



**AN ACT TO AMEND THE ROAD TRANSPORT
ACT, NO. 7 OF 2003**

ARRANGEMENT OF SECTIONS

SECTIONS

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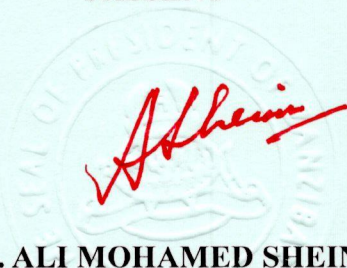


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ACT NO. 10 OF 2019

I ASSENT



{DR. ALI MOHAMED SHEIN}
PRESIDENT OF ZANZIBAR AND CHAIRMAN OF
THE REVOLUTIONARY COUNCIL

31st December
....., 2019

AN ACT TO AMEND THE ROAD TRANSPORT
ACT, NO. 7 OF 2003

ENACTED by the House of Representatives of Zanzibar.

PART ONE
PRELIMINARY PROVISIONS

- Short title and Commencement. 1. This Act may be cited as the Road Transport (Amendment) Act, 2019 and shall come into operation immediately after being assented to by the President.
- Construction. 2. This Act shall be read together as one with the Road Transport Act, No. 7 of 2003 which in this Act shall be referred to as the "Principal Act".

PART TWO
AMENDMENT PROVISIONS

- Amendment of section 2. 3. Section 2 of the Principal Act is amended as follows:
- (a) by deleting the interpretation of the word "Authority" and substitute for it the following words:



“Authority” means the Zanzibar Road Transport and Safety Authority as established under section 4 of this Act;

(b) by adding the new interpretation of the word “Board” and substituting for it the following words:

“Board” means the Board of Directors of the Authority established under section 14 of this Act;

(c) adding the new interpretation of the words “Director General” as follows:

“Director General” has the meaning as provided under section 4A of this Act;

Amendment of
new section 4.

4. Section 4 of the Principal Act is repealed and replaced by the following new section 4:

Establishment
of the
Authority.

4.-(1) There is established an Authority to be known as the Zanzibar Road Transport and Safety Authority.

(2) The Authority shall be a body corporate with perpetual succession with a common seal and shall in its corporate name, be capable to:

- (a) sue and to be sued;
- (b) acquire, hold, purchase or dispose any movable and immovable property;
- (c) enter into any contract or transaction subject to the laws of Zanzibar;
- (d) borrow any such sum of money from any financial institution in accordance with the Public Finance Management Act; and
- (e) perform or do any act or thing which a body corporate may by law, be entitled to perform or to do.



Addition
of new
section 4A.

5. The Principal Act is amended by adding new section 4A immediately after section 4 as follows:

Director
General. **4A-**(1) There shall be a Director General of the Authority who shall be appointed by the President.

(2) A person shall qualify to be appointed as Director General, if he:

- (a) is a Zanzibari;
- (b) holds at least first degree or its equivalent in engineering, administrative transportation, road traffic safety, business administration or law from a recognized higher educational institution; and
- (c) has working experience of at least ten years in public service.

Addition
of new
section 4B.

6. The Principal Act is amended by adding new section 4B immediately after section 4A as follows:

Functions of
the Director
General. **4B-**(1) The Director General shall, be a Chief Executive Officer of the Authority and, shall be responsible for the day to day operation, performance and management of the Authority.

(2) Without prejudice to the generality of the provisions of subsection (1) of this section, the Director General shall be responsible to:

- (a) supervise the implementation of the policies and programmes of the Authority;
- (b) ensure the proper management of the funds and properties of the Authority;
- (c) take disciplinary measures against staff of the Authority;
- (d) co-operate with the other agencies and organizations in relating to the road transport sector;



- (e) recommend to the Board an economic, efficient and cost effective internal management structure;
- (f) propose and implement the Strategic plan, Business Plan and Operational Plan of the Authority;
- (g) ensure that the policies of the Authority are implemented and that the agreed objectives, targets and service standards are met;
- (h) provide advice to the Board as required on all matters within the Authority's responsibility; and
- (i) perform any other duty necessary for the implementation of this Act as may be assigned to him by the Board.

(3) The Director General shall, in the performance of his functions, be accountable to the Board.

Addition of new section 4C.

7. The Principal Act is amended by adding new section 4C immediately after section 4B as follows:

Departments and Units.

