person licensed to act as an agent under section 145 (1) of the East African Community Customs Management Act, 2004;

“consignee” means an agent, company or person receiving an import consignment;

“consignor” means an agent, company or person sending or exporting a consignment;

“container” means a metallic container for stuffing cargo in transit and which conforms to standards set by the International Standards Organization;

“container freight station” means a common user facility with cargo handling facilities licensed to offer services for handling and temporary storage of import laden containers, and motor vehicles under customs control;

“container handling facility” means a container freight station or an empty container handling and storage depot;

“facility” means a storage facility *Gazetted* by the commissioner of customs, equipped with cargo handling equipment, offering services for handling and temporary storage of import laden containers or motor vehicles under customs control including an Inland Container Depot, a

Container Freight Service, peripheral storage facilities and freight terminals;

“freight manifest” means a manifest which shows particulars of freight and charges;

“inland container depot” means a container depot which is located outside the port to cater for clearance and delivery of cargo;

“Maritime Transport Operator” means a person who engages in the movement of cargo or passenger from the point of origin to destination or provides a service that facilitates the movement at any given point and includes—

- (a) a port facility operator under the Kenya Ports Authority Act, 1978;
- (b) a clearing and forwarding agent under section 145 of the East African Customs Community Management Act, 2004;
- (c) a container freight station agent under section 14 of the East African Customs Community Management Act, 2004;
- (d) an empty container depot under the County Government Act, 2012;
- (e) a shipping line;
- (f) a ship agent;
- (g) a cargo consolidator;

“principal” means a person on whose behalf, another person acts as an agent in the business of providing a maritime service under these Regulations;

“related-government agency” means a government agency issuing a licence, permit or certificate required for cargo, crew, passengers and ships clearance;

“shipping document” transportation receipts or contracts to enable shipments to be received or forwarded;

“shipping line” means a person that—

- (a) holds itself out to the general public to provide transportation by sea

cargo between a port in Kenya and a port in a foreign country or between ports in Kenya for compensation; and

- (b) assumes responsibility for the transportation of cargo from the port or point of receipt to the port or point of destination;

“shipment” means all of the cargo carried under the terms of a single bill of lading;

“shipper” means –

- (a) a cargo owner;
- (b) the person for whose account the ocean transportation of cargo is provided;
- (c) the person to whom delivery of cargo is to be made;
- (d) a shippers’ association; or
- (e) a non-vessel-operating shipping line that accepts responsibility for payment of all charges applicable under the tariff or service contract

“shippers association” means a group of shippers that consolidates or distributes freight on a non-profit basis for the members of the group to obtain carload, truckload, or other volume rates or service contracts;

“shipping agent” means a person licensed under Part II Section 3 of these Regulations;

“tariff” means the actual rates, charges and surcharges applied by a maritime transport operator in providing a service subject to these Regulations.

Scope of service of Maritime Transport Operators.

3. A Maritime transport operator shall perform the services outlined in the First Schedule.

Role of the Authority over related government agencies.

4. The collaboration and coordination function of the Authority shall entail—

(a) advise on strategic policy direction;

(b) monitor and evaluate the implementation of the performance standards;

and

- (c) enhance establishment of linkages between related government agencies, maritime transport operators, shipper's organizations and inter-governmental organizations performing cargo clearance functions.

PART II—REGISTRATION AND LICENSING OF MARITIME TRANSPORT OPERATORS

Registration of foreign shipping lines.

5. (1) A person shall be eligible to be registered as a foreign shipping line if such a person is a foreign company duly incorporated under the relevant laws of that Country.

(2) An application for registration as a shipping line shall be made to the Authority in the form set out as Form 1 in the Second Schedule.

(3) Upon receipt of an application for issuance of a certificate of approval, the Authority may—

- (a) approve the application and upon receipt of payment of fees prescribed under the Third Schedule issue the applicant with the certificate of approval in the form set out as Form 2 in the Second Schedule within fourteen days of receipt of the registration fee; or
- (b) reject the application and notify the applicant of its decision together with reasons for the refusal within thirty days from the date of lodging the application.

Licensing of Local shipping lines.

6. (1) A person who intends to operate as a local shipping line shall apply to the Authority for a licence in Form 3 set out in the Second Schedule.

(2) Upon receipt of an application for issuance of a certificate of approval, the Authority may—

- (a) approve the application and upon receipt of payment of fees prescribed under the Third Schedule issue the applicant with the license in Form 4 set out in the Second Schedule within fourteen days of receipt of the registration fee; or
- (b) reject the application and notify the applicant of its decision together with reasons for the refusal within thirty days from the date of lodging the application.

No. 17 of 2015.

- Licensing of Shipping Agents.
- 7.** (1) A person who intends to operate as a shipping agent shall apply to the Authority for a licence in Form 5 set out in the Second Schedule.
- (2) Upon receipt of an application for issuance of a license, the Authority may—
- (a) approve the application and upon receipt of payment of fees prescribed under the Third Schedule issue the applicant with the license in Form 6 set out in the Second Schedule within fourteen days of receipt of the application fee; or
- (b) reject the application and notify the applicant of its decision together with reasons for the refusal within thirty days from the date of lodging the application.
- Licensing Cargo Consolidators.
- 8.** (1) A person who intends to operate as a cargo consolidator shall apply to the Authority for a licence in Form 7 set out in the Second Schedule.
- (2) Upon receipt of an application for issuance of a licence, the Authority may—
- (a) approve the application and upon receipt of payment of fees prescribed under the Third Schedule issue the applicant with the license in Form 8 set out in the Second Schedule within fourteen days of receipt of the registration fee; or
- (b) reject the application and notify the applicant of its decision together with reasons for the refusal within thirty days from the date of lodging the application.
- Registration of maritime transport operators licensed by a related government agency.
- 9.** (1) The Authority shall register a maritime transport operator licensed by a related government agency under other Acts of Parliament.
- (2) An application for registration shall be made in Form 9 in the second Schedule.
- (3) Upon receipt of an application for, the Authority may—
- (a) approve the application and upon receipt of payment of fees prescribed under the Third Schedule issue the applicant with the certificate of registration in the form set out as Form 10 in the Second Schedule within twenty-one days of receipt of the registration fee; or
- (b) reject the application and notify the applicant of its decision together

with reasons for the refusal within thirty days from the date of lodging the application.

