



LEGAL NOTICE NO.....

MERCHANT SHIPPING ACT, 2009

(Cap 389)

MERCHANT SHIPPING (CABOTAGE) REGULATIONS, 2024

ARRANGEMENT OF THE REGULATIONS

PART I—PRELIMINARY	
1—	Citation.
2—	Interpretation.
3—	Application of the Regulations.
4—	Objectives of the Regulations. .
PART II— RESTRICTION ON TRADING	
5—	Ships eligible to engage in local trade.
6—	Kenyan ships engaging in trading.
7—	Manning of Kenyan ships.
8—	Foreign ships engaging in local trade.
9—	Application for license by foreign ships.
10—	Application for license by foreign ships under a treaty or agreement.
11—	Fees.
12—	Duration of the license.
13—	Suspension, cancellation, and variation of a license.
14—	Review.
15—	Exemptions.
PART III —MISCELLANEOUS PROVISIONS	
16—	Reporting.
17—	Request for information.
18—	Register.
19—	Offences.
20—	Survey

21— Savings and transition.
FIRST SCHEDULE — FORMS

THE MERCHANT SHIPPING ACT, 2009
(*Cap 389*)

IN EXERCISE of the powers conferred by section 14 of the Merchant Shipping Act, the Cabinet Secretary for Mining, Blue Economy and Maritime Affairs makes the following Regulations—

THE MERCHANT SHIPPING (CABOTAGE) REGULATIONS, 2024

PART I—PRELIMINARY	
Citation.	1. These Regulations may be cited as the Merchant Shipping (Cabotage) Regulations, 2024.
Interpretation.	2. (1) In these Regulations, unless the context otherwise requires—
<i>No. 4 of 2009.</i>	“Act” means the Merchant Shipping Act, 2009;
<i>No.5 of 2006</i>	“Authority” means the Kenya Maritime Authority established under the Kenya Maritime Authority Act, 2006;
	“cabotage” means restriction in trading in Kenyan waters, exclusive economic zone and continental shelf;
	“cabotage area” means Kenyan waters, the exclusive economic zone and continental shelf;
	“cargo” means goods carried in or on a vessel whether or not of commercial value and includes livestock;
Cap 371.	“exclusive economic zone” has the meaning assigned to it under section 2 of the Maritime Zones Act;
<i>No. 4 of 2009</i>	“foreign ship” means a ship not registered in Kenya;
<i>No. 4 of 2009</i>	“Kenyan waters” means the sea or other waters within the seaward limits of the territorial sea of Kenya

No. 4 of 2009	<p>“kenyan ship” means a ship registered in Kenya under the Act and “ Kenyan vessel” and “Kenyan fishing vessel shall be construed accordingly.</p>
	<p>“local trade” includes—</p>
	<p>(a) the transportation of cargo by ship within the cabotage area;</p>
	<p>(b) the transportation of passengers by ship within the cabotage area;</p>
	<p>(c) the transportation in relation to exploration and exploitation of living or non-living natural resources within the cabotage area; and,</p>
	<p>(d) the engaging, by ship, in any other marine transportation activity whether or not of commercial value.</p>
	<p>(2) For the purpose of these Regulations, cabotage area includes; offshore drilling unit, production platform, artificial island, subsea installation, pumping station, living accommodation, storage structure, loading or landing platform, dredging systems, floating crane, pipe laying barge or other barge or pipeline and any anchor cable or rig pad, used in connection therewith.</p>
Application of the Regulations.	<p>3. These Regulations shall apply to the following ships engaged in local trade within the cabotage area—</p>
	<p>(a) Kenyan ships;</p>
	<p>(b) foreign ships subject to the provisions of any treaty or agreement with any foreign government; and</p>
	<p>(c) foreign ships licensed or exempt from licensing requirements under these Regulations.</p>
Objectives of the Regulations.	<p>4. The objectives of these Regulations are to —</p>
	<p>(a) promote a viable shipping industry that contributes to the broader Kenyan economy;</p>
	<p>(b) facilitate the long-term growth of the Kenyan shipping industry;</p>