4C-(1) The Authority may establish Departments and units as recommended by the Board in accordance with the Public Service Act.

(2) Heads of Departments, under subsection (1) of this section, shall be appointed by the Minister upon recommendations the Board, and

(3) Heads of units under subsection (1) of this section, shall be appointed by the Board upon recommendations of the Director General.

Amendment of section 5.

8. Section 5 of the Principal Act is amended as follows:

- (a) In subsection (1) by deleting the words "the Principal Road Transport Authority" and replacing by the words "Director General" such change shall take place wherever it appears in the Principal Act.
- (b) by deleting subsection (2) thereof.



Amendment
of section 9.

9. Section 9 of the Principal Act is hereby amended by deleting the words “in exercising his functions under this Act, the Authority may” and substituting them by the words “The Authority shall have the powers to:”

Amendment
of section 14.

10. Section 14 of the Principal Act is repealed and replaced by the new section 14 as follows:

Establishment
of the Board.

14.-(1) There is established a Board of Directors of the Authority which shall be composed of the following members:

- (a) Chairperson who shall be appointed by the President.
- (b) Director General;
- (c) Director responsible for roads;
- (d) Director responsible for Local Governments;
- (e) Head of Traffic Police in Zanzibar;
- (f) Two representatives from Road Transport Association, one from Transport Owners Association and one from Drivers Association.

(2) Save for ex-officio members, other members of the Board shall be appointed by the Minister upon consultation with their respective institutions.

(3) A person shall qualify to be appointed as Chairperson of the Board, if he:

- (a) is a Zanzibari;
- (b) holds at least first degree or equivalent from any recognized higher learning institution; and
- (c) has a working experience of not less than ten years in public service.

(4) The Board shall appoint one of its members to be a Vice-Chairperson of the Board.



Amended
of section
15.

11. Section 15 of the Principal Act is repealed and replaced by the new section 15 as follows:

Tenure of
members of
the Board.

15.-(a) The Chairperson of the Board shall hold office for a term of four years from the date of appointment and may be eligible for reappointment for another term; and

(b) Other members of the Board, save for ex-officio members shall, unless their appointment are sooner terminated or ceases in any other way to be a members, hold office for a period of three years and shall be eligible for reappointment for other term.

Amended
of section
16.

12. Section 16 of the Principal Act is repealed and replaced by the new section 16 as follows:

Meetings of
the Board.

16.-(1) The Board shall meet once in every three months and may meet at any time when the need arises for the discharge of its business at such places within Zanzibar as the Board may decide.

(2) All meetings of the Board shall be presided by the Chairperson or in his absence by the Vice-Chairperson, in the absence of both Chairperson and Vice Chairperson, the members present shall appoint one among them to preside the meeting, and the member so appointed to preside a meeting shall exercise powers and perform duties of the Chairperson in presiding the meeting.

(3) More than half of the members of the Board shall constitute a quorum of the meetings.

(4) The Board shall make decision by consensus, and in the event of disagreement, the decision shall be reached by voting and in case of an equality in the votes, the Chairperson or member presiding the meeting shall have a casting vote.

(5) Without prejudice to the provisions of subsection (4) of this section, decisions may be made by circulation of papers to the members for the time being in Zanzibar but who shall not be less than five members whereby each member shall express his views in writing.



(6) A circular resolution in writing signed by all members under subsection (5) of this section, shall be as effectual as a decision made under ordinary meeting.

Addition of new section 16A.

13. The Principal Act is amended by adding the new section 16A immediately after section 16 as follows:

Co-opting of a Person. **16A.** The Board may co-opt any person to attend any deliberations of the meeting of the Board as an expert but the co-opted person shall not have the right to vote.

Addition of new section 16B.

14. The Principal Act is amended by adding new section 16B immediately after section 16A as follows:

Minutes of Meetings of the Board. **16B.** The minutes of the meetings of the Board shall be approved by the Board in the next meeting and signed by the Chairperson of the meeting and Secretary of the Board.

Addition of new section 16C.

15. The Principal Act is amended by adding the new section 16C immediately after section 16B as follows:

A member to declare interest. **16C.** A member who directly or indirectly has interest in a contract or proposed contract or any matter being deliberated by the Board, shall declare the nature of his interest to the Board and such member, shall refrain from participating in the deliberation of that matter.