Conditions of licence or registration.

10. A maritime transport operator registered or licensed under this regulations shall comply with the conditions set out in the Fourth Schedule.

Validity of certificate of approval or license.

11. (1) A certificate of approval or license issued to a maritime transport operator shall be valid for a period of twelve months and shall expire on the thirty-first day of December of the year of issue.

(2) A certificate of registration issued to a maritime transport operator licensed by a related government agency shall be valid for a period of three years and shall expire on the thirty-first day of December of the third year from the date of issue.

Renewal of licence or certificate.

12. (1) A maritime transport operator shall, two months before the expiry of a certificate or license, apply for its renewal.

(2) Upon receipt of an application for renewal of a certificate or licence, the Authority may—

(a) approve the application and upon receipt of payment of fees prescribed under the Third Schedule issue the applicant with the certificate of approval or license, as the case may be; or

(b) reject the application and notify the applicant of its decision within thirty days from the date of lodging the application.

(3) Late application for renewal of certificate or license shall attract a fine prescribed in the Third schedule.

Language for submission of documents.

13. (1) An applicant shall submit an application for licensing, certificate or registration in English language.

(2) Where the application is in a foreign language, the applicant shall translate it to English, notarize the document or have it authenticated by the respective Ministry of Foreign Affairs' or Foreign Office.

Suspension, cancellation or revocation of certificate or license.

14. (1) The Authority may suspend, revoke or cancel a certificate or license if the maritime transport operator—

(a) fails to comply with the prescribed conditions;

- (b) fails to comply with the provisions of these Regulations;
- (c) fails to comply with other relevant laws of Kenya;
- (d) if a person or any other person connected has been convicted of an offence related to the provision of maritime transport and logistics services;
- (e) if the company is under liquidation or insolvency proceedings; or
- (f) fails to comply with the directives issued by the Director General under the Act.

(2) Where the Authority suspends, revokes or cancels a certificate or license the Director – General shall notify the maritime transport operator of its decision to revoke or suspend the certificate or license within fourteen days of its decision.

Right of appeal.

15. Any person aggrieved by the decision of the Authority, under these regulations may apply for a review of that decision in accordance with the provisions of Part XX of the Act.

Enforcement and compliance.

16. (1) The Authority shall on its own initiative or in response to a complaint made by any person, exercise its monitoring and supervisory function over maritime transport operators.

(2) Where after an investigation the Authority is satisfied that a person issued with a certificate or approval is in contravention of the conditions of a license, the Authority, shall notify the licensee in writing.

(3) The Authority, shall, in the notification sent to the person issued with a certificate or approval specify the acts or omissions that constitute a contravention of the conditions of the licence and oblige the person issued with a certificate or approval to remedy the contravention within a specified period of time.

(4) Upon receipt of the notification, the person issued with a certificate or approval shall notify the Authority of the status of remedying the contravention or the steps taken to remedy the contravention and the time frame for the same.

(5) If the person issued with a certificate or approval fails, without reasonable cause, to remedy the contravention within the specified period, the person issued with a certificate or approval may be subject to suspension,

revocation or cancellation of their licence to operate.

(6) Where a maritime transport operator licensed by a related government agency—

- (a) contravenes a condition of registration;
- (b) fails to meet any of the established standards; or
- (c) contravenes any provisions of the Act related to them,

the Director General may suspend, revoke or cancel their certificate of registration.

(7) The Authority shall make recommendations to a related government agency, that issues a licence to a maritime transport operator under this part, to suspend, revoke or cancel of a licence, where, the maritime transport operator—

- (a) have willfully failed to comply with an order or directive of the Authority; or
- (b) have failed to implement and maintain the established performance standards for maritime transport operators.

PART IV—MISCELLANEOUS PROVISIONS

Development of the performance standards.

17. (1) In development of the performance standards under section 16L of the Act, the Authority, in consultation with the industry stakeholders, shall—

- (a) identify the parties involved in the cargo clearance processes;
- (b) map out the cargo clearance processes;
- (c) define the key performance indicators for the processes;
- (d) determine the baseline performance for the key performance indicators;
- (e) identify the global best practices; and
- (f) develop the target for the key performance indicators.

Monitoring and evaluation.

18. (1) The Authority shall monitor and evaluate implementation of the performance standards in the maritime industry.

(2) The Authority in exercising its function in monitoring and evaluation shall prepare reports, which shall be submitted to the Cabinet Secretary.

Enforcement of performance

19. (1) Where after an investigation the Authority is satisfied that performance standards established are not being met, the Authority shall notify the relevant

standards. party, in writing.

(2) The Authority, shall, in the notification, require the relevant party to comply with the performance standards within the period specified in the notification.

(3) The relevant party shall upon compliance, notify the Authority of its compliance.

(4) The Authority shall be at liberty to invoke any of the following measures for failure of compliance without justifiable grounds—

(a) issue warnings;

(b) demand a requirement for undertakings as to the relevant party's future conduct;

(c) temporary suspension of licence or certification issued by the Authority;

(d) issue a recommendation for the temporary suspension of licence of the relevant party by the licensing institution; and

(e) report the non-compliance to the relevant respective institutions for action.

