



## THE ROAD TRANSPORT ACT OF 2003

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ACT NO. 7 OF 2003

I ASSENT

*Amani Abeid Karume*

{ AMANI ABEID KARUME }  
PRESIDENT OF ZANZIBAR  
AND

CHAIRMAN OF THE REVOLUTIONARY COUNCIL

*09-JUNE*....., 2003

**AN ACT TO PROVIDE FOR THE REGULATION OF TRAFFIC ON  
ROADS AND OF MOTOR VEHICLES AND FOR OTHER  
MATTERS RELATED THERETO**

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ENACTED by the House of Representatives of Zanzibar.

PART I

PRELIMINARY

Short title and  
commencement.

1. This Act may be cited as the Road Transport Act of 2003 and shall come into operation immediately after being assented to by the President.

Interpretation.

2. In this Act, unless the context otherwise requires: -

"ambulance" means a motor vehicle specially constructed or adapted for conveyance of sick or injured persons to or from a place for a medical treatment and which is registered;

"animal" means any tamed animal such as horse, pony, mule, ass, buffalo, cattle, sheep, goat or dog;



“articulated vehicle” means a motor vehicle with a trailer drawn thereby which is so constructed and by partial superimposition so attached to the motor vehicle that a substantial part of the weight of the trailer is borne by the motor vehicle; such motor vehicle and trailer shall, save as otherwise expressly provided be deemed to be one vehicle;

“at night” means between half-an-hour after sunset and half-an-hour before sunrise;

“Authority” means the Principal Road Transport Authority and includes the Assistant Principal Road Transport Authority and any person or persons appointed or authorised by him to exercise the powers and perform duties conferred upon him under the provisions of this Act;

“bicycle” means any vehicle which has at least two wheels which is propelled by means of pedals or hand cranks solely by the muscular energy of the person riding it;

“breath analyser” means an instrument or device used in detecting the amount of alcohol in human body;

“breath test” means a preliminary test for the purpose of obtaining, by means of a prescribed analyser, an indication whether the proportion in persons breath, blood or urine is likely to exceed the prescribed limit;

“bridge” includes a culvert and a causeway;

“bus” means a motor vehicle fitted, equipped or constructed to seat more than seven adults, driver not included;

“carriage” means wagon, cart, bicycle, tricycle and every description of wheeled vehicle other than -



- (a) motor vehicle;
- (b) vehicle used on specially prepared ways such as railway or tramway;
- (c) a trailer;
- (d) a baby carriage;
- (e) wheel barrow;

"certificate of fitness" in respect of a vehicle means a certificate issued by an examining officer to the effect that such vehicle is, at the time at which production of such certificate is required, fit for the purposes for which such vehicle is intended to be used, that it is not likely to be dangerous to persons travelling therein or to other users of the road or injurious to the road and that it complies with those provisions of this Act and of any regulations made thereunder with which it is required to comply;

"certifying officer" means a certifying officer appointed under the provisions of section 11;

"class" includes description;

"commercial vehicle" include goods vehicle and public service vehicle;

"Commissioner of Police" means commissioner of police for the time being responsible for the police forces in Zanzibar;

"conductor" means any person, other than the driver, carried in a public service vehicle and charged with duties in connection with its use on the road as a public service vehicle;



"disabled carriage" means a carriage used by or for a person with disability;

"Dollar" means the currency of United States of America;

"driver" -

- (a) In relation to a motor vehicle or any other vehicle, means a person who drives or attempts to drive or is in charge of the vehicle and includes an instructor of a learner driver;
- (b) In relation to animals, means a person who guides cattle, singly or in herds, or flocks, or draught, pack or saddle animals on a road; and
- (c) In relation to a towed vehicle, means a person who drives the towing vehicle;

"driving licence" means a licence to drive a motor vehicle granted or deemed to be granted under Part VI and includes a learner's driving permit;

"driving instructors" means any person who, for any monetary or other reward, gives another person instructions for the purpose of teaching that other person to drive motor vehicles;

"driving school" means any certified institution or business established to provide persons with instructions for the purpose of teaching those persons to drive motor vehicles;

"employee vehicle" means a motor vehicle owned or hired by the company for conveyance of employees to or from their place of work without fare charges;





"examining officer" means an examining officer appointed under the provisions of section 11;

"goods" means anything, including livestock, carried on or in a motor vehicle for purpose of any trade or business but does not include:

- (a) Equipment ordinarily used with vehicle
- (b) articles of merchandise carried by a person on or in the vehicle solely for the purpose of exhibition as samples;
- (c) articles carried by a person on or in the vehicle for the use in the exercise of his trade, business or profession and not for sale;

"goods vehicle" means a motor vehicle constructed, equipped or adapted for use for the carriage of goods, or a trailer so constructed, equipped or adapted, whether used, or constructed, or equipped or adapted solely for that purpose or not;