Addition of new section 16D

16. The Principal Act is amended by adding the new section 16D immediately after section 16C as follows

Procedures of Meetings. **16D** Subject to the provisions of this Act, the Board shall have power to regulate its own procedures in respect of the meetings and the proper conduct of its business including committees of the Board.

Addition of new section 16 E.

17. The Principal Act is amended by adding the new section 16E immediately after section 16D as follows

Secretary of the Board. **16E-**(1) The Board shall appoint a lawyer of the Authority to be a Secretary of the Board.



Addition of
new section
16F.

18. The Principal Act is amended by adding the new section 16F immediately after section 16E as follows:

Functions of
the Secretary
of the Board.

16F. The Secretary shall be accountable to the Board and shall be responsible to:

- (a) take and keep accurate minutes of meetings of the Board;
- (b) notify the members on affairs of the Board;
- (c) monitor the execution of the decisions of the Board;
- (d) provide proper advise to the Board; and
- (e) perform any other matter as the Board may direct.

Addition of
new section
16G.

19. The Principal Act is amended by adding the new section 16G immediately after section 16F as follows:

Establishment
of the Road
Safety
Commitee.

16G.-(1) There is established the Road Safety Committee which shall be composed of the following members:

- (a) Deputy Minister responsible for Road Transport who shall be a Chairperson;
- (b) Regional Commissioner of Urban West Region-Unguja;
- (c) Regional Commissioner South Pemba;
- (d) Principal Secretary of the Second Vice President's Office;
- (e) Principal Secretary of the Ministry responsible for road transport;
- (f) Principal Secretary of the Ministry responsible for education;
- (g) Principal Secretary of the Ministry responsible for heath;



- (h) Head of Traffic Police Zanzibar;
- (i) Chairman of the Transport Association; and
- (j) Director General of the Authority.

(2) In the absence of a Chairperson, the members present shall appoint one member among them to preside over the meeting, and the member so appointed shall have powers to perform all duties of the Chairperson.

(3) Save for ex-officio members, other members of the Committee shall be appointed by the Minister in consultation with the Board.

(4) The Secretary of the Board appointed under section 16E, shall be Secretary of the Committee.

Addition of
new section
16H.

20. The Principal Act is amended by adding the new section 16H immediately after section 16G as follows:

Functions
of the Road
Safety
Committee.

16H-(1) The Road Safety Committee shall have the functions to:

- (a) provide road safety awareness to the public;
- (b) develop the capacity of the users of road on matters relating to road safety;
- (c) reduce road traffic fatalities, injuries and disability caused by road accidents;
- (d) reduce the loss of assets caused by Road accidents;
- (e) assist the provision recovering when accident occur;
- (f) mitigate the suffering for victims of accident and their families;
- (g) raise the good image of Zanzibar at national and international level on matters road traffic safety;



(h) coordinate the activities of the Road Safety Week in Zanzibar; and

(i) join forces between Government and roads stakeholders in order to reduce road accident.

Addition of new section 16I.

21. The Principal Act is amended by adding the new section 16I immediately after section 16H as follows:

Committees of the Board.

16I.-(1) The Board may establish such number of Committees for the ease performance of its functions.

(2) The proceedings, terms and other matters relating to Committees shall be prescribed by the Board.

Addition of new section 16J.

22. The Principal Act is amended by adding the new section 16J immediately after section 16I as follows:

Allowances.

16J. Members of the Board shall be entitled for allowances in accordance with the Public Service Act, its Regulations and Guidelines.

Addition of new section 16K.

23. The Principal Act is amended by adding the new section 16K immediately after section 16J as follows:

Cessation of a Member.

16K.-(1) The Chairperson or any member of the Board may, at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified, from the date of receipt of the notice by the appointing authority, he shall cease to be a member of the Board.

(2) Where a Chairperson or a member of the Board ceases to be a Chairperson or a member of the Board for any reason as a case may be before the expiration of his term of office, the appointing authority shall appoint another person in his place and the person so appointed shall hold office for the remainder of the term of office of predecessor.

Addition of new section 16L.

24. The Principal Act is amended by adding the new section 16L immediately after section 16K as follows:

Vacancy of office of member.

16L. The office of a member of the Board shall become vacant:



- (a) upon his death;
- (b) if he, without sufficient cause, fails to attend three consecutive meetings of the Board;
- (c) if he resigns or becomes in any manner disqualified from membership of the Board; or
- (d) if he becomes incapacitated, by reasons of physical or mental health, to perform his duties.