Merchant Shipping (Cabotage) Regulations, 2024

	(c) enhance the efficiency and reliability of Kenyan shipping as part of the national transport system;
	(d) maximise the use of ships licensed or registered in Kenya in local trade;
	(e) promote fair competition in local trade;
	(f) ensure efficient movement of passengers and cargo between Kenyan ports; and
	(g) enhance human resource development in the local maritime transport industry.
PART II—RESTRICTION ON TRADING	
Ships eligible to engage in local trade	5. Unless expressly provided otherwise, ships eligible to engage in local trade include-
	(a) passenger ships;
	(b) crew boats;
	(c) bunkering ships;
Cap 378	(d) fishing vessels;
	(e) barges;
	(f) offshore service ships;
Cap 391	(g) tugs;
	(h) anchor handling tugs and supply ships;
	(i) floating storage facilities;
	(j) tankers;
	(k) carriers;
	(l) diving support ship;
	(m) dredger; and

	(n) any other craft or vessel used for carriage of cargo or passengers within cabotage area
Kenyan ships engaging in trade	6. A Kenyan ship may engage in local trade within the cabotage area if the ship is registered or licensed in accordance with the Act.
Manning of Kenyan ships	7. (1) A Kenyan ship shall wholly be manned by Kenyan citizens.
	(2) The Director General may grant an exemption to a Kenyan ship engaging in local trade to be manned by a foreign officer or rating where the manning of the ship requires special manning expertise that is not available.
Foreign ships engaging in local trade.	8. (1) A foreign ship shall not engage in local trade within the cabotage area unless it is licensed under these Regulations.
	(2) Subject to sub- regulation (1) a foreign ship may be licensed to engage in local trade within the cabotage area in the following circumstances—
	(a) where there is no Kenyan ship available to provide the service
	(b) where the Kenyan ship has no capacity to provide the service;
	(c) where manning of the ship requires special expertise that is not available in Kenya; or
	(d) where there is a treaty or agreement between Kenya and the country of registration of the foreign ship.
Application for licence by foreign ships.	9. (1) An owner, agent or master of a foreign ship, to which regulation 8(2)(a), (b) and (c) applies, may apply to the Authority for grant of a license to engage in local trade within the cabotage area in Form 1 set out in the First Schedule.
	(2) The Director-General shall, in addition to the requirement under sub- regulation (1), ensure that the foreign ship meets the following conditions—
	(a) has a valid certificate of foreign registry;
	(b) submits the required documents of proof of ownership;
	(c) the owning company of the foreign ship has a registered place of business or a representative office in Kenya;

Merchant Shipping (Cabotage) Regulations, 2024

	(d) proof of payment of the applicable duties, levies and tariffs imposed by the relevant authorities applicable to foreign ships with respect to its participation in the local trade;
	(e) possess all certificates and documents in compliance with international and regional maritime instruments and that such certificates and documents are current and valid;
	(f) meets safety, security and pollution requirements provided under the Act and any other related laws;
	(g) the service or activity that is to be performed by the foreign ship is well defined;
	(h) the service or activity that is to be performed does not contravene the provision of any laws of Kenya or government directive;
	(i) the place where the foreign ship perform(s) that service or activity is well defined;
	(j) the manning of the ship comprises of at least fifty one percent Kenyan citizens, unless expressly provided otherwise; and
	(k) any other condition that the Director-General may consider reasonably appropriate and in the national interest.
	(3) In determining the ownership of a ship under this regulation, the Director-General shall have due regard to—
	(a) the last certificate of registration of the ship;
	(b) the bill of sale;
	(c) the ownership of shares in the company applying to be registered; and
	(d) the apportionment of shares in the ownership of the ship.
	(4) The Director-General may request an applicant under this regulation to submit such further information or documentation as deemed necessary.

	(5) Upon considering an application under this regulation, the Director-General may approve the application and issue a licence in Form 2 set out in the First Schedule or reject the application indicating the reasons thereof within thirty days of submitting the application.
	(6) A licence issued under this Part shall not preclude a licensee from compliance with any Kenyan or regional laws and international instruments for which Kenya is a party.
	(7) The licence issued under this Part shall be carried on board the ship at all times.
Application for license by foreign ships under a treaty or agreement.	10. (1) An owner, agent or master of a foreign ship to which regulation 8(2) (d) applies, may apply to the Authority for grant of a licence to engage in local trade within the cabotage areas in Form 1 set out in the First Schedule.
	(2) The Director-General shall, in considering an application in sub-regulation (1), ensure that—
	(a) there exists a treaty or agreement between Kenya and the country of registration of the foreign ship;
	(b) the foreign ship meets all safety, security and pollution requirements imposed by Kenyan law and any international instruments in force; and
	(c) the foreign ship possesses all certificates and documents in compliance with international and regional maritime instruments and that such certificates and documents are current and valid.
	(3) An application under this regulation shall be processed in accordance with the procedure in regulation 9.
	(4) The licence issued under this regulation shall be in Form 2 set out in the First Schedule and shall be subject to the terms and conditions under the treaty or agreement.
LN 192 Of 2011	11. An applicant for a licence under this Part shall be required to pay such fees as may be specified in the Merchant Shipping (Fees) Regulations.
Duration of the licence.	12. A licence granted under these Regulations shall specify the period of time for which it shall be valid, which period shall not in any circumstance exceed one year from the date of issue.