Marine cargo movement mechanism.

20. (1) The movement of cargo into any facility shall, subject to sub-regulation (2), be in accordance with the instructions of the shipper as contained in the bill of lading.

(2) The relevant port authority shall nominate the facility for movement of cargo where the bill of lading does not contain the instructions of the shipper.

(3) The nomination under sub-regulation (2) shall have due regard to an equitable, transparent and fair distribution of cargo, and the port authority shall, before making the nomination, take steps to ensure that the receiving facility has the capacity to receive the cargo having regard to space, personnel and equipment.

(4) Any person who contravenes this regulation commits an offence and is liable, on conviction, to a fine not exceeding twenty thousand shillings and shall in addition be liable to the affected cargo owners for all losses, fines, penalties, demurrage, storage charges or any other charges arising from such failure to comply.

Request of
information.

21. In exercise of the Authority's powers and functions, the Director General may by notice in writing require any person to—

- (a) furnish him within such time and at such place as may be specified in the notice, any document specified or described in the notice which is in the custody or control of such a person;
- (b) produce for inspection books, returns, accounts or records in his possession or control; or
- (c) provide access for inspection of any equipment, facilities and systems to ascertain the extent of implementation of performance standards.

Code of
professional
conduct.

22. (1) A maritime transport operator shall ensure its employees—

- (a) uphold a high standard of business ethics and professional conduct;
- (b) observe all national laws and regulations relevant to their duties;
- (c) exercise due diligence to guard against fraudulent, corrupt and criminal practices in undertaking their duties;
- (d) exercise due care when handling monies on behalf of its principal or principals; and
- (e) apply a standard of competence in order to perform in a conscientious, diligent and efficient manner all services undertaken.

(2) A maritime transport operator shall—

- (a) abide by a code of conduct set out by the recognized association to which it is affiliated to;
- (b) apply a standard of competence as approved by the Authority;
- (c) engage in fair competition trade practices;
- (d) discharge duties to clients or customers with honesty, integrity and impartiality;
- (e) exercise due care when handling cargo on behalf of the customers or shippers;
- (f) refrain from influencing the conduct of any official of the port, customs or any other person in any matter pending before such

official or person or his subordinates by the use of threat, false accusation, duress or the offer of any inducement or promise of advantage or by the bestowing of any gift or favour or other thing of value;

(g) refrain from engaging in corrupt practices to influence the behaviour of port, container freight station, customs personnel or functions of customs officers;

(h) operate a financially sound business; and

(i) contribute to combating maritime fraud by ensuring improved services by better qualified operators.

Submission of reports.

23. Maritime transport operators shall submit periodic reports to the Authority, or upon request, for purposes of compliance with these Regulations.

FIRST SCHEDULE

(r.3)

SCOPE OF SERVICE OF MARITIME TRANSPORT OPERATORS

Port Facility
Operator services

1. Port facility operator services shall include—

- (a) vessel traffic service;
- (b) provision of pilotage;
- (c) provision of navigational aids along the coast of the Republic and within ports;
- (d) provision of tug boat services;
- (e) provision of berthing facilities;
- (f) stevedoring;
- (g) cargo handling;
- (h) terminal operations;
- (i) storage of cargo within a port;
- (j) tug services;
- (k) floating crane services;
- (l) berthing services;
- (m) firefighting;
- (n) security;
- (o) radio and radar services;
- (p) waste disposal;
- (q) vessel repairs; and
- (r) any other services provided within a port which are designated as such by the Kenya Ports Authority by notice in the *Gazette*.

Clearing and
Forwarding
services.

2. Clearing and forwarding agent services shall include—

- (a) receiving advance notification of shipments, or other documents to banks, shippers or consignees as required;

- (b) preparing and processing of import and export declarations;
- (c) clearance and handling of shipments in accordance with the Kenya government import and export regulations;
- (d) arranging for warehousing of the goods;
- (e) arranging dispatch of goods as per the directions of the customer; and
- (f) handling freight and other monies advanced by customers for purposes of clearance of the shipments.

Container Freight Station services.

- 3.** Container freight station services shall include—
- (a) the storage of containerized and non-containerized cargo, empty containers, imported motor vehicles;
 - (b) the stuffing and stripping of containers;
 - (c) the loading and unloading of containers onto and off trailers;
 - (d) the receiving and delivering of containers; and
 - (e) any other operations relevant to the activities of a container freight station, as may be approved by the Authority.

Empty container depot services.

- 4.** Empty container depot services shall include—
- (a) receipt and temporary storage of empty containers;
 - (b) issuance and delivery of empty containers;
 - (c) inspection of returned containers' conditions;
 - (d) estimation of container damage costs;
 - (e) issuing of interchanges for containers received and issued; and
 - (f) submission of daily reports of container movement to respective shipping lines through their agents.

Shipping line services.

- 5.** Shipping line services shall include—
- (a) provision of liner and tramp services for cargo carriage;
 - (b) provision of services for passengers carriage;
 - (c) hire out containers for export of cargo;
 - (d) deliver shipments to designated consignees, in good condition;

- (e) ensure bills of lading have been issued in respect of all cargo shipped on board his vessel; and
- (f) offer a seaworthy and well manned vessel at any given time of ship's voyage.

Shipping Agent
Services.