Amendment
of section 18.

25. Section 18 of the Principal Act is repealed and replaced by the new section 18 as follows:

Functions
and Powers
of the
Board.

18.-(1) Subject to the provisions of section 18A, the Board shall be responsible for the general directives and supervision of the Authority, and for that purpose the Board shall have the following functions:

- (a) oversee the operations of the Authority;
- (b) advise the Minister on road transport related policy and strategic issues;
- (c) review and approve business and operating plans, budgets, reports and audit financial statements of the Authority;
- (d) to supervise the objectives and general performance of the Authority as set out in:
 - (i) the Annual Plan of the Authority;
 - (ii) any Performance Agreement; and
 - (iii) the Strategic Plan of the Authority.
- (e) provide guidance to the Director General and the staff of the Authority;
- (f) develop financial regulations and staff regulations in accordance with the Public Service Act; and



- (g) perform any other function prescribed in this Act for the efficiency and effectiveness of this Act.

(2) Subject to the Public Service Act, the Board shall, in performing its functions, have the powers:

- (a) to recommend to the respective authority organizational structure and scheme of service of the Authority in accordance with Public Service Act;
- (b) to recruit the staff where appropriate;
- (c) to take disciplinary actions against staff of the Authority; and
- (d) receive and handling the appeal against the Authority.

Addition of new section 18A.

26. The Principal Act is amended by adding the new section 18A immediately after section 18 as follows:

Role of the Minister. **18A.**-(1) For the efficiency and effective implementation of this Act, the Minister shall issue directives to the Board.

(2) Subject to provisions of subsection (1) of this section, the Board shall be accountable to the Minister and on this regard, the Board shall:

- (a) before executing its deliberation on the Board, submit a report to the Minister for approval and directives;
- (b) submit quarterly annual reports of its proceedings; and
- (c) receive and handling appeals from the Board.

Addition of new PART XA.

27. The Principal Act is amended by adding the new PART XA immediately after PART X as follows:



PART XA FINANCIAL PROVISIONS

Addition
of new
sections.

28. The Principal Act is amended by adding new sections 184-A,B,C,D and E immediately after section 184 as follows:

Funds and
resources of
the Authority.

184A. The funds and resources of the Authority shall include:

- (a) moneys as may be appropriated by the House of Representatives in the form of subvention;
- (b) such lawful donations, grants, bequests or loans as may be received from any person or organization; and
- (c) any other money as may be legally acquired by the Authority.

Budget.

184B.-(1) The Authority shall, before the beginning of the new financial year, prepare an annual budget and submit it to the Minister for consideration and approval in accordance with the provisions of the Public Finance Management Act.

(2) The Minister shall submit the annual budget of the Authority to the House of Representatives in the form and manner as prescribed in the Public Finance Management Act.

Opening Bank
Account.

184C. The Authority shall open bank account in accordance with the Public Finance Management Act, and deposit its money for the performance of its functions.

Accounts
and Audit.

184D.-(1) The Authority shall keep and properly maintain books of accounts which include all financial records and transactions for each financial year in accordance with the provision of the Public Finance Management Act.

(2) The Director General shall, at the end of each financial year, prepare or cause to be prepared:

- (a) a statement of income and expenditure during such financial year;



- (b) a statement of the assets and liabilities of the Authority on the last day of that financial year to be submitted and audited by the Controller and Auditor General or any other auditor appointed by the Controller and Auditor General; and
- (c) any other financial report as may be prescribed by the Public Finance Management Act.

(3) Copies of the statements or reports referred to in subsection (1) of this section and a copy of the auditor's report if any, shall be submitted to the Minister together with a report on the activities of the Authority during that financial year, and upon receipt, the Minister shall submit to the House of Representatives.

Annual
report.

184E. The Authority shall, in accordance with the Public Finance Management Act, submit to the Minister an annual report in respect of that year and shall contain:

- (a) a copy of the audited accounts of the Authority together with the auditor's report on those accounts;
- (b) a report on performance against key targets and any other related information;
- (c) a report on the operations of the Authority during that financial year; and
- (d) such other information on the activities of the Authority as the Minister may require.

PASSED by the House of Representatives of Zanzibar on 2nd December, 2019.

(RAYA ISSA MSELLEM)

Clerk of the House of Representatives of Zanzibar.