

THE MOTOR VEHICLES CONTROL (IMPORTATION,
ACQUISITION AND DISPOSITION ACT,
1985.

ARRANGEMENT OF SECTIONS

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ARRANGEMENT OF SECTIONS

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THIRD SCHEDULE

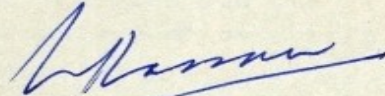
Factors which the Committee shall take into
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FOURTH SCHEDULE

Procedure required to be followed by a
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his vehicle.

ACT NO. 7 OF 1985

I ASSENT,



ALI HASSAN MWINYI
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY
COUNCIL.

.....11 MAY..... 1985.

AN ACT TO CONTROL THE IMPORTATION, ACQUISITION
AND DISPOSITION OF MOTOR VEHICLES AND PROVIDE
FOR MATTERS CONNECTED THEREWITH AND INCIDENTAL
THERE TO.

ENACTED BY THE HOUSE OF REPRESENTATIVES, ZANZIBAR.

PART I
PRELIMINARY

Short title
and
commencement.

1. This Act may be cited as the Motor
Vehicles Control (Importation, Acquisition and
Disposition) Act, 1985 and shall be deemed to have
come into operation on such date as the Minister
may by notice in the Gazette appoint.

Interpretation.

2.(1) In this Act unless the context otherwise
requires :-

"the Committee" means the Committee established
under section 3;

"date of manufacture" means the first date on
which the vehicle has been registered for
use;

"licensing authority" means the public officer appointed by or under any law to be a licensing authority for the purposes of licensing motor vehicles and the registration of transfers of ownership of motor vehicles;

"Minister" means the Minister for the time being responsible for Trade and Industries;

"Motor vehicle" means every description of vehicle propelled by means of mechanism contained within itself intended or adapted for use on the roads for the conveyance of a person or persons or of goods;

"owner" includes the personal representatives of a deceased owner and, in the case of a motor vehicle attached or forfeited pursuant to an order of the Court or under the provision of any written law, the public officer or officer of the Court responsible for executing the warrant of attachment or, as the case may be, effecting the seizure, and in the case of a motor vehicle seized pursuant to a hire purchase agreement or a chattels transfer instrument, the person taking possession of the motor vehicle;

"permit" means a permit issued by the committee in accordance with the provisions of this Act authorizing the person named therein to acquire a motor vehicle;

"public vehicle" means a pickup, a commercial vehicle, a transporter and any other means of transport intended to be or is designed as a commercial vehicle for ferrying up passengers and or goods;

"sale of disposition" in relation to a motor vehicle, means any of the following transactions :-

- (a) any transfer or disposition of a motor vehicle, whether or not such transfer or disposition is for valuable consideration, made pursuant to any agreement or arrangement where under the ownership of the motor vehicle has passed or will pass to the person to whom the motor vehicle is delivered or to any other person for whom such person is acting as an agent, and includes a gift of a motor vehicle, whether such gift is inter vivos or testamentary; or
- (b) any transaction whereby one person passes the possession of a motor vehicle to any other person under an agreement or arrangement, whether oral or in writing, which provides for the purchase of the motor vehicle by the person to whom the possession thereof is delivered or which provides that the property in such motor vehicle will or may pass to such person on the happening of any event and includes any transaction under a hire purchase agreement; or
- (c) any transaction whereby the owner of a motor vehicle, not being a person licensed to carry on the business of letting motor vehicles on hire, delivers the possession of the motor vehicle on hire or for reward to any other person; or

- (d) in the case of a motor vehicle, the ownership of which was acquired by a dealer in the ordinary course of his business as a dealer, any use of such motor vehicle by the dealer for his own purposes, save where such use pursuant to a permit granted to him; or
- (e) where a motor vehicle is seized pursuant to hire purchase agreement or a chattles transfer instrument, any use thereof for his own purposes by the person by whom or on whose behalf the seizure is effected; or
- (f) in the case of a motor vehicle the property in which has passed by operation of law to the personal representatives of a deceased owner, any use of the motor vehicle by any such personal representative for his own purposes, save where the vehicle is being used for the purpose of the management of the estate of the deceased or save where the personal representatives has transferred the ownership of the motor vehicle to himself in his personal capacity in accordance with the provisions of this Act;

"specified motor vehicle" means a motor vehicle of the category specified in the order;

"Ujamaa village" means any settlement operating and conducting itself as an Ujamaa village;

"voluntary agency" means any charitable or religious organization and includes any institution operating not for profit but for the social economic or educational betterment of the people of Zanzibar.

(2) For the purposes of this Act a motor vehicle shall be deemed not to have been sold :-

- (a) where on the death of the owner the property therein passes to the personal representatives of the deceased owner; or
- (b) where the property therein passes from the owner to any other person on bankruptcy; or
- (c) where, in the case of a motor vehicle owned by two or more persons jointly, any one of them transfers or assigns his title therein to any other of them.

(3) The expressions "to sell" "to purchase" and "to acquire" shall be construed by reference to the meaning assigned to the term "sale" in subsections (1) and (2).

PART II

COMMITTEE FOR THE CONTROL OF MOTOR VEHICLES AND THE CONTROL OF IMPORTATION OF MOTOR VEHICLES IN ZANZIBAR.

Establishment
of a
Committee.

3.(1) There is hereby established a Committee for the Control of importation, acquisitions and dispositions of motor vehicles.

(2) The provisions of the First Schedule to this Act shall have effect as to the constitution and proceedings of the Committee and otherwise in relation to the Committee.

Conditions
to permit.

4. The Minister may, in consultation with the Committee and by an order published in the Gazette annex conditions to permits granted for the purchase of a motor vehicle of the category specified in the order save from or to or through such institution as may be specified in the order, and when such an order is made any non-compliance with any provision of the order shall be an offence.

Importation
into
Zanzibar of
motor
vehicles
prohibited

5.(1) Importation of motor vehicles into Zanzibar is hereby controlled.

(2) All vehicles shall be imported into Zanzibar in accordance with the laid down procedure.

Exemption.

6. Where any other vehicle not in the categories specified in section 5(2) is, in the opinion of the Committee, for the public interest, the Committee may, if it so wishes, exempt such a vehicle to be imported into Zanzibar.

Owner of the
imported
vehicle to
fill a form.