Merchant Shipping (Cabotage) Regulations, 2024

Suspension, cancellation, and variation of a license.	13. The Director-General may suspend, cancel or vary the terms and conditions of a licence where—
	(a) the owner or master of the licensed ship is convicted of an offence under the Act or any other written law;
	(b) there has been failure to comply with any term or condition to which the license is subject to;
	(c) a subsequent change in the ownership structure of the vessel or the owning company as the case may be, has contravened the provisions of these Regulations under which the vessel was licensed and the relevant provisions of the Act;
	(d) the required certification and documentation has expired;
	(e) if the ship undergoes alterations or modifications which are deemed by the Authority to be of a major character;
	(f) the ship is decommissioned, abandoned or declared a wreck; or
	(g) the ship is no longer eligible for licensing under these Regulations.
Review.	14. (1) A person aggrieved by any decision under regulation 13, may apply to the Director-General for a review of the decision within twenty-one days from the date of the decision.
	(2) A person aggrieved by a decision made upon review under sub- regulation (1), may appeal in accordance with the provisions of the Act.
Exemptions.	15. (1) Notwithstanding regulation 8, a foreign ship may by writing be exempt from the licensing requirements under these Regulations—
	(a) upon request to render assistance or in response to a distress call;
	(b) to undertake salvage operations as provided in the Act;
	(c) to engage in marine pollution emergency response as provided in the Act;

	(d) during a national emergency; or
	(e) to undertake marine scientific research commissioned by the relevant Ministry under a collaborative framework.
	(2) The Authority may upon an application by an owner, agent or master of a ship, grant exemptions on such terms and conditions as may be necessary, with respect to the application made under these Regulations provided that any such exemptions granted is in the public interest and shall not compromise maritime safety and security standards.
	(3) Exemptions granted under sub- regulation (2) shall be in writing and shall specify the time when the owner, agent or master of the ship is expected by the Authority to fully comply with the requirements of these Regulations and the period within which the exemption shall cease to be effective.
PART III—MISCELLANEOUS PROVISIONS	
Reporting	16. A person licenced to engage in local trade within the cabotage areas shall, at the end of the licence period or the financial year, whichever comes first, submit to the Authority a report of trade activities undertaken during the licence period.
Request for information.	17. In exercise of the Authority’s powers and functions, the Director General may by notice in writing require a person to—
	(a) furnish the Authority within such time as may be specified in the notice, any document specified or described 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.
Register.	18. (1)The Director-General shall maintain a register for—
	(a) ships engaged in local trade within the cabotage area; and
	(b) any other category deemed necessary.

Merchant Shipping (Cabotage) Regulations, 2024

	(2) The Director General may cancel the name of the ship on the register where -
	(a) a licensed ship is no longer entitled to remain licensed under regulation 13;
	(b) the owner of a licensed ship terminates the licence
	(c) the owner, master or agent of the licensed ship uttered false information or documentation in order to facilitate issuance of a license; and
	(c) a licensed ship becomes a total loss or being otherwise destroyed by inter alia, shipwreck, demolition, fire or sinking
Offences.	19. (1) An owner, agent or master of a ship who-
	(a) engages in local trade within the cabotage area without a valid certificate of registration or licence; or
	(b) fails to comply with the conditions of licence while engaging in local trade within the cabotage area,
	commits an offence and shall be liable upon conviction to the penalty under section 14 (4) of the Act.
Survey	20. The Director General shall, prior to issuance of licence, cause a ship to be surveyed and inspected to determine if it meets the requirements of these Regulations.
Savings and transition	21. (1) A Licence, issued to a foreign ship to trade within the cabotage area, in force before the commencement of these Regulations shall remain in force for the remainder of the period for which it was issued.
	(2) Notwithstanding sub- regulation (1), any owner, agent or master of a foreign ship with a valid licence to trade within the cabotage area shall comply with the provisions of these regulation within two years from the date of coming into force.