"Government" mean the Revolutionary Government of Zanzibar;

"gross weight" means the weight of a vehicle when laden inclusive of the weight of the body and all parts (the heavier being taken where alternative bodies or parts are use(d) which are necessary to or ordinarily used with the vehicle when used on a road, and of the weight of water and of fuel or accumulators used for the supply of power for the propulsion of the vehicle, together with the weight of driver, attendants, passengers and freight;

"hire and drive car" means a motor vehicle let on hire for the purpose of being driven by the hirer or his agent;



"invalid carriage" means motor vehicle, which is specially designed and constructed and not merely adapted for the use of a person suffering from some physical defect or disability and used solely by such person;

"learner driver's licence" means a licence issued under section 91 of this Act;

"Minister" means the Minister for the time being responsible for road transport;

"mopeds" means any two-wheeled or three-wheeled vehicle which is fitted with an internal combustion engine having a cylinder capacity of not exceeding 50cc and a maximum design speed not exceeding 50 kilometres per hour;

"motor-cycle" means a motor vehicle with less than four wheels, with or without side car attached; but does not include mopeds;

"motor dealer" means any person who is engaged in the business of buying, selling, exchanging or repairing motor vehicles;

"motor vehicle" means any self-propelled vehicle intended or adapted for use on the roads;

"net weight" means the weight of a vehicle when unladen inclusive of the weight of the body and all parts (the heavier being taken where alternative bodies or parts are use(d) which are necessary to or ordinarily used with the vehicle when used on a road, but exclusive of the weight of water and of fuel or accumulators used for the supply of power for the propulsion of the vehicle;

"one-way traffic " means any road on which driving other than in one direction is prohibited at all times;



"owner" -

- (a) in the case of a vehicle which is for the time being registered under this Act and is not being used under a hiring agreement or a hire-purchase agreement, means the person appearing as the owner of the vehicle in the register kept by the Principal Road Transport Authority under this Act;
- (b) in relation to a vehicle which is the subject of hiring agreement or hire-purchase agreement, includes the person in possession of or having the use of the vehicle under that agreement; and
- (c) in relation to a vehicle not registered under this Act, includes the driver or the person in charge of the same;
- (d) means a motor dealer who is in possession of a vehicle for the purpose of sale and who is registered as such in accordance with Part IV of this Act;

"parking " means keeping a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for actual loading or unloading of persons and goods, but does not include any such keeping of a vehicle by a reason of a cause beyond the control of the person in charge of such vehicle;

"parking place" means an authorised place where motor vehicles, or motor vehicles of particular class, may stand or wait;

" passengers" means :

- (a) in relation to a person carried on a public service vehicle, does not include the driver or conductor or any ticket inspector on the vehicle in pursuance of his or her duty;



- (b) in relation to person carried on goods vehicle does not include the driver or any attendant required by law to be carried on such vehicle; and
- (c) in relation to private car, does not include the driver;

"passenger car" means a motor vehicle which can seat up to seven persons, driver not included.

"passenger vehicle" means a vehicle that is constructed or adopted solely for the carriage of passengers and their effects;

"pedestrian crossing" means a crossing for people walking on the part of a road normally used by vehicular traffic established under this Act and indicated by traffic signs in accordance with the regulations having effect as respects that crossing;

"plying for hire" includes -

- (i) standing on any public taxi rank or stand;
- (ii) being offered for hire by any notice, advertisement or announcement;
- (iii) standing or travelling whilst exhibiting a "for hire" notice of any kind;

"police officer" means any member of the Tanzania Police Force;

"prescribed" means prescribed by regulations made under this Act;

"President" means the president of Zanzibar and the Chairman of the Revolutionary Council;



"Principal Certifying and Examining Officer" means a Principal Certifying and Examining Officer appointed Under the provisions of section 11;

"Principal Road Transport Authority" means the Authority appointed under the provisions of section 4;

"private hire motor vehicle" means any public service vehicle which carries or is intended to carry only passengers and their personal luggage and does not stand on a rank or ply for hire on a road or operate or attempt to operate any regular service;

"private motor vehicle" means any motor vehicle other than a goods vehicle, a public service vehicle or a tractor;

"public service vehicle" means a motor vehicle which carries or is intended to carry passengers and their personal effects for hire or reward, under a contract expressed or implied, whether used or constructed solely for that purpose or not;

"Registrar" means a person appointed as Registrar of Road Transport Licensing under subsection (1) of section 5 of this Act and includes a Deputy Registrar;

"road" means an area that is open to or used by public and is developed for, or has one of its main uses, the driving or riding of motor vehicles;

"Road Transport Legislation" means this Act and any regulations made thereunder;