7.(1) The owner of the motor vehicle to be imported shall fill a special form as shown in Schedule Two to this Act.

(2) The form shall be obtained from the Secretary of the Committee upon payment of a prescribed fee.

Decision of
Committee.

8.(1) The Committee shall then scrutinise the applications and shall record reasons for its decision on every application and shall send a copy of the decision to each of the following persons :-

- (a) the Minister;
- (b) the General Manager, Motor Trade Corporation;
- (c) the Principal Secretary to the President
- (d) the Principal Secretary to the Chief Minister's Office.

(2) Where the Committee has made a decision on any application it shall, as soon as may be practicable, advise the applicant whether or not his application has been granted provided that unsuccessful applicants shall not be reimbursed their application fees.

Necessary taxes to be paid in Zanzibar.

9.(1) Where permission to import the vehicle is granted under the provisions of this Act, the owner shall pay all the necessary taxes and fees including customs duty, sales tax and State Motor Corporation fees in Zanzibar.

(2) Where a vehicle to be imported into Zanzibar is transhipped at any other port, payment of any fees, taxes or duties at that port shall not exempt the owner from payment of similar fees, taxes or duties in Zanzibar.

Part III not to apply to certain people.

10.(1) The provisions of this Part shall not apply to :-

- (a) any Zanzibari who has been residing in Tanzania Mainland for a period of not less than five years; or
- (b) any Zanzibari who has been residing outside Tanzania for a period of not less than two years; or
- (c) to any Zanzibar student who has been attending courses of instruction from abroad for a period of not less than two years:

Provided that such person as indicated in section 13(a), or (b) or (c) shall be bound by the conditions as laid down in the Third Schedule to this Act.

(2) Any Zanzibari residing in Tanzania Mainland, other than that indicated in section 10(1)(a) or (b) or (c) may import a motor vehicle into Zanzibar in accordance with the provisions of this Act provided that the motor vehicle is not more than two years old from the date of manufacture.

Permit for
people
exempted.

11. Any person who qualifies himself under section 10 shall require a special permit, to be prescribed by a Committee which shall contain such conditions as are indicated in Schedule Three to this Act and where necessary certain other conditions as the Committee shall think fit.

PART III

DIPLOMATS AND EXPERTS CARS AND
VEHICLES

Diplomats or
experts may
import
vehicles.

12. Any person from a diplomatic corps or an expert in Zanzibar may if he so wishes import a motor vehicle for his personal use or for the use of his office or project in accordance with the agreement reached between the Government and such corps or an expert.

Age of
vehicle to
be
imported.

13. Any vehicle imported by an expert or a diplomat shall not be more than two years old from the date of manufacture of the said vehicle.

Procedure to
be followed
by experts
diplomats.

14. Where :-

(a) any diplomat; or

(b) an expert

intends to leave Zanzibar for good, or where he wishes to sell his vehicle, he shall follow the procedure laid down in Schedule Four to this Act before disposing off his vehicle.

PART IV

CONTROL OF MOTOR VEHICLES

Special fees
to be
charged by
Motor Trade
Corporation.

15.(1) The Motor Trade Corporation shall keep copies of all successful applicants and shall charge:-

- (a) on every imported saloon car, Estate cars and Station Wagons fifteen percentum of the price of the vehicle;
 - (b) on every pick up, van, box bodies, combi, truck, bus or couch a ten percentum of the price of the vehicle;
 - (c) on trailers, tractors or motorcycle, five percentum of the price of the vehicle;
- which shall be part of the Corporation's funds.

(2) The Minister for Finance may, if he thinks fit, and taking into consideration of the national policy on importation of motor vehicles, exempt any person or group of persons from payment of any fees.

Committee.

16.(1) The Committee shall have power to review the importation into Zanzibar of all the motor vehicles annually and shall advise the Minister for reduction or increase in number of the vehicles to be imported during the year next following.

(2) The Committee shall be bound by the decision of the Minister.

PART V
OFFENCES AND PENALTIES

Offences.

17. Any person who :-

- (a) makes any false statement, produces any false document or information or makes any false return concerning any material in particular relating to any matter under this Act; or
- (b) fails to comply with any notice served upon him by the Committee; or

- (c) refuses or fails to produce any information, document or return required from him by or under this Act, before the time specified for such production in any notice requiring him to produce same; or
- (d) alters or defaces any writing on any permit or authority issued by the Committee; or
- (e) has imported any motor vehicle into the country or has purchased a motor vehicle belonging to a diplomat or an expert, contrary to the requirements of the provisions of this Act; or
- (f) alters or defaces any motor vehicle registration certificate or any other document produced to a licensing authority;
- (g) not being the person to whom any permit or authority is issued, either expressly or impliedly, represent himself to a licensing authority or to the Committee or to any officer of the Committee or to any police officer to be such person,

shall be guilty of an offence and shall be liable on conviction to be sent to an educational centre for a term not exceeding two years or to a fine not exceeding twenty five thousand shillings or to both such fine and imprisonment.

Forfeiture.

18. Where a court convicts any person of an offence under this Act or any subsidiary legislation made hereunder the Court may, in addition to any penalty imposed by it, order that the motor vehicle in respect of which the offence has been committed be forfeited to the Government.

Where offences committed by body corporate.

19. Where any offence under this Act or any subsidiary legislation made hereunder is committed by a body corporate then any person who, at the time of the commission was a director or an officer, with the management of the affairs of such body corporate, as well as the body corporate shall be guilty of the offence and be liable to be proceeded against and punished accordingly unless he proves to the satisfaction of the Court that he had no knowledge and could not, by the exercise of reasonable diligence have had knowledge of the commission of the offence.

PART VII
GENERAL

Minister to vary amend Schedule.

20. The Minister may, by order published in the Gazette, vary, amend or replace the First, the Second, the Third and the Fourth Schedules to this Act.

Appeals.

21.(1) Any person aggrieved by a decision of the committee refusing to grant a permit or any authority may appeal to the Minister against such decision.

(2) Subject to the provisions of this section every decision of the Minister on appeal shall be final and conclusive and no such decision shall be questioned in, or inquired into by, any Court.

(3) The Minister may make regulations prescribing the procedure or appeal under this section, the manner in which an appeal shall be made, heard and disposed off, the fees payable on lodging an appeal and other matters affecting such appeals.

Regulations.