- 6.** A shipping agent licensed under these regulations shall provide the following services—
- (a) making arrangements for the performance of all procedures relating to the entry, departure, pilotage and berthing of vessels at the port;
 - (b) making arrangements for the provision of port services through port operators, government related agencies, firms or private individuals;
 - (c) making arrangements for procuring and processing of documents and performing activities required for dispatch of cargo;
 - (d) making arrangements for the provision of services pertaining to crew matters;
 - (e) making arrangements for the provision of ship stores, supplies, ship repairing and any other related services;
 - (f) representation of the principal in shipping business services;
 - (g) marketing shipping services of the principal;
 - (h) provision of information on booked cargo, level of utilization of allotted space in the ship and statistics on cargo availability;
 - (i) attending claims on behalf of the principal;
 - (j) provision of regular reports to the principal on the position of ship while in port;
 - (k) tracking and coordinating all activities concerning the movement of full and empty containers;
 - (l) keeping a proper record on any financial transactions and port disbursements;
 - (m) collection of ocean freight from shippers or consignees on behalf of the principal;
 - (n) handling and monitoring through bills of lading and bills of lading; and

- (o) such other services as the Authority may from time to time specify

Cargo consolidator services.

- 7. A Cargo Consolidator licensed under these regulations shall provide the following service—
 - (a) purchasing of transportation services from a carrier and offering such services for resale to other persons;
 - (b) paying of port to port or multi-model transportation service;
 - (c) entering into affreightment agreements with underlying shippers;
 - (d) issuing house bills of lading or equivalent documents;
 - (e) lodging house manifest to the Kenya Revenue Authority;
 - (f) making arrangements for inland transportation and paying of inland freight charges through transportation charges;
 - (g) the leasing of containers;
 - (h) paying for lawful compensation to ocean freight forwarders;
 - (i) entering into arrangements with origin or destination agents; and
 - (j) such other services as the Authority may from time to time specify.

SECOND SCHEDULE
FORMS
REPUBLIC OF KENYA (r.5(2))
KENYA MARITIME AUTHORITY

Form 1



Merchant Shipping (Maritime Transport Operators) Regulations, 2023

APPLICATION FOR REGISTRATION / RENEWAL OF A FOREIGN SHIPPING LINE

1. Name of Applicant:
- Postal Address
- Registered Place of Business.....
- Tel No.....Cellphone No.....
- Email Address.....
- Head Office
- Nationality.....
- Number of Certificate of Incorporation.....
- Date of Establishment:
2. Name of Managing Agent/Operator (*Where Applicable*)
-
- Postal Address
- Registered Place of Business.....
- Tel No.....Cellphone No.....
- Email Address.....
3. Name of Local Agent.....
- Postal Address
- Registered Place of Business.....
- Tel No.....Cellphone No.....
- Email Address.....

The Merchant Shipping (Maritime Transport Operators) Regulations, 2023

4. Route(s) Served.....

5. Frequency of Sailings:

6. Type of Registration. New Renewal

7. Previous Registration Number: Year:

8. What Business other than that of shipping line is carried out by the applicant?

.....

I/We hereby declare that the information given is correct to the best of my/our knowledge and I/We undertake to abide by the above stated Regulations.

Signed on this day.....of in the year.....

Name: Designation:

Signature:

(Stamp or Seal)

This application shall be accompanied by document, including—

1. a duly filled, dated and stamped Application form obtainable from Kenya Maritime Authority office and website at a non-refundable fee as prescribed in the Merchant shipping (Fees) Regulations
2. a copy of the official Payment Receipt issued by the Licensing Authority (KMA) for the application processing fee
3. notarized Certificate of Incorporation or Notarized Registration Certificate
4. Legible original copy of the Bill of Lading
5. current and dated schedule of route tariffs on the Principals letter head (annual requirement)
6. notarized copy of particulars of registration of the company, the details of the directors and particulars on shareholding
7. notarized copies of the Company Memorandum & Articles of Association/its equivalent
8. Registration Fee or renewal fee as prescribed in the Merchant shipping (Fees) Regulations upon approval

***Certification of the documents should be done by Commissioner of Oath/
 Notary Public***

FORM 2*(r.5(3)(a))***KENYA MARITIME AUTHORITY****CERTIFICATE OF APPROVAL FOR FOREIGN SHIPPING LINE**

Certificate No.

Registration No.

Foreign Shipping Line Certificate of Approval*Merchant Shipping (Maritime Transport Operators) Regulations, 2023*

This is to certify that

Of

Located at

Is authorized to carry business as a foreign shipping line for the

Period ()

This certificate is valid up to 31st December 20..

Issued on thisDay of20..

.....
DIRECTOR GENERAL
 Kenya Maritime Authority

(Note: This certificate of registration should be displayed conspicuously within the registered office)

FORM 3

(r.6(2))



REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY



Merchant Shipping (Maritime Transport Operators) Regulations, 2023

APPLICATION FOR REGISTRATION / RENEWAL OF A LOCAL SHIPPING LINE

- 1. Name of Applicant:
- Postal Address
- Registered Place of Business.....
- Tel No.....Cellphone No.....
- Email Address.....
- Head Office
- Nationality.....
- Number of Certificate of Incorporation.....
- Date of Establishment:
- 2. Name of Managing Agent/Operator (*Where Applicable*)
-
- Postal Address
- Registered Place of Business.....
- Tel No.....Cellphone No.....
- Email Address.....
- 3. Name of Local Agent.....
- Postal Address
- Registered Place of Business.....
- Tel No.....Cellphone No.....
- Email Address.....
- 4. Route(s) Served.....
-
- 5. Frequency of Sailings:

The Merchant Shipping (Maritime Transport Operators) Regulations, 2023

6. Type of Registration. New Renewal

7. Previous Registration Number: Year:

8. Type of Service

Liner shipping Cruise ship Operation

Tramp shipping. Coaster

9. What Business other than that of shipping line is carried out by the applicant?

.....

10. Particulars of Shareholding:

Name	Nationality	Address	Percentage

11. Volume of cargo loaded and discharged in the last two years. (Please give break –down separately in respect of each year).