"Road Transport Officer" means transport officers appointed under the provisions of section 12;

"stage bus" means a bus used for carriage of passengers at separate fares which contains no fare stage of more than sixteen kilometres;



“school bus” means a bus or motor vehicle used exclusively for conveyance of pupils or staff of schools or other educational institutions;

“taxicab” means any public service vehicle, whether fitted with a taximeter or not, which carries or is intended to carry only passengers and their personal luggage and is licensed to carry not more than seven passengers at or for a fixed agreed rate or sum and which stands on a rank or plies for hire on a road;

“tractor” means a motor vehicle which is constructed or adapted for the purpose of hauling trailers and agricultural machinery but which is not itself designed to carry goods or passengers and includes all motor vehicles constructed for the purpose of repairing, maintaining and constructing roads or for other engineering works;

“traffic” means a vehicle of every description including bicycles, tricycles, animals, pedestrians, motor vehicles, being ridden, driven or led on the road;

“traffic accident” means -

- (a) a collision between two or more vehicles or a vehicle and an animal; and
- (b) any other accident or incident involving a vehicle or animal in which a person dies or is injured, property is damaged, or an animal in someone’s charge dies or is injured;

“traffic sign” means any object, device or marks (whether fixed or portable and in the case of marks, whether painted or otherwise displayed) for conveying to traffic on the roads, or any specified description of traffic, warnings, information, requirements, restrictions or



prohibitions of any description specified by the Minister by regulations and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions;

“trailer” means any vehicle which has no independent motive power of its own and which is designed to be attached to or drawn by a motor vehicle or otherwise but does not include any part of an articulated vehicle, a side car attached to a motor-cycle, or agricultural, road making or engineering machinery;

“town bus” means a public service vehicle which can seat more than seven persons, driver not included, used for the carriage of passengers in town areas;

“vehicle” means a vehicle of any description whatsoever, and includes a machine or implement of any kind drawn or propelled along roads whether by animal, mechanical, electrical or any other motive power;

Application to the Government.

3. Subject to the powers of the Minister to exempt as provided in this Act, the provisions of this Act shall apply to vehicles the property of the Government and for the purpose of proceedings for an offence in connection with any such vehicle against any person other than the driver of the vehicle, the person nominated in that behalf by the head of the Ministry or Department in whose service the vehicle is used shall be deemed to be the person actually responsible unless it is shown to the satisfaction of the court that only the driver was responsible.

## PART II

### ADMINISTRATION OF ROAD TRANSPORT LEGISLATION

#### General Administration

Principal Road Transport Authority.

4. (1) The Director responsible for road transport in the Ministry responsible for road transport shall be the Principal Road Transport Authority.



(2) The Officer in charge of road transport in Pemba shall be the Assistant Principal Road Transport Authority and shall perform in the Island of Pemba all functions of the Principal Road Transport Authority as prescribed by this Act subject to such limitations as may be imposed by the Minister.

(3) Subject to subsection (2) of this section the Principal Road Transport Authority shall be charged with the general administration of this Act.

Registrar.

5.(1) The Principal Road Transport Authority shall be the Registrar of Road Transport Licensing who shall keep in the prescribed form -

- (a) registers of all motor vehicles and trailers registered under this Act;
- (b) registers of all drivers licensed under this Act;
- (c) registers of all licences of driving schools and instructors licensed under this Act;

(2) The Principal Road Transport Licensing Officer, appointed under the provision of section 10(1) and the Assistant Principal Road Transport Authority shall be Deputy Registrars for Unguja and Pemba respectively.

Searches.

6. All registers in the custody of the Registrar shall be open for inspection by members of the public during prescribed hours upon payment of the prescribed fee.

Certified copies.

7.(1) The Registrar shall, upon payment of the prescribed fee, furnish to an applicant a certified copy of any entry in any register.

(2) The copy of any entry in a register which is certified under the hand of the Registrar shall be deemed to be correct copy and shall be *prima facie* evidence of all statements contained therein in all court proceedings.





Functions of the Authority.

8. The functions of the Authority under this Act shall be:

- (a) to administer-
  - (i) the motor vehicle registration and driver licensing systems established under this Act;
  - (ii) the establishment of driving schools and the licensing of drivers instructors;
  - (iii) the schemes for driver training or the accreditation of driving instructors established under the regulations of this Act;
  - (iv) the licensing of commercial vehicles in accordance with this Act;
  - (v) the systems for regulating vehicle standards and inspections established under this Act;
  - (vi) the functions of the Road Transport Board under this Act;
- (b) to keep motor vehicles and driver licence registers in accordance with this Act;
- (c) to provide information about registered motor vehicles and drivers in accordance with this Act and other laws in force in Zanzibar;
- (d) to monitor drivers' and other road users' compliance with safety and other regulations under this Act;
- (e) to collect fees, charges and other amounts payable to the Authority under this Act;
- (f) to exercise any other function given to the Authority as prescribed by the Minister under this Act;

Powers of the Authority.