FIRST SCHEDULE

FORMS

FORM 1



(r.9 (1), 10(1))

REPUBLIC OF KENYA

APPLICATION FOR LICENSE TO ENGAGE IN LOCAL TRADE

(See Notes Overleaf before completing the form)

PART A: APPLICANT DETAILS			
Applicant Name:			
ID/Passport Number		Nationality	
Postal Address		Postal Code	
Physical Address		Town/City	
Mobile Phone		Email	
Signature		Date	
PART B: SHIP DETAILS			
Type of Ship		Hull No./ IMO No. Official No	
Certificate of Registration No		Expiry date if Applicable	
Year of Registry		Country &Port of Registry	
Year Built		Depth	
Length (m)		Breadth (m)	
Main Propulsor rated power (Kw)		Propulsor make and model	
Registered Gross tonnage		Net tonnage	
Expiry date of previous License to engage in Local trade (if any)			
Classed by			
Date keel laid		Previous Flag of Registry	

Previous Owner name and address				
Full Name and address of ship builder				
PART C: OWNERSHIP ELIGIBILITY				
Nationals of Kenya <input type="checkbox"/>	Corporation registered in Kenya <input type="checkbox"/>	Individual/Corporation in <i>bona fide</i> joint venture with nationals of Kenya <input type="checkbox"/>	Individual/Corporation owning ships hired out on bareboat charter. <input type="checkbox"/>	Ships subject to the provisions of any treaty or agreement with a foreign Government <input type="checkbox"/>
Foreign Individuals/Corporations/ Such other persons <input type="checkbox"/>				
Name and address of ship owner				
Current Operational area of the ship				
Registration Number of ship owner		Nationality of ship owner		
Name and address of bareboat charterer/joint venture party				
PART D: AUTHORIZED REPRESENTATIVE DETAILS				
Name				
Postal Address				
Physical address				
Nationality				
Certificate of incorporation details in case of company				
Passport details in case of individual				
PART E: CABOTAGE AREA				
Intended Operational area of the ship				
Internal waters <input type="checkbox"/>	Territorial sea <input type="checkbox"/>	Exclusive Economic Zone <input type="checkbox"/>	Continental Shelf <input type="checkbox"/>	
Type of Intended Trade				
Maximum number of passengers to be carried	Type of Cargo to be transported.			
Intended period of operation within cabotage area.				
PART F: PROPOSED MANNING CREW COMPOSITION				
Seafarers Level Description	Q'ty	Number of Kenyan Seafarer	Number of Foreign Crew	

Merchant Shipping (Cabotage) Regulations, 2024

Management Level (Deck)			
Management Level (Engine)			
Operational level (Deck)			
Operational level (Engine)			
Cadet (Deck)			
Cadet (Engine)			
Support level (Deck)			
Support level (Engine)			
Catering Department			

I hereby make an application for Licensing of the Foreign Ship to engage in local trade as owner/ authorized representative (**delete appropriately**) pursuant to Sec. 14 of the Merchant Shipping Act, 2009 and confirm the information provided is accurate to the best of my knowledge.

Made and subscribed the day of by the above-named in the presence of (d).....



Commissioner for Oaths/Notary Public.

Name of applicant and Signature of Applicant (in case of an individual.....)

Incase of company insert company Seal and Signature of two directors or) a director and the Company Secretary (in case of a) company)

Name of Director.....

Signature.....

Name of Director.....

Signature.....



FOR OFFICIAL USE ONLY

Documentation Review

Document Name	Issuing Authority	Issue/Expiry Date	Remark
Certificate of Registry			
Ship Owner ID			

Ship Agent license			
CLC Certificate			
BUNKER Certificate			
NWR Certificate			
Seafarers Repatriation Insurance			
Ship Class Certificate			
SMC			
Loadline Certificate			
Tonnage Certificate			
Safety Equipment Certificate			
Safety Construction Certificate			
Safety Radio Certificate			
IOPP			
IAPP			
Sewage Certificate			
Safe Manning Certificate			
MLC			
Crew Composition			
Seafarers Level Description	Q'ty	Number of Kenyan Seafarers	Remark
Management Level(Deck)			
Management Level(Engine)			
Operational level (Deck)			
Operational level (Engine)			
Cadet (Deck)			
Cadet (Engine)			
Support level (Deck)			
Support level (Engine)			
Cooks			
Total			
Ship Inspection particulars			
Date of Inspection		Place of Inspection	
Name of Inspector			
Remark			
.....			
.....			
.....			
Recommended <input type="checkbox"/> Not Recommended <input type="checkbox"/>			
Name/Signature of Reviewer		Date of Review	
Checked by.		Date	

Notes:

1. Complete the form in **BOLD CAPITAL LETTERS** where applicable.
2. In case of a foreign national or body corporate, specify your nationality on the space provided appropriately.