Year	Loaded			Discharged		
	Containerized (TEUs & Tons)	Convention al (Tons)	Liqui d (Tons)	Containerized (TEUs & Tons)	Convectio nal (Tons)	Liqui d (Tons)
1 st						
2 nd						

Number of passengers disembarked and embarked in the last two years.
 (Please give break –down separately in respect of each year).

Year	No. of Passengers Disembarked	No. of Passengers Embarked
------	-------------------------------	----------------------------

	Liquid Cargo	Liquid Cargo
1 st		
2 nd		

I/We hereby declare that the information given is correct to the best of my/our knowledge and I/We undertake to abide by the above stated Regulations.

Signed on this day.....of in the year.....

Name: Designation:

Signature:

(Stamp or Seal)

This application shall be accompanied by documents, including—

1. A duly filled, dated and stamped Application form obtainable from Kenya Maritime Authority office and website at a non-refundable fee as prescribed in the Merchant shipping (Fees) Regulations
2. A copy of the official Payment Receipt issued by the Licensing Authority (KMA) for the application processing fee
3. Notarized Certificate of Incorporation or Notarized Registration Certificate
4. Legible original copy of the Bill of Lading
5. Current and dated schedule of route tariffs on the Principals letter head (annual requirement)
6. Certified copies of the certificate of registration
7. Registration Fee or renewal fee as prescribed in the Third Schedule

***Certification of the documents should be done by Commissioner of Oath/
Notary Public***

FORM 4*(r.6(2)(a))***LICENSE FOR LOCAL SHIPPING LINE**

Certificate No.

KENYA MARITIME AUTHORITY

Registration No.

Local Shipping Line Annual License*Merchant Shipping (Maritime Transport Operators) Regulations, 2023*

This is to certify that

Of

Located at

Is authorized to carry business as a local shipping line for the

Period ()

This certificate is valid up to 31st December 20..

Issued on thisDay of20..

.....
DIRECTOR GENERAL
 Kenya Maritime Authority

(Note: This certificate of registration should be displayed conspicuously within the registered office)



FORM 5

(r.7(1))



REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY



Merchant Shipping (Maritime Transport Operators) Regulations, 2023)

APPLICATION FOR REGISTRATION / RENEWAL OF A SHIPPING AGENT

- 1. Name of Applicant:
.....
- 2. Postal Address:
.....
- 3. (a) Number of Certificate of Incorporation.....

(b) Date of Establishment:
.....
- 4. Registered Place of Business.....
- 5. Tel No.....Cellphone No.....
- 6. Email Address.....
- 7. Type of License applied for (Please Check one): New Renewal
- 8. Previous Registration Number: Year:
- 9. Type of Service

 Liner shipping Cruise ship operation

 Tramp shipping. Coaster
- 10. What Business other than that of shipping line is carried out by the applicant?
.....
.....
- 11. Particulars of Shareholding:

--	--	--	--

The Merchant Shipping (Maritime Transport Operators) Regulations, 2023

Name	Nationality	Address	Percentage

12. Volume of cargo loaded and discharged in the last two years. (Please give break –down separately in respect of each year).

Year	Loaded			Discharged		
	Containerized (TEUs & Tons)	Convention al (Tons)	Liqui d (Tons)	Containerized (TEUs & Tons)	Convectio nal (Tons)	Liqui d (Tons)
1 st						
2 nd						

Number of passengers disembarked and embarked in the last two years.
(Please give break –down separately in respect of each year).

Year	No. of Passengers Disembarked	No. of Passengers Embarked
	Liquid Cargo	Liquid Cargo
1 st		
2 nd		

I/We hereby declare that the information given is correct to the best of my/our knowledge and I/We undertake to abide by the above stated Regulations.

Signed on this day.....of in the year.....

Name: Designation:

Signature:

(Stamp or Seal)

This application shall be accompanied by documents, including—

1. A duly filled, dated and stamped Application form obtainable from Kenya Maritime Authority office or website at a non-refundable fee as prescribed in the Merchant shipping (Fees) Regulations
2. A copy of the registration certificate
3. A copy of the official Payment Receipt issued by the Licensing Authority (KMA) for the application processing fee
3. Certified copies of:
 - i. The Applicant's KRA Tax Compliance (for existing companies),
 - ii. The Applicant's KRA PIN Certificate (for new companies)
 - iii. The Applicant's (Company) Certificate of Incorporation, and
 - iv. The Applicant's (Company) Memorandum & Articles of Association
4. Certified copy of current company annual returns from the register of companies or Company search (CR12) showing current Directors (annual requirement).
5. Certified copy of duly executed Tenancy Agreement or Lease/Sub-Lease Agreement or copy of Title Deed for the occupied office premises or certified copy of Offer Letter attached with current rent fee remittance.
6. Tariff Structure on the company letter head, dated and in the prescribed template (annual requirement).
7. Professional Profile of the entire staff on the company letter head, dated and in the prescribed template (annual requirement).
8. Certified copies of:
 - (a) Local Directors' Identity Cards/Passports
 - (b) Local Directors' KRA PIN Certificates
 - (c) Foreign Directors' Passport copies
9. Certified copies of Certificate of Good Conduct for the local Directors.
10. Annual License fee as prescribed in the Third Schedule

***Certification of the documents should be done by Commissioner of Oath/
Notary Public***

FORM 6*(r.7(3(a)))***LICENSE FOR SHIPPING AGENTS**

	Certificate No. 0524
Registration No.	KENYA MARITIME AUTHORITY
Shipping Agency Annual License	
<i>(Merchant Shipping Act, 2009)</i>	
This is to certify that	
of	
Located at	
is authorized to carry business as a Shipping Agent for the	
period	
This License is valid upto 31 st December 20	
Issued on this	Day of 20
Kshs	
DIRECTOR GENERAL Kenya Maritime Authority	
<i>(Note: This Certificate of Registration should be displayed conspicuously within the Registered Office.)</i>	

