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## ***REGULATION ON AMATEUR DIVING***

Decree No.44/2006  
of the 29th of November

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**Decree 44/2006**  
**of 29 November**  
**Regulations on amateur diving**

As there is need to adjust the legislation in respect of amateur diving to the current economic and social conditions of the country, the Council of Ministers, in the terms of the provision of article 204 (f) of the Constitution of the Republic, decrees:

**Article 1**

The Regulations on amateur diving and their annexes, attached hereto as an integral part of this decree, are hereby approved.

**Article 2**

The amateur diving schools and centres that, on the date of entry into force of this decree, have been authorised to pursue their activity on a temporary basis, must apply for their licences to the Maritime Authority within ninety days.

**Article 3**

This decree enters into force sixty days after its publication.

**Article 4**

Decree 48365 of 2 May 1968 is hereby repealed.

Approved by the Council of Ministers on the 12th of September 2006.

Let it be published.

The Prime Minister

Luísa Dias Diogo

**Regulations on amateur diving**  
**CHAPTER I**  
**General provisions**

**Article 1**  
**Definitions**

For the purposes of these Regulations:

- a) ***National Maritime Authority*** means the central body of maritime administration, official or public agent with powers to manage compliance with the rules relating to maritime safety and the conservation of the marine environment, as well as to authorise licences and regulate, supervise and inspect the pursuit of activities in maritime and related industry;
- b) ***Local Maritime Authority*** means the maritime administration or maritime delegation, official or public agent in the local area of jurisdiction with powers to manage compliance with the rules relating to maritime safety and the conservation of the marine environment, as well as to authorise licences and regulate, supervise and inspect the pursuit of activities in maritime and related industry within its area of jurisdiction;
- c) ***Accumulation of offences*** means the commission of two or more offences on the same occasion or before a previous offence has been punished;
- d) ***Diving centre*** means an entity licensed in the terms of these regulations to pursue amateur diving business on a commercial basis;
- e) ***Licensing authority*** means the national or local maritime authority;
- f) ***Amateur diving school*** means an educational institution licensed in the terms of these regulations to train amateur divers and instructors of amateur diving.
- g) ***Amateur diving*** means the activity engaged in by an amateur diver when swimming submerged or at the surface equipped with underwater breathing apparatus;
- h) ***Amateur diver*** means a person certified to practise amateur diving;
- i) ***Amateur diving instructor*** means an amateur diver authorised to give courses in amateur diving;
- j) ***Maritime administration central body*** means the National Marine Institute (INAMAR);
- k) ***Repetition of an offence*** means the commission of an offence before the completion of twelve months from the date of final imposition of a previous penalty;
- l) ***Revocation of licence*** means the definitive cancellation of a licence;
- m) ***Suspension of licence*** means the temporary prohibition of the pursuit of training activity or of the operation of amateur diving centres by virtue of the cessation of the respective licence.

## **Article 2 Object**

1. The object of these Regulations is to establish rules in respect of the pursuit of amateur diving activity in Mozambican jurisdictional waters.

## **Article 3 Scope**

These Regulations shall be applicable to amateur diving activity carried out by duly licensed entities.

## ***CHAPTER II Training and licensing***

### **Article 4 Diving schools and centres**

1. Amateur diving shall be taught in training schools that must satisfy the following conditions:
  - a) Having a programme of courses approved by the national maritime authority;
  - b) Having at least one class room, a duly equipped medical post and swimming pool, a vessel, a vehicle, a mechanical resuscitator or an artificial respirator, a communications system, cylinders of oxygen, diving signals and other materials and equipment shown to be necessary for the practice of amateur diving;
  - c) Compiling the list of staff and materials contained in annex A.
2. The diving school shall administer the courses in accordance with the approved programmes and notify the maritime authority of their commencement, together with a list of the names of the students and the instructors.
3. The authorisation to commence activity shall lapse ninety days after it has been granted if the applicant has not commenced activity.

### **Article 5 Diving school licensing procedures**

An application for a licence to train amateur divers and amateur diving instructors shall be addressed to the national maritime authority and must be accompanied by the following documents:

- a) Instrument of incorporation of a commercial company, whose corporate objects should include the training of amateur divers and/or of amateur diving instructors;
- b) Programme of courses to be taught;
- c) Qualification certificates of the instructors and the health staff;
- d) Indication of the diving equipment to be used in the courses;
- e) Design or sketch plan of the school premises;

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- f) Map of the area where the practical part of the amateur diving lessons will be held, with the boundaries marked by coordinates;
- g) Opinion of the competent national defence and environmental authorities.