22.(1) The Minister may make Regulations providing for all or any purposes as are convenient for the administration of this Act, or are necessary or expedient for the carrying out the objects and purposes of this Act.

(2) Without prejudice to the generality of the power to make regulations under subsection (1), the Minister may make regulations prescribing any matter or things required or permitted by this Act to be prescribed.

Revocation of Order and Notices.

23. The Imports Control (Prohibited Imports) Order, 1978 made under Legal Notice No.6 of 1978, the Motor Vehicles (Restriction of Disposition) Order, 1981 made under Legal Notice No.92 of 1981 and Imports Control (Prohibited Imports) Order, 1984 made under Legal Notice No.5 of 1984 are hereby revoked.

Savings.

24. Anything done under any Order or notice referred to in section 23 shall be deemed to have been done legally under the corresponding provisions of this Act.

Provisions of this Act not to bind the Government.

25. The provisions of this Act shall not in any way bind the Government.

FIRST SCHEDULE

Constitution of Committee.

1. The Committee shall consist of :-
 - (a) one member of the House of Representatives who shall be the Chairman and who shall be appointed by the Minister;
 - (b) the person for the time being holding or acting in the office of the Principal Secretary to the Treasury;

- (c) the person for the time being holding or acting in the office of the Principal Secretary to the Ministry of Trade and Industries;
- (d) the person for the time being holding or acting, in the office of the Principal Secretary to the Ministry of Communications and Transport;
- (e) the General Manager, Motor Trade Corporation;
- (f) Two Regional Administrative Officers, one from Zanzibar and the other one from Pemba who shall be appointed by the Minister;

Secretary.

2. The person for the time being holding or acting in the office of the General Manager, Motor Trade Corporation shall be the Secretary and also a member of the Committee.

Meetings.

3. Where the Secretary receives any application he shall, after consultation with the Chairman or, if the Chairman is absent from Zanzibar or unable by reason of ill health or otherwise to perform his functions as the Chairman, after consultation with other members, appoint a date, time and place for a meeting of the Committee and shall give notice to all the members of the Committee of such date, time and place.

Quorum.

4. The Chairman, or where the Chairman is absent from the meeting, the Vice-Chairman and four other members shall constitute a quorum.

Procedure.

5.(1) The Chairman or, in his absence from Zanzibar or incapacity through illness or otherwise to discharge his functions, the Vice-Chairman, shall preside at the meetings of the Committee.

(2) At any meeting of the Committee, the decision of the majority of the members present and voting shall be taken to be the decision of the Committee. In the event of an equality of votes the person presiding shall have a casting vote in addition to his deliberative vote.

(3), Every member of the Committee shall give his reasons for his decision and the Secretary shall record such reasons.

Decision,
etc.

6. Every decision, notice or other document given, made or issued by the Committee shall be signed by the Chairman or the Vice-Chairman and the Secretary.

Minutes.

7. The Secretary shall record minutes of every meeting of the Committee and shall, on approval of the minutes by the members, send a copy thereof to each of the following persons :-

- (a) the Minister of Finance;
- (b) the Minister for Trade and Industries;
- (c) the Principal Secretary to the President.

Committee to
regulate
proceedings.

8. Subject to the provisions of this Schedule the Committee shall have power to regulate its own proceedings.

SECOND SCHEDULE

APPLICATION FORM FOR IMPORTATION INTO
ZANZIBAR OF A MOTOR VEHICLE

- 1. Name of Applicant:
-
- 2. Sex Age
- 3. Address of the Applicant:
-
-

- 4.(a) Type of the vehicle to be imported
- (b) Year of manufacture
- (c) Make of the Vehicle
- (d) Country of manufacture
- (e) Country of origin (i.e. Where the vehicle is to be imported from)

5. The price of the Vehicle in US \$

 Approximate value of price in T. Shs.....

6. The purpose for which the vehicle is intended for

.....

.....

.....

.....

.....
 Signature of Applicant

I hereby certify that what I have stated above is true to the best of my knowledge belief and information.

I also affirm that I shall not apply for any foreign exchange from the Government for the importation into Zanzibar of this Vehicle.

.....
 Signature of Applicant

Date

COMMITTEE'S RECOMMENDATIONS

A. We have examined and scrutinised the facts above presented by the applicant and in our opinion such application is for the interest/not for the interest (delete where necessary) of the nation and hence such an application should/should not (delete where necessary) be granted.

B. Permission is hereby **GRANTED/NOT GRANTED** to import a motor vehicle of the following description as per the above application

.....
.....
.....
.....
.....
.....

Date granted/Not granted

.....
SECRETARY

.....
CHAIRMAN

THIRD SCHEDULE

FACTORS WHICH THE COMMITTEE SHALL TAKE INTO
ACCOUNT BEFORE GRANTING OF A PERMIT UNDER
SECTION 9.

I. A ZANZIBARI RESIDING IN TANZANIA MAINLAND AND IS
NOW INTENDING TO RETURN TO ZANZIBAR

- (1) Has been residing in Tanzania Mainland for at least 5 years.
- (2) Should be satisfied by the Regional/Area Commissioner concerned that he has been a resident of or has been born in that region/area and is now returning to his area/region/Zanzibar permanently.
- (3) The motor vehicle shall not be transferred to any other person for a period of at least two years.
- (4) Shall not be allowed to import any motor vehicle for his relatives.
- (5) Shall be allowed to import all of his motor vehicles - whether old or new upon filling of a special form and upon being granted such a permit.

II. A ZANZIBARI FROM ABROAD

A. THOSE WHO LEFT FOR ABROAD ON GOVERNMENT SERVICE:

- (1) Has been residing abroad for a period of not less than two years.
- (2) Only one motor vehicle for a person to be allowed.
- (3) The imported motor vehicle should not be more than two years old from the date of manufacture.
- (4) All registration cards of the imported motor vehicles be shown to the Committee.
- (5) Must fill a special form and must obtain a special permit for the purpose before importing such vehicle.

B. ZANZIBAR STUDENTS WHO ARE LIVING ABROAD:

As in II. A above.

C. ZANZIBARIS RESIDING IN OTHER COUNTRIES:

- (1) As in II. A (1), (2) and (3) above.
- (2) In case he wants to import a motor vehicle for his relatives, a normal procedure of applying for a permit be followed.
- (3) Commercial vehicles and those of public interest be given priority and should be at least 85% of the total vehicles imported.
- (4) Saloons and luxury cars not to be allowed except where circumstances, for the public interest demand otherwise.