9. In exercising his functions under this Act, the Authority may—

- (a) register or refuse to register motor vehicles;



- (b) transfer or refuse to transfer the registration of a motor vehicle from one person to another;
- (c) cancel or suspend the registration of a motor vehicle;
- (d) issue or refuse to issue a driver licence, driver instructor licence, a driving school permit, or commercial vehicle licence to a person;
- (e) renew or refuse to renew a driver licence, a driver instructor licence, a driving school permit, or a commercial vehicle licence, issued to a person;
- (f) cancel or suspend a driver licence, a driver instructor licence, a driving school permit or a commercial vehicle licence issued to a person;
- (g) impose conditions on licences and permits;
- (h) make initial, periodic, roadside and other inspections on motor vehicles to determine their roadworthiness;
- (i) approve or refuse to approve a vehicle owner's body building plans or changes to the existing body;
- (j) take measures on drivers and other road users who violate safety and other regulations as directed by this Act;
- (k) collect fees, charges and other amounts payable to the Authority;
- (l) exercise other powers given to the Authority as prescribed by the Minister under this Act;

Principal Road  
Transport  
Licensing  
Officer.

10.(1) Principal Road Transport Authority in consultation with the Minister may appoint a Principal Road Transport Licensing Officer who shall keep registers of licences and in addition may appoint suitable persons to be road transport licensing officers or simply Licensing Officers.



(2) Licensing Officers shall be charged with the following duties -

- (a) the road licensing and registration of motor vehicles;
- (b) the licensing and registration of drivers of motor vehicles;
- (c) the licensing and registration of commercial motor vehicles;
- (d) the licensing and registration of driving schools and instructors; and
- (e) any other duties assigned to them under the provisions of this Act.

Certifying officers and examining officers.

11.(1) The Principal Road Transport Authority shall, with the approval of the Minister, appoint Chief Certifying and Examining Officers for Unguja and Pemba who shall keep a register of certificates and in addition may appoint suitable persons to be certifying or examining officers where necessary.

(2) A certifying officer, shall be charged with the duty of testing applicants for driving licences.

(3) An examining officer shall be charged with the duty of examining and testing motor vehicles and trailers for the purposes of this Act.

Road Transport Officers.

12. The Principal Road Transport Authority shall appoint road transport officers whose functions shall be:-

- (a) to ensure that road traffic laws and regulations are known and observed by all road users;
- (b) to ensure the existence of traffic signs in order to direct proper use of the roads and public areas;



- (c) to implement decisions of the Road Transport Board on matters of road traffic safety;
- (d) take necessary action against any breach of safety regulations as contained in this Act or any regulation made thereunder;
- (e) any other functions related to road transport as may be determined from time to time.

The Authority may delegate certain powers.

13.(1) The Authority may, subject to such conditions as he may deem necessary, delegate the exercise of any powers or the performance of any duties conferred or imposed on him by or under this Act to such other person or persons as he may think fit.

(2) A person to whom any power has been delegated or the duty has been authorised shall exercise the power or perform the duties subject to the directions of the Authority.

(3) Any delegation effected under subsection (1) shall not prevent the Authority to exercise his power or perform his duties and may at any time be revoked by the Authority.

#### **Road Transport Board**

Road Transport Board.

14.(1) There shall be established a Road Transport Board for Zanzibar.

(2) The Road Transport Board shall consist of the following members:

- (a) the Chairperson who shall be appointed by the President;
- (b) four members from the following institutions who shall be appointed by the Minister:
  - (i) Director responsible for Road Transport;
  - (ii) Head of Traffic Police;
  - (iii) Director responsible for Roads;



(iv) Director responsible for Regional Administration.

(c) two representatives from road transport operators who shall be appointed by the Minister; and

(d) two other members who shall be appointed by the Minister.

(3) The Department responsible for road transport shall provide the secretariat for the Board.

(4) The Chairman and members of the Board shall be paid such allowances and terminal benefits as the Minister may determine from time to time.

Tenure of the Members to the Board.

15. The members to the Board shall hold office for three years, but may be eligible for re-appointment after the end of that period.

Meetings of the Board.

16.(1) The Board shall ordinarily meet at least once every three months for dispatch of its business at such time and places as the Board may determine from time to time.

(2) More than half of members of the Board shall constitute a quorum at any meeting of the Board.

(3) The following provisions shall apply to the proceedings of the Board -

(a) all the decisions of the Board shall be made by resolution of the majority of the members present at the meeting;

(b) the chairperson at any meeting shall, in addition to his deliberative vote as a member of the Board, have a casting vote;

(c) in the absence of the chairperson the members present shall elect a chairperson from among their number.