## **Article 6**

### **Diving centres**

Diving centres must have at least a coordination room and satisfy the condition laid down in article 4 (c).

## **Article 7**

### **Diving centre licensing procedures**

An application for a licence to pursue an amateur diving business as a commercial activity shall be addressed to the national maritime authority and must be accompanied by the documents listed in article 5, except for sub-paragraph (b).

## **Article 8**

### **Licensing powers**

1. The national maritime authority shall have powers to issue the following types of licence:
  - a) Licence to pursue the business of training divers;
  - b) Licence for the operation of diving centres.
2. Licences shall be issued in the form of *alvará*, as shown in the model in annex B to these regulations.

## **Article 9**

### **Inspection**

1. The licensed entity is subject to annual inspection of the premises and equipment by the maritime authority.
2. The licensed entity must request the licensing authority to carry out an inspection of the premises and equipment before commencement of activity.

## **CHAPTER III**

### **Admission and certification**

## **SECTION I**

### **Admission and certification**

## **Article 10**

### **Amateur divers**

1. The following are conditions for obtaining an amateur diver's certificate:
  - a) Age equal to or greater than 16 years;

- b) Physical aptitude verified by a medical certificate;
  - c) Authorisation of the parents or guardians, in the case of minors;
  - d) A pass in an amateur diving course.
2. A prospective amateur diver must have the following physical attributes:
- a) Physical strength and mental health compatible with the practice of amateur diving;
  - b) Cardio-respiratory system free of abnormality;
  - c) Normal nervous system;
  - d) Normal auditory system and upper respiratory tract and perfect nasal patency.
3. Candidates who successfully complete the amateur diving course will be issued with a certificate.

### **Article 11**

#### **Amateur diving instructors**

1. Amateur diving instructors must satisfy all of the following conditions together:
- a) Age equal to or greater than 21 years;
  - b) Physical aptitude and mental health verified by the competent health authority according to the conditions laid down in paragraph 2 of the preceding article;
  - c) Intermediate level of technical-vocational education or upper general secondary education or equivalent;
  - d) Be an amateur diver for more than six months and have at least 40 hours of diving recorded in their logbook;
  - e) Have successfully completed an instructor's course given by a recognised diving school;
  - f) Have successfully completed a life saving course.
2. For admission to an amateur diving instructor's course, candidates must submit the following documents to the amateur diving school:
- a) Personal identity document;
  - b) Medical certificate verifying the conditions of physical fitness referred to in article 10 (2) of these regulations, together with a chest x-ray and an electrocardiogram, and their respective reports;
  - c) Intermediate level of technical-vocational education or upper general secondary education or equivalent;

- d) A diving logbook issued by the competent entity showing that the candidate has been an amateur diver for more than six months and has at least 40 hours of diving.
3. Students who successfully complete the amateur diving instructor's course shall be issued with a certificate.

### **Article 12 Exam**

The final exam of the amateur diving instructor's course shall be conducted with the participation of a representative of the maritime authority as a member of the jury, on the request from the entity that gave the course.

## **SECTION II Diving logbook and equipment registration document**

### **Article 13 Diving logbook**

Amateur divers and amateur diving instructors shall have a logbook issued by their school after they have passed the exam.

### **Article 14 Diving logbook content**

The diving logbook shall be certified by the maritime authority and must contain the following details:

- a) The name and address of the holder;
- b) Proof of qualification as an amateur diver or amateur diving instructor;
- c) Records of the results of the annual medical examinations;
- d) Records of dives made and the diving gear used;
- e) Records of academic, technical and special qualifications;
- f) Records of comments, which may include those that the amateur diver or instructor considers relevant as credentials of a subsidiary activity (recreational, cultural, scientific, technical or other) that they wish to pursue during the course of their amateur diving activity.