FOURTH SCHEDULE

PROCEDURE REQUIRED TO BE FOLLOWED BY A
DIPLOMAT OR AN EXPERT BEFORE DISPOSING
OFF HIS VEHICLE

1. The diplomat/expert shall notify the Motor Trade Corporation and the Committee of his intended leave or of his intention to dispose off the motor vehicle.
2. If the motor vehicle concerned has been used by the diplomat/expert for at least four years from the date of manufacture he may sell it to any person whom he may come into an agreement with.
3. If the motor vehicle concerned has been used by the diplomat/expert for less than four years he must sell it to the Motor Trade Corporation; and the Motor Trade shall sell it to the people by public auction.

4. A special form shall be prepared by the Committee to be filled by a diplomat or an expert requiring him to give full information on the vehicle to be sold.
5. The Committee shall then grant a permit accordingly.

Passed in the House of Representatives
on the 3rd of April, 1985.



IDI P. HASSAN

CLERK TO THE HOUSE OF
REPRESENTATIVES
ZANZIBAR.

SHERIA YA KUDHIBITI, UAGIZIAJI, UMILIKAJI,
UUZAJI WA MAGARI NA KUSHUGHULIKIA MAMBO
YANAYOTOKANA NA MASAALA HAYO.

SEHEMU YA KWANZA

UTANGULIZI

KIFUNGU

1. Jina dogo na wakati wa kuanza.
2. Ufafanuzi.

SEHEMU YA PILI

HALMASHAURI YA KUDHIBITI MAGARI NA
UTHIBITI UINGIZAJI WA MAGARI NCHINI

3. Kuundwa kwa Halmashauri.
4. Masharti ya utoaji ruhusa.
5. Uingizaji wa magari nchini Zanzibar kudhibitiwa.
6. Ruhusa.
7. Mwenye gari kujaza fomu.
8. Uamuzi wa Halmashauri.
9. Ada za lazima kulipwa Zanzibar.
10. Sehemu ya III haiwahusu baadhi ya watu.
11. Ruhusa kwa watu waliosamehewa.

SEHEMU YA TATU

MAGARI YA MABALOZI NA WATAALAMU

12. Mabalozzi, Wataalam wanaweza kuagizia magari.
13. Umri wa gari itayoagiziwa.
14. Utaratibu wa kufuatwa na Mabalozzi na Wataalamu.

SEHEMU YA NNE

UDHIBITI WA MAGARI

15. Ada maalum kulipishwa na Shirika la Magari.
16. Halmashauri.

KIFUNGU

SEHEMU YA TANO

MAKOSA NA ADABU

17. Makosa.
18. Kutaifishwa kwa gari.
19. Kosa kufanywa na Shirika au Chombo kama hicho.

SEHEMU YA SITA

JUMLA

20. Waziri kubadili jadweli.
21. Rufaa.
22. Kanuni.
23. Kufutwa kwa amri na matangazo.
24. Uhalalishwaji wa mambo yaliyopita.
25. Serikali kutofungwa na Sheria hii.

JADWELI YA KWANZA

WAJUMBE WA HALMASHAURI

JADWELI YA PILI

FOMU YA MAOMBI YA UINGIZAJI MAGARI NCHINI

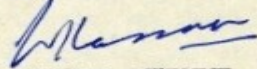
JADWELI YA TATU

MAMBO AMBAYO HALMASHAURI ITAYAZINGATIA KABLA
YA KUTOA KIBALI CHINI YA KIFUNGU CHA 9

JADWELI YA NNE

UTARATIBU UNAOTAKA KUFUATWA NA BALOZI AU
MTAALAMU KABLA YA KUIUZA GARI YAKE

NAKUBALI


ALI HASSAN MWINYI
RAIS WA ZANZIBAR
NA MWENYEKITI WA
BARAZA LA MAPINDUZI.

11 MAY, 1985.

SHERIA YA KUDHIBITI UAGIZIAJI, UMILIKAJI,
UUZAJI WA MAGARI NA KUSHUGHULIKIA MAMBO
YANAYOTOKANA NA MASAALA HAYO

SEHEMU YA KWANZA

UTANGULIZI.

IMETUNGWA NA BARAZA LA WAWAKILISHI LA ZANZIBAR.

Jina dogo
na wakati
wa kuanza.

1. Sheria hii inatambulikana kua ni sheria ya kudhibiti uagiziaji, umilikaji na uuzaji wa magari ya mwaka 1985 na itahesabiwa kua imeanza kutumika pale itapotangazwa na Waziri katika Gazeti Rasmi la Serikali.

Ufafanuzi.

2. (1) Katika Sheria hii isipokuwa itapoelezwa vingine:-

"Halmashauri" maana yake halmashauri iliyoundwa chini ya kifungu 3;

"tarehe ya undwaji" ina maana ni tarehe ambayo gari inayohusika imeandikishwa kuanza kutumika;

"mfanya biashara" maana yake mtu ye yote anaeagiza, anayenunua au anayeuzua magari;

"mwenye mamlaka ya utoaji wa leseni" maana yake ni Afisa mtumishi wa Serikali aliyeteuliwa na au chini ya sheria inayohusika kuwa na mamlaka ya utoaji wa leseni kwa ajili ya kutoa leseni za magari na kuandikisha mabadilishano ya kumiliki magari;

"Waziri" maana yake Waziri ambaye kwa sasa anashughulikia mambo ya biashara ya magari;

"Gari" maana yake ni aina zote za magari yanayoendeshwa kwa nguvu ya mashine zilizomo ndani ya gari yenyewe iliyokusudiwa au iliyogeuzwa kwa matumizi ya barabarani kwa ajili ya kuchukulia watu au mizigo;

"Anayemiliki" inajumuisha muwakilishi binafsi na marehemu mwenye kumiliki, na kwa masuala ya gari iliyoshikwa au kuchukuliwa kutokana na amri ya mahkama au chini ya kifungu cha sheria yo yote iliyoandikwa, mtumishi wa Serikali au Afisa wa mahkama yenye dhamana ya kutoa hati ya kushikwa au katika hali nyengine yo yote ile inayoandamana na ukamatwaji na masuala ya gari iliyokamatwa kutokana na makubaliano ya ukodishaji na ununuzi au ubadilishaji mtu anaechukua milki ya gari;