Merchant Shipping (Cabotage) Regulations, 2024

3. Attach the following supporting documents to this application.

DOCUMENTS CHECKLIST		
No.	Document	YES/NO/N/A
1	Duly executed declaration of Individual ownership for foreign ships form	
2	Duly executed declaration on behalf of ownership on behalf of corporation form(as applicable)	
3	Duly executed form for authorization of owner’s representative	
4	Copy of Bareboat charter agreement (<i>where applicable</i>)	
5	Copy of <i>bona fide</i> Joint Venture agreement (<i>where applicable</i>)	
6	Power of Attorney for person signing on behalf of owner(<i>in case of bareboat charter or JV</i>)	
7	Copy of current Certificate of Registry (<i>if applicable</i>)	
8	Notarized Copy of Builder Certificate (<i>in case of new build</i>)	
9	Notarized Bill of sale (<i>if applicable</i>)	
10	Certified Copy of individual ship owner Identification documents (Passport/National ID)	
11	Certified Copy of identity document of authorized representative (where applicable)	
12	Certified Ship owner Copy of Certificate of incorporation (if owner is a body corporate)	
13	Certified Copy of ship owner KRA PIN Certificate where applicable	
14	Copy of ship owner KRA Tax Compliance Certificate where applicable	
15	Copy of Tonnage Certificate or tonnage calculation sheet	
16	Ship Current Synopsis Record (>500GT, <i>except fishing vessels</i>)	
17	Copy of current Ship statutory certificates (Safety, IOPP)	
	Loadline Certificate (in case of ship > 24m)	
	Cargo Ship Safety Certificate (in case of cargo ship > 500GT)	
	Passenger Ship Safety Certificate	
	IOPP (<i>in case of ship > 400GT</i>)	
	Sewage Certificate (<i>in case of ship authorized to carry more than 15person</i>)	
	IAPP (<i>Incase of ship >400GT</i>)	
	EIAPP (<i>in case of installed engine rated >130Kw</i>)	

	IEE (<i>in case of ship > 400GT</i>)	
	Statement of compliance to fuel consumption reporting (<i>in case of ship >5,000GT</i>)	
18	Copy of class certificate	
19	No objection letter from Kenya Fisheries Services(<i>in case of fishing vessel</i>)	
20	Copy of Transcript of free of any encumbrances	
21	Copy of Deletion certificate (<i>where applicable</i>)	
22	Certified Copy of most current CR12 Certificate for ship owner	
23	Copy of ID/Passport/incorporation certificate of listed shareholder/directors	

FORM 2

(r.9(5), 10(4))

REPUBLIC OF KENYA

KENYA MARITIME AUTHORITY

LICENCE TO ENGAGE IN LOCAL TRADE

PARTICULARS OF SHIP/VESSEL

Official Number	IMO No.	Call Sign	Name of Ship		Current Port of Registry	Year, Country, and Port of previous Registry (if any)	
Gross Tonnage	Net Tonnage	Classed By	Type of Ship		Certificate of Registration No	Ownership Type	
Country of Registration		Sailing, Steam or Motor Ship:		Where built	When built	Name and Address of Builders	
No. of Bulkhead		Length from forepart of stem to the aft side of the head of the stern post...					
No. of Masts		Main breadth to outside plating					
No. of Decks		Depth from top of deck at side amidships to bottom of keel					
No. of sets of Engines	Description of Engines	Year of Manufacture	Name and address of makers	No. and Diameter of cylinders in each set	Length of Stroke	Rotary Engines No. of cylinders in each set	Engine Rated Power
Name, postal, email & physical address, telephone of the owner				Name, postal, email & physical address, telephone of the authorized representative			
Authorized Trading Area	Internal waters <input type="checkbox"/> Territorial sea <input type="checkbox"/> Exclusive Economic Zone <input type="checkbox"/> Continental Shelf <input type="checkbox"/>						
Type of Trade		Maximum number of passengers allowed (Where applicable)					
Minimum Number of Manning crew required		Always required Minimum Number of Kenyan manning crew onboard					
I, the undersigned, Director General, hereby certify that the Ship, the description of which is prefixed to this license, has been duly licensed to engage in Local trade as specified above, and that the above description is in accordance with the Register Book that the Name(s), Residence and the description of the Owner(s) are as stated above:-							
Dated at the..... day of				Stamp			
Name:							
Signature.....							
LICENSE NO		DATE OF ISSUE			DATE OF EXPIRY		
Amount of License fees Paid							