FORM 7

(r.8(1))



REPUBLIC OF KENYA



KENYA MARITIME AUTHORITY

(Made under Maritime Transport Operators Regulations, 2021)

APPLICATION FOR REGISTRATION / RENEWAL OF A CARGO CONSOLIDATOR

- 1. Name of Applicant:
.....
- 2. Postal Address:
.....
- 3. (a) Number of Certificate of Incorporation.....
- (c) Date of Establishment:
.....
- 4. Registered Place of Business.....
- 5. Tel No.....Cellphone No.....
- 6. Email Address.....
- 7. Type of License applied for (Please Check one): New Renewal
- 8. Previous Registration Number: Year:
- 9. Type of Service
 Liner shipping Cruise ship Operation
 Tramp shipping. Coaster
- 10. What Business other than that of shipping line is carried out by the applicant?
.....
.....
.....

11. Particulars of Shareholding:

Name	Nationality	Address	Percentage

12. Volume of cargo loaded and discharged in the last two years. (Please give break –down separately in respect of each year).

Year	Loaded			Discharged		
	Containerized (TEUs & Tons)	Convention al (Tons)	Liqui d (Tons)	Containerized (TEUs & Tons)	Convectio nal (Tons)	Liqui d (Tons)
1 st						
2 nd						

Number of passengers disembarked and embarked in the last two years.
(Please give break –down separately in respect of each year).

Year	No. of Passengers Disembarked	No. of Passengers Embarked
	Liquid Cargo	Liquid Cargo
1 st		
2 nd		

I/We hereby declare that the information given is correct to the best of my/our knowledge and I/We undertake to abide by the above stated Regulations.

Signed on this day.....of in the year.....

Name: Designation:

Signature:

(Stamp or Seal)

This application shall be accompanied by documents, including:

1. A duly filled, dated and stamped Application form obtainable from Kenya Maritime Authority office or website at a non-refundable fee as prescribed in the Merchant shipping (Fees) Regulations
2. A copy of the registration certificate
3. A copy of the official Payment Receipt issued by the Licensing Authority (KMA) for the application processing fee
3. Certified copies of:
 - v. The Applicant's KRA Tax Compliance (for existing companies),
 - vi. The Applicant's KRA PIN Certificate (for new companies)
 - vii. The Applicant's (Company) Certificate of Incorporation, and
 - viii. The Applicant's (Company) Memorandum & Articles of Association
6. Certified copy of current company annual returns from the register of companies or Company search (CR12) showing current Directors (annual requirement).
7. Certified copy of duly executed Tenancy Agreement or Lease/Sub-Lease Agreement or copy of Title Deed for the occupied office premises or certified copy of Offer Letter attached with current rent fee remittance.
7. Tariff Structure on the company letter head, dated and in the prescribed template (annual requirement).
8. Professional Profile of the entire staff on the company letter head, dated and in the prescribed template (annual requirement).
9. Certified copies of:
 - (a) Local Directors' Identity Cards/Passports
 - (b) Local Directors' KRA PIN Certificates
 - (c) Foreign Directors' Passport copies
10. Certified copies of Certificate of Good Conduct for the local Directors.
11. Annual License fee as prescribed in the Third Schedule


***Certification of the documents should be done by Commissioner of Oath/
Notary Public***

FORM 8

(r.7(3(a)))

LICENSE FOR CARGO CONSOLIDATOR

Certificate No. 0711

 **KENYA MARITIME AUTHORITY**

Registration No. _____

Cargo Consolidator's Annual License
(Merchant Shipping Act, 2009)


This is to certify that

of

Located at

is authorized to carry business of Cargo Consolidation for the


period



This License is valid upto 31st December 20

Issued on this _____ Day of _____ 20

Kshs _____



DIRECTOR GENERAL
Kenya Maritime Authority

(Note: This Certificate of Registration should be displayed conspicuously within the Registered Office.)

FORM 9

(r.9(2))

KENYA MARITIME AUTHORITY

*Merchant Shipping (Maritime Transport Operators) Regulations, 2023***APPLICATION FOR REGISTRATION AS A MARITIME TRANSPORT OPERATOR**

TYPE OF MARITIME TRANSPORT OPERATOR: ECD CFS PFO CA

1. Registration

Name:.....

2. Postal

Address:.....

Telephone:

.....

Email address:

.....

3. Physical Address of place of

Business:.....

4. Certificate of incorporation number.....Date of issue

.....

7. Type of Registration New Renewal

8. Previous Registration number.....Date of Issue.....

9. Volume of cargo loaded and discharged in the last two years. (Please give break
–down separately in respect of each year)

Year	Loaded			Discharged		
	Containerized (TEUs & Tons)	Convention al (Tons)	Liquid (Tons)	Containeriz ed (TEUs & Tons)	Convection al (Tons)	Liquid (Tons)
1 st						
2 nd						

10. Particulars of current shareholders

Full Name	Nationality	Address	Percentage of shareholding

11. Particulars of current Management staff

No.	Full Name	Designation	Qualification	Experience

12. Any other business carried on by the Company.....

.....

REMARKS.....

.....

.....

I/We hereby declare that information given herein is correct to the best of my/our knowledge. I/We therefore apply to be registered in accordance with the Maritime Transport Regulations, 2021

.....