"cheti cha ruhusa" maana yake cheti cha ruhusa kilichotolewa na halmashauri kwa mujibu wa vifungu vya sheria hii inayomruhusu mtu aliyetajwa katika cheti hicho kumiliki gari;

"gari ya kazi" maana yake ni gari ya abiria, gari ya biashara, gari ya kuchukua mizigo au aina yo yote ya usafiri iliyokusudiwa iwe au iliyotengenezwa kama gari ya biashara kwa kuchukulia abiria na/au mizigo;

"kuzuza au kutumika kwa mmasaba wa gari" maana yake moja wapo ya mambo yafuatayo:-

- (a) Kitendo cho chote cha kubadilisha au kutoa gari iwapo kubadilisha au kutoa huko kunafanywa kwa mazingatio ya kupatikana kitu cha thamani yaliyofanywa kwa kufuatia makubaliano yoyote au mpango ambapo umilikaji wa gari umekwenda au utakwenda kwa mtu ambaye atapewa gari au kwa mtu ye yote ambaye mtu huyo anasimamia kama muwakilishi na inajumuisha zawadi;
- (b) katika hali yo yote ambapo mtu mmoja ana umilikaji wa gari kwa mtu mwengine ye yote chini ya makubaliano yawe kwa kauli au maandishi yanayoelezea kununuliwa kwa gari na mtu ambae anakabidhiwa umilikaji wake au yanayoelezea ya kuwa chombo kama hiyo gari itakabidhiwa au inakabidhiwa kwa mtu kama huyo pindi jambo lo lote likitokea, na inajumuisha hali yo yote;
- (c) katika hali yo yote ambapo anaemiliki gari ambae sie mtu aliyeruhusiwa kuendesha biashara ya kukodisha magari akaikabidhi gari kwa kuikodisha au kwa ujira kwa mtu ye yote; au
- (d) kwa upande wa gari ambayo kumilikiwa kwake kulipatikana na mfanya biashara katika hali ya kawaida ya kazi zake za biashara kama mfanya biashara, matumizi yo yote ya gari hiyo yatayofanywa na mfanya biashara kwa matilaba yake mwenyewe isipokuwa pale matumizi hayo yatafanywa kufuatilia ruhusa aliyopewa; au

- (e) ambapo gari imezuiwa kufuatia makubaliano ya ukodishaji na ununuzi au matumizi yo yote ya aina hiyo kwa matilaba yake mwenyewe ana mtu ambae kwa niaba yake kuzuiwa kumefanywa; au
- (f) kwa upande wa gari ambayo imepitia kwa nguvu za kisheria kwa muakilisha binafsi wa marehemu mwenye mali, matumizi yo yote ya gari na mwakilishi huyo kwa maslahi yake mwenyewe, isipokuwa mahali ambapo gari inatumiwa katika usimamizi wa mali ya marehemu au isipokuwa pale muakilishi atapohamishia umilikaji wa gari kwa nafsi yake katika uwezo wake kwa mujibu wa vifungu vya Sheria hii;

"gari maalum" maana yake ni aina ya gari iliyoainishwa katika uagiziaji;

"kijiji cha ujamaa" maana yake ni makazi ya aina yo yote yanayoendesha shughuli zake kama kijiji cha Ujamaa;

"uwakilishi wa hiari" maana yake ni jumuiya yo yote ya kutoa misaada au ya kidini, inayofanya kazi zake sio kwa faida, bali kwa njia ya kuendeleza maslahi au elimu kwa watu wa Zanzibar.

(2) Kwa mmasaba wa Sheria hii gari itahesabika kua haikuuzwa:-

- (a) endapo kifo cha mwenye mali kimetokea na mali hiyo ikaingia mikononi mwa mwakilishi au mrithi wa marehemu; au
- (b) endapo mali imetoka kwa mwenye mali na kuingia mikononi mwa mtu ye yote mwengine kwa sababu ya kufilisika; au

- (c) endapo gari inamilikiwa na watu wawili au zaidi kwa pamoja, ye yote kati yao akahamisha au kumuandikia moja wapo haki yake.

(3) Maneno "Kuuza" "Kununua" na "Kupata" yatatafsiriwa kwa kuzingatwa maana iliyotolewa kwa neno "kuuza" katika kifungu kidogo (1) na (2).

SEHEMU YA PILI

HALMASHAURI YA KUDHIBITI MAGARI NA
UTHIBITI, UINGIZAJI WA MAGARI NCHINI

Kuundwa kwa halmashauri.

3.(1) Inaundwa halmashauri ya kudhibiti uagizaji, umilikaji na uuzaji wa magari.

(2) Vifungu viliomo katika jadweli ya kwanza ya Sheria hii vitakua na nguvu kwa kufuata kuundo wa utendaji wa halmashauri.

Masharti ya utoaji ruhusa.

4. Waziri anaweza kwa mashauriano na halmashauri na kwa kutoa amri katika Gazeti Rasmi la Serikali akaweka masharti ya kutoa ruhusa kwa ajili ya kununua magari ya aina itayo ainishwa katika orodha kwa sharti kwamba hapana mtu ataenunua au kuuza gari yo yote ya aina iliyoainishwa katika orodha isipokua kutoka au kwa kupitia chombo kama kitavyoainishwa katika orodha na amri hiyo inapotolewa kutokutii kwake katika kifungu cho chote cha amri hii kutakua ni kosa.

Uingizaji wa magari nchini Zanzibar kudhibitiwa.

5. (1) Uingizaji wa magari nchini unadhibitiwa.

(2) Magari yote nchini yataingizwa kwa mujibu wa utaratibu uliowekwa.

Ruhusa

6. Endapo gari jengine lo lote ambalo halimo katika aina ya magari yaliyoainishwa katika kifungu 4(2) halmashauri inafikiria kwamba litakua ni manufaa kwa Taifa, halmashauri inaweza kukubali gari hilo kuingizwa Zanzibar.

Mwenye gari
kujaza fomu.

7.(1) Huyu atayemiliki gari itayoagizwa atajaza fomu maalumu kama ilivyooneshwa katika Jedwali ya Pili ya Sheria hii.

(2) Fomu hiyo itapatikana kutoka kwa Katibu wa Halmashauri baada ya malipo ya ada maalumu.