Procedures at Meetings.

17. Subject to the provisions of this Act, the Board may make rules to regulate its own procedures generally, and in particular regarding the holding and proceedings of meetings, notices of such meetings, keeping of minutes and custody, production and inspection of minutes.

Functions of the Board.

18.(1) The Board shall -

(a) advise the Minister on any of the following matters:

- (i) provision of public transport services;
- (ii) improvements in the movements of road traffic;
- (iii) improvements of the movements of passengers and freight;
- (iv) requirements of vehicle drivers;
- (v) requirements of roads and vehicles;
- (vi) protection of the environment in relation to traffic;
- (vii) road transport legislation; and
- (viii) any other matter relating to road transport that the Board considers appropriate.

(b) promote, co-ordinate and develop road traffic safety in Zanzibar.

(2) In performing its functions under subsection (1)(b) the Board shall, in particular: -

- (a) provide an effective central organisation to intensify road safety activities and to exploit fully and continuously available knowledge and experience in all matters connected with road safety;
- (b) promote research into cases of road accidents in terms of number, types, costs incurred, etc;



- (c) diagnose from research and statistical records or any other sources causes of road accidents and recommends counter measures to combat accident problem;
  - (d) make proposals for the amendment of road transport legislation with a view of reducing road traffic accidents;
  - (e) encourage and provide training for road users;
  - (f) promote public awareness in road safety through demonstrations, lectures, workshops and other means;
  - (g) promote or engage in the dissemination and publication by suitable media of advice and information resulting from research or otherwise for education of and observance by drivers, road users, repairers of or dealers in vehicles or vehicle parts;
  - (h) advise on current or projected ideas concerning motor vehicle or trailer, equipment and maintenance in relation to safety devices; and
  - (i) provide advice on road safety measures to any generating developments or projects.
- (3) The Board may, in the exercise of its powers, make public presentation or consult with such other person, as it may deem competent to assist it.
- (4) The Board shall submit to the Minister a quarterly report of its proceedings containing particulars with respect to such matters as the Minister may direct.
- (5) The function of the Board under subsection (2) of this section shall be financed from funds received as contributions to the Board as well as fees from some permits issued by the Authority or special levies as may be approved by the Minister responsible for Finance.



### PART III WEIGHING, MEASURING AND EXAMINATION OF MOTOR VEHICLES

Ascertainment of weight of motor vehicles, etc., and determination of maximum load etc., to be carried.

19.(1) The Authority shall, before issuing a licence for any motor vehicle or trailer under section 27, ascertain the net weight of the vehicle and shall, if the vehicle is a goods vehicle, a public service vehicle or a trailer determine its maximum permissible gross weight and the maximum number of passengers (if any) which it shall be authorised to carry.

(2) If the Authority has reason to believe that the net weight of a vehicle has been wilfully increased he may take the maker's declared net weight of such vehicle for the purpose of determining the gross weight.

Marking of maximum permissible gross weight, etc., on goods vehicles, public service vehicles and trailers.

20.(1). The maximum permissible gross weight, and maximum number of passengers (if any), which may be carried on a goods vehicle, a public service vehicle or a trailer shall, when determined, be clearly and legibly marked on the vehicle in the manner prescribed.

(2) Any person who drives or causes or permits any other person to drive a goods vehicle or a public service vehicle or draws, or causes or permits any other person to draw, a trailer which does not comply with the provisions of this section shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent fifty Dollars in Shillings or to a term of imprisonment not less than three months or both.

(3) Any person who fraudulently alters or erases any such marking shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of one hundred Dollars in Shillings or a term of imprisonment not less than three months or both.

Modification or alteration of motor vehicles.

21.(1) No owner or in charge of a motor vehicle or trailer shall modify or alter the weight, dimensions or chassis of his motor vehicle or trailer without the approval in writing from the Authority and in accordance with prescribed regulations.





(2) No owner of a garage or body builder shall modify or alter the motor vehicle or trailer without complying with the prescribed specifications.

(3) Any person who contravenes with any provisions of this section shall be guilty of offence and on conviction shall be liable to a fine of not less than the equivalent of one hundred and twenty Dollars in Shillings or to imprisonment for a term not exceeding six months or both.

Examination of  
Motor vehicles,  
etc.

22.(1) An examining officer may examine motor vehicles in use and for that purpose may require any motor vehicle to be stopped and may detain any motor vehicle during such time as is required for examination, and may require the driver of such motor vehicle to drive it to another place for the purpose of such examination and may carry out, at the expense of the owner, all such tests and examinations as he considers desirable or necessary to satisfy himself that the provisions as to construction, equipment and use prescribed by this Act have been complied with in respect of the motor vehicle.