### **Article 15 Equipment registration document**

Amateur divers and amateur diving instructors shall possess a document called the "Equipment registration document", issued by a recognised entity and certified by the maritime authority, which shall contain the following particulars:

- a) The make (s) and type (s) of diving equipment that they own or use;

- b) The manufacturer's number and the capacity of the cylinders;
- c) Hydraulic tests of the cylinders for safety purposes.

## **CHAPTER IV**

### ***Practice of amateur diving***

#### **Article 16**

#### **Compulsory documents**

1. The following documents are compulsory for the practice of amateur diving in Mozambican jurisdictional waters:
  - a) Personal identity document;
  - b) Equipment registration document;
  - c) Diving logbook certified by the maritime authority.
2. The certification referred to in sub-paragraphs (b) and (c) of the preceding paragraph shall be considered valid for a period of one year and must be entered in the records of the maritime authority.
3. Divers must take the documents referred to in paragraph (1) of this article with them to the place where they put on their diving equipment.
4. Foreign citizens may freely engage in amateur diving provided that they show the maritime authority a document issued by their country of origin proving that they are qualified for this activity, and they shall be subject to the provisions of these regulations.

#### **Article 17**

#### **Use of extraordinary equipment**

The use of any equipment, other than diving gear and defensive weapons, for amateur diving and for the pursuit of subsidiary activities, requires prior authorisation of the maritime authority of the jurisdictional area where the equipment will be used.

#### **Article 18**

#### **Amateur diving at sea**

An instructor must be present when amateur diving at sea is done in depths of forty metres and more, and the safety conditions required in paragraph (2) of Annex A to these regulations must be met.

## **CHAPTER V**

### ***Fees and charges***

#### **Article 19**

#### **Fees**

The fees and charges in respect of licensing, certification, exams and inspections shall be levied in accordance with the National Marine Institute fee regulations in force.

## **Article 20**

### **Appropriation of fees**

1. The amounts of the fees and charges referred to in article 19 of these regulations shall have the following destination:
  - a) 40% to the State budget;
  - b) 60% to the licensing authority.
2. The percentage destined for the State budget of the fees payable in the terms of these regulations shall be delivered to the receiver of revenue of the respective tax area by the 20<sup>th</sup> day of the month following collection.

## **CHAPTER VI**

### **Precautionary provisions**

#### **Article 21**

#### **Prohibitions**

The following are expressly prohibited:

- a) Amateur diving in prohibited areas;
- b) Amateur diving without the authorisation of the maritime administration or the maritime delegation in the jurisdictional area of the place where diving is carried out;
- c) Carrying underwater fishing gear on a support vessel of amateur divers;
- d) Catching fish, crustaceans, molluscs or marine plants, save for duly authorised scientific and cultural purposes;
- e) The use of any fishing accessories or underwater fishing gear, save in the conditions foreseen in article 17 herein;
- f) The use of diving equipment that could be a danger to persons using it.

#### **Article 22**

#### **Permissions**

The following only are permitted in the practice of amateur diving:

- a) The use of arms recognised as being for defence (knives and daggers);
- b) The use of open circuit, closed circuit or semi-closed circuit breathing apparatus;
- c) The use of equipment and other diving system components that comply with the quality and safety standards required for the pursuit of this activity;
- d) The use of other equipment duly authorised by the competent maritime authority.

## **Article 23 Precautions**

1. Every person must wear a diving life jacket when engaged in amateur diving.
2. Amateur divers and amateur diving instructors must, for their own safety, check with the maritime authorities of the areas where they intend to carry out their activity whether or not there is any information on warnings, prohibitions or temporary or permanent bans that may have been issued by those or other authorities.
3. Amateur diving instructors are responsible for the way in which they conduct the courses and for the due attention they demand in practical classes, in respect of the safety of the students.
4. Parties must check for prohibited areas, which will be announced in public notices posted at the maritime administrations and maritime delegations.
5. Vessels or buoys must be marked with flag A of the International Code of Signals whenever there are divers in the water.
6. An agent of the maritime authority may board vessels carrying divers to diving sites, for inspection purposes whenever this is shown to be necessary.