Uamuzi wa
Halmashauri

8.(1) Halmashauri itazikagua fomu za maombi na itaandika sababu za uamuzi wake kwa kila ombi na itapeleka nakala kwa kila mmoja ya watu wafuatao:-

- (a) Waziri;
- (b) Mkuu wa Shirika la Magari;
- (c) Katibu Mkuu, Afisi ya Rais; na
- (d) Katibu Mkuu, Afisi ya Waziri Kiongozi.

(2) Pale halmashauri ibapotoa uamuzi juu ya ombi lo lote kwa haraka iwezekanavyo itamueleza muombaji kama ombi lake limekubaliwa au limekata-liwa mradi tu waombaji ambao maombi yao yameka-taliwa hawatalipwa ada zao za maombi.

Ada za
lazima
kulipwa
Zanzibar.

9.(1) Pale ruhusa ya kuagiza gari inapotole-wa chini ya vifungu vya Sheria hii, anae miliki mali atalipa ada yote na ada ya Shirika la Magari, Zanzibar.

(2) Iwapo gari inayokusudiwa kuingizwa Zanzibar inapakiwa kutoka bandari nyengine yo yote, malipo ya ada yo yote, malipo ya ushuru katika bandari hiyo hayatamfanya mwenye mali asamehewe kutokana na kulipa malipo ya ada kama hizo, fii au ushuru hapa Zanzibar.

Sehemu ya 111
haiwahusu
baadhi ya watu.

10.(1) Vifungu katika sehemu hii
havitawahusu:-

- (a) Mzanzibari ye yote aliyekuwa akiishi Tanzania Bara kwa muda usiopungua miaka mitano; au
- (b) kwa Mzanzibari ye yote aliyekuwa anaishi nje ya Tanzania kwa muda usiopungua miaka 2; au
- (c) kwa mwanafunzi ye yote Mzanzibari aliyekuwa anahudhuria mafunzo nchi za nje kwa muda usiopungua miaka 2.

Mradi tu mtu huyo kama ulivyoonyeshwa katika kifungu 10 (a) au (b) au (c) atawajibika na masharti kama yalivyoelezwa katika Jadweli ya Tatu ya Sheria hii.

(2) Mzanzibari ye yote aliyeko Tanzania Bara, mbali na yule aliyeeleza katika kifungu cha 10(1)(a) anaweza kuleta gari inayokubalika kisheria ambayo haizidi umri wa miaka miwili kuanzia tarehe ya uundwaji (Date of manufacture).

Ruhusa kwa
watu walio-
samehewa.

11. Mtu ye yote anayekubalika chini ya kifungu 10 atapaswa apate hati maalum ya ruhusa, itayotolewa na Halmashauri ambayo itakusanya masharti kama yatavyoonyeshwa katika Jadweli ya Tatu ya Sheria hii, na itapolazimika kuweka masharti mengine kama Halmashauri itaona yanafaa

SEHEMU YA TATU

MAGARI YA MABALOZI NA WATAALAMU

Mabalozi
wataalamu
wanaweza
kuagizia
magari.

12. Mtu yeyote miongoni mwa Balozi au Mtaalamu kutoka nje aliyepo Zanzibar anaweza apendapo kuagiza gari kwa matumizi yake au kwa matumizi ya Afisi au Mradi alioujia kwa mujibu wa makubaliano yaliyofikiwa kati ya Serikali na Ubalози huo au Mtaalamu.

Umri wa gari itayo-agiziwa.

13. Gari yo yote inayoagizwa na mtaalamu au Balozi isiwe na umri wa zaidi ya miaka miwili tokea tarehe ilipotengenezwa.

Utaratibu wa kufuatwa na mabalozi na Wataalamu.

14. Pale ambapo:-
(a) Balozi ye yote; au
(b) Mtaalamu

anakusudia kuhama Zanzibar au iwapo Balozi au Mtaalamu huyo anataka kuuza gari yake atafuata utaratibu uliowekwa katika Jedwali ya Nne ya Sheria hii kabla hajaiuza gari yake.

SEHEMU YA IV

UDHIBITI WA MAGARI

Ada maalum kulipishwa na Shirika la magari.

15. (1) Shirika la Magari litaweka nakala za waombaji wote waliokubaliwa na italipisha:-

- (a) kwa kila gari ndogo iliyoagizwa, gari za anasa na Steshini Wagon asilimia kumi na tano ya bei ya gari;
(b) kwa kila pikapu, boksibodi, kombi, gari ya abiria asilimia kumi ya bei ya gari;
(c) kwa magari mengineyo pikipiki na skuta asilimia tano ya bei ya gari.

(2) Waziri wa Fedha kwa kufuata maagizo ya siasa ya Serikali anaweza kutoa msamaha kwa gari lo lote kutolipiwa ada au ushuru wa aina yo yote.

Halmashauri.

16. (1) Halmashauri itakuwa na uwezo wa kuzingatia idadi ya uagizaji wa magari Zanzibar kila wakati na itamshauri Waziri kuhusu upunguzaji au ongelezaji wa idadi ya kuagizwa katika mwaka.

(2) Halmashauri itawajibika na uamuzi wa Waziri.

SEHEMU YA TANO
MAKOSA NA ADHABU

Makosa

17. Mtu ye yote ambaye:-

- (a) anatoa maelezo ya uongo anatoa hati yo yote ya uongo au taarifa au anatoa hesabu ya uongo kuhusiana na kitu cho chote kinachohusiana na jambo lo lote chini ya Sheria hii;
- (b) anashindwa kuitikia wito uliotolewa kwake na Halmashauri;
- (c) anakataa au anashindwa kutoa taarifa yo yote, hati au malipo yanayotakiwa kwake na/au chini ya Sheria hii, kabla ya wakati uliotajwa wa kutoa kitu hicho katika ilani yo yote inayomtaka atoe kitu hicho; au
- (d) anabadilisha au kuharibu maandishi yo yote ndani ya cheti cha ruhusa au idhini iliyotolewa na Halmashauri; au
- (e) ameingiza gari nchini au amenunua gari la Balozzi au mtaalam kinyume na matakwa ya Sheria hii; au
- (f) anabadilisha au anaiharibu hati yo yote ya kuiandikisha gari au hati nyingine ye yote iliyotolewa na mtoaji leseni; au
- (g) akiwa si mtu ambaye cheti cha ruhusa au idhini imetolewa kwake, kwa makusudi au anakwenda kwa mtoa leseni au kwa Halmashauri au kwa askari wa Polisi ye yote huku akifanya kuwa amepewa ruhusa au idhini;

atakuwa mkosa na endapo akitiwa hatiani atapelekwa Chuo cha Mafunzo kwa muda usiozidi miaka miwili au kutozwa faini isiyo zidi shilingi elfu ishirini na tano au adabu zote mbili, faini na kifungo.