(2) If on such examination it appears to such examining officer that, by reason of any defects therein, such motor vehicle is or is likely to become unfit for use, or its use is or is likely to become dangerous unless the defects are remedied, he shall detach the registration number plate and licences of the motor vehicle and may, by a written notice to the registered owner of the motor vehicle or to the person in charge, prohibit the use of such motor vehicle.

(3) A prohibition order made under subsection (2) may be removed by an examining officer authorised by the Authority in writing after being satisfied that the motor vehicle is fit for use and thereby the notice of that removal or withdrawal shall be given to the registered owner accompanied with registration number plate and any other licence detached from the motor vehicle during the time of making the prohibition order.

(4) Any person who is aggrieved by the refusal of any examining officer to withdraw or remove a prohibition order made under subsection (2) may, within 21 days, after such refusal, appeal in



writing to the Authority, who shall consider such appeal and, if so required by the appellant or, at the discretion of the Authority, any other person authorised by the appellant to represent him, the Authority may make such order on such appeal as he thinks fit.

(5) If any person contravenes or fails to comply with subsection (1) or uses or permits to be used a motor vehicle at any time whilst a prohibition order under subsection (2) is in force in relation to such motor vehicle, he shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of one hundred and fifty Dollars in Shillings or imprisonment for a term not less than six months or to both and on a second or subsequent conviction, to a fine not less than the equivalent of three hundred Dollars in Shillings or a term of imprisonment not less eighteen months or both.

Police officers may send motor vehicles, etc., for examination.

23.(1) A police officer or road transport officer may at any time send a motor vehicle or trailer to an examining officer for the purpose of examining and testing the general condition of the vehicle.

(2) For such examination and test the owner of the vehicle shall pay the prescribed fee if found having any defects.

Stopping and detention of vehicles for weighing and examination.

24.(1) A police officer or road transport officer in uniform may stop any motor vehicle with a view to ascertaining whether such motor vehicle or any trailer drawn thereby is being used in contravention of any of the provisions as to construction, equipment and use prescribed by this Act, and if it appears to him that any vehicle is being so used he may require the person in charge thereof to take it to any police station or any other place of safety.

(2) Any person who fails to comply with any such requirement shall be guilty of an offence.

(3) Any vehicle taken to a police station or other place of safety under the provisions of this section may be detained until the particulars of the vehicle, its owner and its driver are provided and the vehicle is weighed and examined, but in no case shall a vehicle be so detained for a period of more than forty-eight hours except in week ends and public holidays.



Penalties for offences under Part III.

25. Any person who is guilty of an offence under this Part whose punishment is not specifically provided, shall be liable to a fine of not less than the equivalent of fifty Dollars in Shillings, or in the case of second and subsequent conviction to a fine of not less than the equivalent of two hundred fifty Dollars in Shillings or term of imprisonment not exceeding nine months or both.

Regulations.

26. The Minister may make regulations for any purpose for which regulations may be made under this Part, and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect and for regulating the weighing, measuring and examination of motor vehicles and, without prejudice to the generality of the foregoing may make regulations-

- (a) to regulate the width, height, wheel base, length, overhang and axle weight of motor vehicles and the load carried thereby; the diameter of wheels and their width; the nature and condition of tyres; and prohibit the use of any wheels, tracks or tyres likely to cause damage to roads;
- (b) to control, in connection with the use of motor vehicles, the emission of smoke, oily substance, ashes, water, steam, visible vapour, noxious fumes, sparks, cinders, gas or grit;
- (c) to prescribe the procedures relating to the weighing and measuring of motor vehicles and the types of machines and instruments to be used;
- (d) to prescribe -
  - (i) the nature of and procedure for inspection of motor vehicles;
  - (ii) the type of equipment and system to be used for inspection and the repair and maintenance, calibration and testing apparatus or equipment for inspection;



- (iii) the form of inspection certificate and regulation on the manner of issuance thereof;
- (iv) the manner in which motor vehicles are to be submitted for inspection;
- (e) to determine the number of passengers a public service vehicle is constructed or adapted to carry, and the number that may be carried;
- (f) the carriage of passengers, luggage and goods on public service vehicles;
- (g) the equipment to be carried by a public service vehicle;
- (h) prescribe the number of persons to be carried on any motor vehicle other than commercial vehicles;
- (i) to prescribe the manner in which motor vehicles and trailers shall be modified or altered;
- (j) to prescribe penalties for any breach or failure to comply with any such regulation.

#### **PART IV**

#### **REGISTRATION AND LICENSING OF MOTOR VEHICLES**

Use of motor vehicle or trailer without registration prohibited.

27.(1) No person shall use on any road a motor vehicle or trailer other than a motor vehicle or trailer exempted from the provisions of this Act, unless such motor vehicle or trailer is registered under the provisions of this Act.