.....
Name of Agent/Manager

.....
Signature/Date

FOR OFFICIAL USE ONLY

Registration No	Receipt No
Valid till	Approved by
	Date

This application shall be accompanied by documents, including—

- (a) a duly completed application form dated and stamped and a non-refundable fee as per the fees schedule;
- (b) certified or notarized copy of certificate of incorporation or business registration;
- (c) certified valid trading licence;

- (d) proof of place of business;
- (e) up-to-date schedule of tariffs;
- (f) customer care handling procedures and processes including complaint system;
- (g) certified copy of CR 12; and
- (h) evidence of compliance with performance standards.

FORM 10

(r.9(4(a)))

Certificate No.

KENYA MARITIME AUTHORITY

Registration No.

..... **CERTIFICATE**
OF REGISTRATION (*Fill as appropriate*)

{Port Facility Operator/ Clearing and Forwarding Agent/ Container Freight Station Agent/Empty Container Depot}

(Merchant Shipping Act, 2009)

This is to certify that

Of

Located at

Is hereby registered to carry of business as an empty container depot for the

Period ()

This certificate is valid up to 31st December 20..

Issued on thisDay of20..

.....
DIRECTOR GENERAL
Kenya Maritime Authority

(Note: This certificate of registration should be displayed conspicuously within the registered office)

THIRD SCHEDULE*(r.5(3(a), 6(3)(a),7(3)(a),8(3) a))***FEES FOR MARITIME TRANSPORT OPERATORS****SCHEDULE OF FEES FOR MARITIME TRANSPORT OPERATORS**

N O	CATEGORY	DESCRIPTION	AMOUNT
1.	Local Shipping Line	(a) Licence Application Processing Fee	\$ 15
		(b) Initial licence fee	\$ 2,500
		(c) Renewal fee	\$ 500
		(d) Late renewal fee	\$ 250
2.	Foreign Shipping Line	(a) Certificate of Approval Application Processing Fee	\$ 15
		(b) Initial registration fee	\$ 3,000
		(c) Renewal fee	\$ 1,000
		(d) Late renewal fee	\$ 500
3.	Shipping Agent	(a) Licence Application Processing Fee	\$ 5
		(b) Initial licence fee	\$ 500
		(c) Renewal fee	\$ 250
		(d) Late renewal fee	\$ 125
4.	Cargo consolidators	(a) Licence Application Processing Fee	\$ 5
		(b) Initial licence fee	\$ 500
		(c) Renewal fee	\$ 250
		(d) Late renewal fee	\$ 125
SCHEDULE OF FEES FOR MARITIME TRANSPORT OPERATORS LICENSED BY A RELATED GOVERNMENT AGENCY			
5.	Clearing Agent	(a) Application Processing Fee	\$ 5
		(b) Initial Registration Fee	\$ 100
		(c) Renewal Fee	\$ 50
6.	Empty Container Depot	(a) Application Processing Fee	\$ 15
		(b) Initial Registration Fee	\$ 1000
		(c) Renewal Fee	\$ 500
7.	Container Freight Stations	(a) Application Processing Fee	\$ 15
		(b) Initial Registration Fee	\$ 2000
		(c) Renewal Fee	\$ 1000
8.	Port Facility Operator	(a) Application Processing Fee	\$ 15
		(b) Initial Registration Fee	\$ 3000
		(c) Renewal Fee	\$ 1,500

FORTH SCHEDULE

(r.10)

CONDITIONS FOR MARITIME TRANSPORT OPERATORS

FOREIGN SHIPPING LINES

CONDITIONS UNDER A CERTIFICATE OF APPROVAL

Foreign shipping lines shall comply with the below conditions for trade—

1. apply the tariff filed with the Authority and notify the Authority of any changes in accordance with the Authority's tariff framework;
2. not to transfer or assign the certificate of approval;
3. establish a system of dealing with customer enquiries and complaints;
4. inform the Authority of any change in the particulars declared by the applicant within seven days of the change;
5. maintain a system of cargo tracking;
6. maintain compatible electronic records systems which will facilitate the exchange of electronic documents under the FAL convention;
7. comply with the East Africa Community Customs Management Act, 2004 requirements in relation to importation and exportation of goods and any other relevant laws;
8. comply with the directives issued by the Director General;
9. all employees on the same category enjoy equal conditions of employment irrespective of their nationality; and
10. adhere to the established performance standards.

LOCAL SHIPPING LINES

CONDITIONS UNDER A LICENCE

Local shipping lines shall comply with the below conditions—

1. apply the tariff filed with the Authority and notify the Authority of any changes in accordance with the Authority's tariff framework;
2. not to transfer or assign the licence;
3. observe professional qualifications and conducts;
4. 60 % staff to be trained on maritime related professional courses offered by recognized national or international maritime training institutions;
5. maintain record of cargo handled:

6. maintain adequate third party liability insurance from insurance company recognized by Insurance Regulatory Authority to cover all professional liabilities;
7. furnish the Authority with the documents and periodical performance reports, details or contents of which shall be specified by the Authority;
8. establish a system of dealing with customers' enquiries and complaints;
9. abide by the principles of fair competition;
10. maintain books of accounts;
11. display the licence and applicable tariff at a conspicuous place in the registered business place;
12. maintain a system of cargo tracking;
13. maintain a register of damaged and lost cargo;
14. maintain compatible electronic records system which will facilitate the exchange of electronic documents under the FAL Convention;
15. comply with the East Africa Community Customs Management Act, 2004 and any other relevant laws; a
16. adhere to the established performance standards;
17. foreign workforce not to exceed **10%** of entire workforce;
18. foreigners holding management and technical roles should not exceed **10%**
19. submit a report on conditions of service and staff demography of all persons employed;
20. not to engage in discriminatory practices on grounds of race, nationality or gender in conditions service provided to the personnel;
21. joint ventures requirement with nationals, with Foreigner as minority shareholders Notify the Authority in the event of transfers' of shares, change of directorship any other licensing requirements.
22. comply with the directives issued by the Director General
23. all employees on the same category enjoy equal conditions of employment irrespective of their nationality; and
24. carry out operations as guided by existing government policies and directives.