Kutaifishwa
kwa gari.

18. Pale Mahkama inapomia mtu ye yote hatiani kwa kosa chini ya Sheria hii au Sheria yo yote ndogo iliyotungwa kutokana na hayo, Mahkama inaweza, pamoja na adhabu iliyotoa kuamuru ya kuwa gari inayohusika na kosa ichukuliwe na Serikali.

Kosa
kufanywa na
Shirika au
Chombo kama
hicho.

19. Pale ambapo kosa lo lote chini ya Sheria hii au sheria yo yote ndogo iliyotungwa kutokana nayo limefanywa na Shirika, ikiwa hivyo hilo Shirika na mtu ye yote wakati wa kufanywa kosa alikuwa Mkurugenzi au Afisa mwendeshaji wa Shirika atakuwa mkosa na atapaswa kushitakiwa na kutiwa adabu ipasavyo, isipokuwa athibitishie Mahkama ya kuwa hakujua na asingeweza kupitisha uadilifu wa kutosha kujua utendwaji wa kosa.

SEHEMU YA SITA

JUMLA

Waziri
kubadili
Jedwali.

20. Waziri anaweza kwa kutoa amri, itayotangazwa katika Gazeti Rasmi, kubadilisha, kuweka upya au kurekebisha jedwali ya kwanza, ya pili, ya tatu na ya nne ya sheria hii.

Rufaa.

21. (1) Mtu ye yote asiyependezewa na uamuzi wa Halmashauri kuhusu utoaji wa rufasa anaweza kukata rufaa kwa Waziri.

(2) Bila ya kuathiri masharti ya kifungu hiki uamuzi wo wote wa Waziri utakuwa na mwisho na hautoulizwa au kuchunguzwa na Mahkama yo yote.

(3) Waziri anaweza kufanya kanuni zinazohusiana na mwenendo wa rufaa chini ya kifungu hiki na namna ya rufaa hiyo itavyofanywa, kusikilizwa na kuamuliwa pia ada itavyotolewa kwa kufanya rufaa hiyo na mambo mengine yahusianayo na hayo.

Kanuni

22. (1) Waziri anaweza kutunga kanuni kwa ajili ya utekelezaji mzuri wa Sheria hii au ambazo ni muhimu kwa kukamilisha sababu na madhumuni ya Sheria hii.

(2) Bila ya kuathiriwa uwezo wa kutunga kanuni chini ya kijifungu (1) Waziri anaweza kutunga kanuni kwa ajili ya jambo litaloruhusika chini ya sheria hii.

Kufutwa
kwa amri
na mata-
ngazo.

23. Amri ya udhibiti wa uagiziaji (uagiziaji usioruhusika) ya 1978 iliyofanywa chini ya Tangazo Rasmi nambari 6 la 1978, Amri ya Udhibiti wa Uzaji wa Gari ya 1981 chini ya Tangazo Rasmi nambari 92 la 1981, na Amri ya Udhibiti wa Uagiziaji nambari 5 ya mwaka 1984 zinafutwa.

Uhalali-
shwaji wa
mambo
yalivyopita.

24. Kila kitu kilichofanywa kihalali chini ya amri zilizotajwa chini ya kifungu 23, vitachukuliwa kwamba vimefanywa kihalali chini ya vifungu vinavyohusika vya Sheria hii.

Serikali
kutokufu-
ngwa na
Sheria hii.

25. Vifungu vya Sheria hii kwa vyo vyote vile havitoifunga Serikali.

JADWELI YA KWANZA

1. Halmashauri itakuwa na wajumbe wafuatao:-

(a) Mwenyekiti, ambae atakuwa ni Mjumbe wa Baraza la Wawakilishi, atateuliwa na Waziri.

(b) mtu ambaye kwa wakati huo ni/au anashikilia nafasi ya Katibu Mkuu Fedha

- (c) mtu ambaye kwa wakati huo ni/au anashikilia nafasi ya Katibu Mkuu, Wizara ya Biashara na Viwanda;
- (d) mtu ambaye kwa wakati huo ni/au anashikilia nafasi ya Katibu Mkuu, Wizara ya Mawasiliano na Uchukuzi;
- (e) Meneja Mkuu, Shirika la Magari;
- (f) Afisa tawala wawili, mmoja Unguja na mmoja Pemba wataoteuliwa na waziri.

Katibu. 2. Mtu ambaye kwa wakati huo ni/au anashikilia nafasi ya Meneja Mkuu, Shirika la Magari atakuwa Katibu na Mjumbe.

Mikutano. 3. Pale Katibu anapopata maombi na baada ya kuwasiliana na Mwenyekiti, au ikiwa hayupo Zanzibar, au kwa sababu ya ugonjwa au vyenginevyo hawezi kufanya shughuli zake, basi baada ya kushauriana na Wajumbe wengine, atateua siku na pahala pa mkutano, na atatoa taarifa kwa wajumbe wote wanaohusika kwa ajili ya mkutano huo.

Idadi. 4. Mwenyekiti, au iwapo mwenyekiti hayupo, Kaimu mwenyekiti pamoja na wajumbe wengine wanne watatimiza idadi ya wajumbe kwa mkutano .

Utaratibu. 5. (1) Mwenyekiti, au ikiwa hayupo au kwa sababu za ugonjwa hawezi kutekeleza jukumu lake, Kaimu Mwenyekiti ataongoza vikao vyote.

(2) Katika mkutano wo wote, uamuzi wa wengi wao wa wajumbe waliopo na kupiga kura ndio utaochukuliwa kuwa ni uamuzi wa Halmashauri. Inapotokea mlingano wa kura basi mtu anayeongoza kikao atakuwa na kura ya uamuzi mbali na ile kura yake mwenyewe.

(3) Kila mjumbe wa Halmashauri atatoa sababu na maelezo ya uamuzi na maelezo hayo yataandikwa na Katibu.

Uamuri.