(2) The provisions of subsection (1) shall not apply in the case of:-

- (a) an unregistered motor vehicle or trailer which is owned by and in possession of a dealer while in a process of sale;
- (b) a motor vehicle or trailer which is lawfully used under the authority of a motor vehicle trade licence granted to repairer of motor vehicles;



- (c) a motor vehicle or trailer which is being driven by examining officer to or from any place for inspection or testing, or while it is being driven to or from any place specified by examining officer for the purpose of registration, and while being so driven or tested is carrying a means of identification in accordance with this Act or any regulation made thereunder;
- (d) a motor vehicle or trailer lawfully brought in Zanzibar in accordance with international conventions;
- (e) a motor vehicle or trailer brought into Zanzibar in accordance with section 43;
- (f) a motor vehicle or trailer which has been imported and is driven from the port to owners premise; and
- (g) a motor vehicle or trailer which the Minister by a notice in the Gazette has exempted from registration.

(3) If any motor vehicle or trailer is used in contravention of the provisions of sub-section (1) the owner of the motor vehicle, or as the case may be, the trailer as well as the driver of the motor vehicle shall be guilty of an offence and shall be liable on conviction to a fine of not less than the equivalent of three hundred Dollars in Shillings, or imprisonment for a term not less than two years or to both such fine and such imprisonment.

Classification of motor vehicles, etc.

28.(1) For the purposes of this Part, motor vehicles and trailers shall be divided into different classes based on weight, contraction, nature of tyres and use.

Application for registration of motor vehicles or trailers.

29.(1) An application for registration of a motor vehicle or trailer shall be made in the prescribed form by the owner of the motor vehicle or a trailer to the Registrar and shall be accompanied by the prescribed fee.



(2) No person under the age of eighteen years, and no person adjudged under any law to be of unsound mind shall be registered as the owner of a motor vehicle or trailer :

Provided that any person authorised to act as the trustee of such person below eighteen years of age or of unsound mind may be registered as the owner in his capacity as a trustee.

(3) Notwithstanding anything in subsection (1) any person who satisfies the Registrar that he or she has been authorised in writing by a person who is absent from Zanzibar, may make application on behalf of that person for the registration of a motor vehicle and in any such case the application shall be deemed to have been assigned and made by that person.

(4) An application for registration of a motor vehicle the property of Government or public body shall designate by reference to his office, an officer in the service of the Government or that other body, in whose charge such motor vehicle will be, and such person shall as long as he holds that office, be deemed for the purposes of this Act or rules made thereunder to be the registered owner of that motor vehicle.

Registration of  
motor vehicles,  
etc.

30.(1) The Registrar shall, prior to the registration of a motor vehicle or trailer verify the particulars in the application for registration and shall satisfy himself that :-

- (a) the motor vehicle or trailer bears a clear, distinct and untampered engine and chassis number;
- (b) the motor vehicle or trailer has undergone an initial vehicle inspection by an examining officer and found to comply with this Act as to construction, weight, length, width, equipment and other requirements unless exempted from such compliance by this Act.
- (c) the motor vehicle or trailer has been lawfully exported from its country of origin or the country in which it was last registered;



- (d) the motor vehicle or trailer has been lawfully imported into Zanzibar; and
- (e) any tax or duty due in respect of the motor vehicle or trailer under any written law has been paid unless exempted by a proper authority.

(2) A Registrar shall, when satisfied as to the particulars of a motor vehicle or trailer contained in an application for registration, enter particulars thereof in his register and shall assign the motor vehicle or trailer identification marks as prescribed to be shown on the registration number plates to be affixed to the motor vehicle or trailer in the prescribed manner and shall issue to the applicant a certificate of registration in the prescribed form and an appropriately marked number plate of prescribe size and material for the motor vehicle or trailer:

Provided that the registration certificate and number plate shall remain the property of the Authority and shall be returned to the Registrar when the motor vehicle is destroyed and or cannot be used on the roads or is sent outside Zanzibar.

(3) Where a motor vehicle or trailer is owned by two or more persons, the registration shall be effected in the name of all the owners; in no circumstances shall registration of a motor vehicle or trailer be effected under a business name (whether registered or unregistere(d) or under the name of any unincorporated body :

Provided that where the owner is a society registered under the Societies Act, the society may be registered as such owner.

- (4) Any person who, without lawful authority or excuse -
  - (a) fraudulently or knowingly alters or defaces any identification marks assigned in respect of any motor vehicle or trailer; or
  - (b) fraudulently uses, lends or permits to be used any such identification marks;



shall be guilty of an offence and shall be liable on conviction to a fine not less than the equivalent of one and hundred fifty Dollars in Shillings, or to a term of imprisonment not less than six months or to both such fine and imprisonment.