**SHIP AGENT
CONDITIONS UNDER A LICENCE**

A Ship agent shall comply with the following conditions—

1. apply the tariff filed with the Authority and notify the Authority of any changes in accordance with the Authority's tariff framework;
2. not to transfer or assign the licence;
3. observe professional qualifications and conducts;
4. **60 % staff** to be trained on maritime related professional courses offered by recognized national or international maritime training institutions;
5. maintain record of cargo handled;
6. furnish the Authority with the documents and periodical performance reports, details or contents of which shall be specified by the Authority;
7. establish a system of dealing with customers' enquiries and complaints;
8. uphold the principles of fair competition;
9. maintain adequate third party liability insurance from insurance company recognized by Insurance Regulatory Authority to cover all professional liabilities;
10. display the licence and applicable tariff at a conspicuous place in the registered business place;
11. maintain a system of cargo tracking;
12. maintain a register of damaged and lost cargo;
13. maintain compatible electronic records system which will facilitate the exchange of electronic documents under the FAL Convention;
14. comply with the East Africa Community Customs Management Act, 2004 and any other relevant laws;
15. adhere to the established performance standards;
16. submit cargo and freighted manifests electronically on behalf of their principals forty-eight hours prior to the vessel's arrival at port for imports and ninety-six hours after the vessel's departure from port of departure for export cargo;
17. foreign workforce not to exceed **10%** of entire workforce;

18. foreigners holding management and technical roles should not exceed **10%**;
19. submit a report on conditions of service and staff demography of all persons employed;
20. not to engage in discriminatory practices on grounds of race, nationality or gender in conditions service provided to the personnel;
21. all employees on the same category enjoy equal conditions of employment irrespective of their nationality;
22. maintain adequate third party liability insurance from insurance company recognized
23. by Insurance Regulatory Authority to cover all professional liabilities;
24. joint ventures requirement with nationals, with Foreigner as minority shareholders;
25. notify the Authority in the event of transfers of shares, change of directorship and any other licensing requirements;
26. comply with the directives issued by the Director General; and
27. carry out operations as guided by existing government policies and directives.

**CARGO CONSOLIDATOR
CONDITIONS UNDER A LICENCE**

Cargo Consolidator shall comply with the conditions of trade including—

1. apply the tariff filed with the Authority and notify the Authority of any changes in accordance with the Authority's tariff framework;
2. not to transfer or assign the licence;
3. observe professional qualifications and conducts (Propose a provision on the same to be made in the regulations);
4. 60 % staff to be trained on maritime related professional courses offered by recognized national or international maritime training institutions
5. maintain record of cargo handled;
6. furnish the Authority with the documents and periodical performance reports, details or contents of which shall be specified by the Authority;
7. establish a system of dealing with customer's enquiries and complaints;
8. uphold the principles of fair competition;
9. maintain adequate third party liability insurance from an insurance company recognized by Insurance Regulatory Authority to cover all professional liabilities;

10. display the licence and applicable tariff at a conspicuous place in the registered business place;
11. maintain a system of cargo tracking;
12. maintain a register of damaged and lost cargo;
13. maintain compatible electronic records system which will facilitate the exchange of electronic documents under the FAL Convention;
14. comply with the East Africa Community Customs Management Act, 2004 and any other relevant laws;
15. adhere to the established performance standards;
16. submit cargo and freighted manifests electronically on behalf of their principals forty-eight hours prior to the vessel's arrival at port for imports and ninety-six hours after the vessel's departure from port of departure for export cargo;
17. foreign workforce not to exceed 10% of entire workforce;
18. foreigners holding management and technical roles should not exceed 10%
19. submit a report on conditions of service and staff demography of all persons employed;
20. not to engage in discriminatory practices on grounds of race, nationality or gender in conditions service provided to the personnel;
21. maintain adequate third party liability insurance from insurance company recognized by Insurance Regulatory Authority to cover all professional liabilities;
22. joint ventures requirement with nationals, with Foreigner as minority shareholders;
23. notify the Authority in the event of transfers of shares, change of directorship and any other licensing requirements;
24. comply with the directives issued by the Director General;
25. all employees on the same category enjoy equal conditions of employment irrespective of their nationality; and
26. carry out operations as guided by existing government policies and directives.

**MARITIME TRANSPORT OPERATER LICENCED BY A RELATED
GOVERNMENT AGENCY
CONDITIONS UNDER A CERTIFICATE OF REGISTRATION**

A maritime transport operator licensed by a related government agency shall comply with the conditions of trade including—

1. apply the tariff filed with the Authority and notify the Authority of any changes in accordance with the Authority's tariff framework;
2. comply with the Director General's directives in respect of oversight functions;
3. not to transfer or assign the certificate of Registration;
4. observe professional qualifications and conducts
5. maintain adequate third party liability insurance from insurance company recognized by Insurance Regulatory Authority to cover all professional liabilities;
6. establish a system of dealing with customers' enquiries and complaints;
7. display the certificate and applicable tariff at a conspicuous place in the registered business place;
8. adhere to the established performance standards;
9. not to engage in discriminatory practices on grounds of race, nationality or gender in conditions service provided to the personnel;
10. 60% staff to be trained on Maritime related professional courses offered by recognized national/international maritime training institutions;
11. foreign workforce not to exceed 10% of the entire workforce;
12. foreigners holding management and technical roles should not exceed 10%;
13. comply with EACCMA 2004 and any other relevant laws;
14. all employees on the same category enjoy equal conditions of employment irrespective of their nationality;
15. abstain from fraudulent activity; and
16. notify the Authority in the event of any changes in the certification requirements.