6. Uamuri wote, tangazo au makaratasi mengine yaliyofanywa au kutolewa na Halmashauri yatatiwa sahihi na Mwenyekiti au na makamo Mwenyekiti na Katibu.

kumbukumbu.

7. Katibu ataweka kumbukumbu za kila mkutano wa Halmashauri, na baada ya kukubalika, atapeleka nakala ya kumbukumbu hizo kwa watu wafuatao:-

- (a) Waziri wa Fedha;
- (b) Waziri wa Biashara na Viwanda;
- (c) Katibu Mkuu katika Ofisi ya Rais;
- (d) Katibu Mkuu Afisi ya Waziri Kiongozi.

Halmashauri

8. Bila ya kuathiri masharti ya vifungu hivi vya Jadwali hii, Halmashauri itakuwa na uwezo wa kuweka mwenendo wake wenyewe.

JADWELI YA PILI

FOMU YA MAOMBI YA UINGIZAJI MAGARI NCHINI

1. Jina la muombaji.....
.....
2. Jinsi (Mume/Mke)..... Umri.....
3. Anwani ya muombaji.....
.....
4. (a) Aina ya Gari inayotaka kuletwa.....
.....
(b) Mwaka iliyoundwa.....
(c) Nama ya gari.....
.....
(d) Nchi iliyoundwa.....
.....
(e) Nchi ambayo gari hiyo inatoka.....
.....
5. Bei ya gari kwa dola \$/Pound £.....
.....
Bei ya gari kwa fedha za Tanzania:.....
.....
6. Madhumuni ya kuleta gari hiyo.....
.....
.....

.....
Sahihi ya Muombaji

Nahakikisha kwamba yote niliyoyasema hapo ni kweli.
Vile vile naahidi kwamba sitoomba fedha za kigeni zozote
zile kutoka Serikalini kwa uletaji wa gari hii Zanzibar.

.....
Sahihi ya Muombaji

Tarehe.....

HALMASHAURI

1. Tumeyazungunza na kuyazingatia maelezo yaliyotajwa hapo juu na muombaji na kwa maoni yetu maombi hayo ni kwa faida/ si kwa faida (futa isiyotakiwa) ya Taifa na hivyo ombi hilo LINAKUBALIWA/HALIKUBALIWI (futa isiyotakiwa).
2. RUHUSA INATOLEWA/HAITOLEWI kuagizia gari lenye maelezo na aina iliyotajwa hapa chini kwa mujibu wa maombi ya hapo juu.....
.....
.....
.....
Tarehe iliokubaliwa/iliokataliwa.....

.....
KATIBU

.....
MWENYEKITI

JADWELI YA TATU

MAMBO AMBAYO HALAMASHAURI ITAYAZINGATIA
KABLA YA KUTOA KIBALI CHINI YA KIFUNGU

CHA 9.

1. Mzanzibari anayeishi Tanzania Bara na sasa anarejea Zanzibar moja kwa moja:-
 - (i) Ameishi Tanzania Bara kwa muda usiopungua miaka mitano.
 - (ii) Ahakikishwe na Mkuu wa Mkoa; au Wilaya inayohusika kwamba ni mzaliwa wa/au alikuwa akiishi katika eneo hilo kabla na sasa anarejea katika eneo lake/mkoa/Zanzibar.
 - (iii) Gari hilo lisipewe mtu mwenye kwa njia yoyote ile kwa kipindi kisichopungua miaka miwili.
 - (iv) Hatoruhusiwa kuleta gari yo yote kwa jamaa zake au kwa kuuza.
 - (v) Ataruhusiwa kuleta gari zake zote-mpya au nyenginezo baada ya kujaza fomu maalumu na baada ya kuruhusiwa.

2. Mzanzibari kutoka Nje:-

- (A) (Wale waliokwenda Nje kwa shughuli za Serikali)
- (i) Ameishi nje kwa kipindi kisichopungua miaka miwili.
 - (ii) Gari moja tu kwa mtu mmoja aruhusike.
 - (iii) Gari litaloletwa lisiwe na umri wa zaidi ya miaka miwili tangu kuundwa kiwandani (Date of manufacture).
 - (iv) Kodi zote za gari hilo zipelekwe katika Halmashauri kwa kuangaliwa.
 - (v) Ni lazima ajaze fomu maalumu na apate ruhusa ya Halmashauri ndio alete gari hiyo.
- (B) Wanafunzi wa Kizanzibari walioko Nje kama 2(A) hapo juu.
- (C) Wazanzibari wengine wanaoishi Nje.
- (i) Kama ilivyo 2 (i), (ii) na (iii) hapo juu.
 - (ii) Ikiwa anataka kuleta gari kwa jamaa zake, utaratibu wa kawaida wa kuomba ruhusa ufuatwe.
 - (iii) Magari ya kazi na yale yenye manufaa kwa Taifa yapewe uzito wa mwanzo na yawe ni asilimia 85 ya magari yote.
 - (iv) Magari ya starehe na gari ndogo (saloon) hazitoruhusiwa ila pale tu ambapo itaonekana kwa faida ya Taifa ni muhimu kuruhusiwa.


JADWELI YA NNE

UTARATIBU UNAOATAKA KUFUATWA NA BALOZI
AU MTAALAMU KABLA YA KUIUZA GARI YAKE

1. Balozi/Mtaalamu atawaarifu Shirika la Magari na Halmashauri nia yake ya kuondoka nchini au kutaka kuiuza gari hiyo.
2. Ikiwa gari inayohusika imeshatumiwa na Balozi/Mtaalamu kwa zaidi ya miaka 4 kuanzia tarehe ya utengenezaji (date of manufacture) anaweza kuiuza kwa mtu ye yote ataekubaliana nae.

3. Ikiwa gari inayohusika imetumiwa na Balozi/Mtaalamu kwa chini ya miaka minne ni lazima aiuze Shirika la Magari, na Shirika la Magari litaziuza kwa watu kwa njia ya mnada.
4. Fomu maalum itatengenezwa na Halmashauri itayojazwa na Balozi/Mtaalamu ikimtaka atoe maelezo kamili ya gari inayotakiwa kuuzwa.
5. Halmashauri itatoa ruhusa ipasavyo.

Imepitishwa Katika Baraza la Wawakilishi tarehe
3 April, 1985.


(IDI P. HASSAN)
KATIBU,
BARAZA LA WAWAKILISHI,
ZANZIBAR.