## **CHAPTER VII Penalties**

### **Article 24 Penalties**

1. The following penalties shall be applicable to contraventions of the provisions of these regulations:
  - a) Warning;
  - b) Fines from 5 000,00 Mtn to 25 000,00 Mtn for individuals and from 50 000,00 Mtn to 100 000,00 Mtn for amateur diving centres and schools;
  - c) Seizure of diving equipment and/or other items used;
  - d) Suspension of amateur diving activity for a period of twelve months;
  - e) Definitive ban on the practice of amateur diving;
  - f) Suspension of the licence for a period of six months;
  - g) Revocation of the licence.
2. The equipment or items seized must be sent, together with the police report, to the national maritime authority, which shall have powers of decision over its fate.
3. The user of the equipment or items seized shall be deemed to be the owner, for the purpose of the application of the penalties foreseen in this article.

## **Article 25**

### **Application of penalties**

1. The penalty provided for in article 24 (c) shall be applicable to persons who engage in amateur diving without the necessary qualification.
2. The penalties indicated in article 24 (b) and (c) shall be applicable to amateur diving schools and centres that pursue activities without the respective licences.
3. The penalties provided for in article 24 (b) shall be applicable to amateur diving schools and centres that employ persons without adequate qualifications for the performance of their duties, and in the event of a repeat offence the penalties shall be increased.
4. The penalty provided in article 24 (g) shall be applicable to amateur diving schools and centres that transfer their licence to third parties.
5. The seriousness of the offence and the circumstances under which it was committed shall always be taken into account in the application of penalties.

## **Article 26**

### **Power to apply penalties**

1. The Director-General of INAMAR (National Marine Institute) shall have powers to apply the penalties laid down in article 24 (e), (f) and (g).
2. The maritime administrator of the area of jurisdiction where the offence was committed shall have powers to apply the penalties indicated in article 24 (a), (b), (c) and (d).
3. The maritime delegate of the area of jurisdiction where the offence was committed shall have powers to apply the penalties indicated in article 24 (a), (b) and (c).
4. Penalties applied to amateur divers and diving instructors must be recorded in the diving logbook.

## **Article 27**

### **Appeal**

1. An appeal against penalties applied by the Director-General of INAMAR may be made to the competent court, without prejudice to the right to appeal to the relevant ministry.
2. An appeal against penalties applied by the maritime administrator or delegate may be made to the hierarchical superior, without prejudice to the right to an immediate appeal to the competent court.

## **Article 28**

### **Destination of fines**

1. The amounts of the fines referred to in article 24 of these regulations shall be appropriated as follows:
  - a) 60% to the State budget;

- b) 40% to the licensing authority.
2. The percentage of the revenue destined for the State budget referred to in sub-paragraph (a) of the preceding paragraph shall be delivered to the receiver of revenue of the respective tax area by the 20<sup>th</sup> day of the month following collection.

## **Annex A**

### ***List of personnel and material necessary for the pursuit of diving activities***

1. In a swimming pool
  - a) A doctor, medical technician or nurse familiar with the physiopathology of diving;
  - b) A mechanical resuscitator or an artificial respirator; and
  - c) Emergency pharmaceuticals in compliance with the requirements stipulated by the health authorities.
  
2. At sea
  - a) A support vessel with an artificial respirator and emergency pharmaceuticals referred to in sub-paragraph (c) of this paragraph;
  - b) For dives to depths greater than 40 metres, a vessel equipped with an individual recompression chamber;
  - c) A doctor, medical technician or nurse familiar with the physiopathology of diving; and
  - d) A diver equipped and ready to dive on board the support vessel.

**Annex B**

REPUBLIC OF MOZAMBIQUE  
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**MINISTRY OF TRANSPORT & COMMUNICATIONS**  
**NATIONAL MARINE INSTITUTE**

**LICENCE** (*Alvará*) No. .... / ..... / .....

**The National Marine Institute hereby informs all those who read this that, in consideration of the application made by:**

**Represented by:** .....  
**Head office** .....  
**Address:**.....

**Having regard to the provisions of:**  
.....  
.....

**The applicant has been authorised to pursue the business of:**  
.....  
.....

**in the area/ zone/ port (s) of** .....  
.....  
.....

**By order dated** ..... **of the Director-General of the National Marine Institute.**

**Expiry date** ..... / ..... / .....

In order that this fact be recorded, this licence has been issued and will be signed by me and authenticated with the embossing stamp in use in this institution.

**Maputo, ..... of ....., 20.....**

**THE DIRECTOR OF SERVICES,**  
.....