(5) The registration certificate or a copy thereof certified by a Registrar shall be kept in the vehicle and be produced to a police officer or road transport officer whenever required.

General  
registration.

31.(1) Identification marks assigned to a motor vehicle pursuant to section 30 (2) shall continue to be the identification marks of that vehicle until such vehicle is destroyed or permanently sent out of Zanzibar, and such identification marks shall never be assigned to any other motor vehicle.

(2) If any registered motor vehicle or trailer is destroyed, the registered owner shall, within seven days of such occurrence, notify such fact in writing to the Registrar and shall return the registration certificate and number plate relating to the vehicle to the Registrar.

(3) If any registered motor vehicle or trailer is being sent permanently out of Zanzibar, the registered owner shall, prior to such happening, notify the Registrar and shall return the registration certificate and number plate relating to the vehicle to the Registrar.

(4) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not less than the equivalent of fifty Dollars in Shillings or imprisonment for a term not less than three months or to both such fine and imprisonment.

(5) If the registered owner of a destroyed vehicle fails for a period of three years to return registration certificate to a Registrar, the vehicle subject to that registration, shall be deemed to be completely destroyed.

Presumption of  
ownership.

32. The person in whose name a motor vehicle or trailer is registered shall, unless the contrary is proved, be presumed to be the owner of the vehicle.





Duties of an owner.

33. The registered owner of a motor vehicle shall -

- (a) notify the Registrar, within seven days, of any change in the circumstances in relation to the registration, and return the registration certificate in respect of that motor vehicle to the Registrar;
- (b) keep safe and protect the registration certificate issued to him;
- (c) ensure that the motor vehicle complies with fitness and other requirements prescribed by this Act;
- (d) ensure that his vehicle is driven by holders of valid learner's or driving licences allowing them to drive such class or description of vehicle.

Notice of change of ownership.

34.(1) Within thirty days after the sale or other disposition of any kind whatsoever of any registered motor vehicle or trailer the person selling or otherwise disposing of it shall -

- (a) notify the Registrar in the prescribed form accompanied by the prescribed fee, of the sale or disposition, the name and address of the new owner, the mileage recorded on the mileage recorder (if any) of the motor vehicle and of such further particulars as may be prescribed; and
- (b) deliver the registration certificate of the vehicle to the new owner and the licence thereof.

(2) The new owner or possessor shall within thirty days after receiving the registration certificate from the old registered owner deliver the registration certificate to a Registrar, and the vehicle shall not be used on public roads after this period until he has done so, and if the licence has been surrendered by the registered owner it shall not be used until the new owner or possessor has taken out a new licence.



(3) Subsection (1) of this section shall not apply to a change of possession consequent on a contract of hiring where the period of hiring does not exceed three months or where the registered owner continues to employ and pay the driver of the motor vehicle or trailer, as the case may be.

(4) Where a motor vehicle or trailer which is subject to a hire purchase agreement is lawfully repossessed under the terms of that agreement, the provisions of subsection (1) shall apply as if the registered owner has sold or otherwise disposed of the motor vehicle or trailer to the person entitled to repossess the same :

Provided that in any such case subsection (1) shall apply as if references therein to the seller were references to the person so repossessing the vehicle.

(5) A Registrar shall, in registering the change of ownership of a motor vehicle or trailer, make an entry thereof in the appropriate register and shall amend the certificate of registration accordingly or issue a new certificate of registration and deliver the amended certificate or the new certificate as the case may be, to the new registered owner of the motor vehicle or trailer, as the case may be.

Prohibition to drive motor vehicle or trailer without road licence.

35.(1) No person shall use or cause or permit to be used a motor vehicle or trailer in respect to which there is not in force a road licence granted under this Act:

Provided that a motor vehicle or trailer lawfully brought into Zanzibar in accordance with section 43 or in accordance with any rules shall be deemed to be a motor vehicle in respect of which a licence granted under this Act is in force.

(2) Any person who drives or causes or permits to be used any motor vehicle in contravention of subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine of not less than the equivalent of two hundred Dollars or to a imprisonment for a term of not less than two years, or to both fine and imprisonment.

(3) Subsection (1) shall not apply to a motor vehicle which has been laid up:



Provided that a notification has been made to the Authority, in the prescribed form, that such vehicle has been laid up.

(4) Where a motor vehicle or trailer referred to in subsection (3) is subsequently found to be used or caused or permitted to be used, such vehicle shall not, for the purposes of this section, be deemed to have been laid up.

(5) Any person who uses or causes or permits to be used a motor vehicle or trailer after declaring that it has been laid up shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of ninety Dollars in Shillings or imprisonment for a term of three months or both.

(6) For the purposes of this section "laid up" means to put away and to cease to be used on the road.

Application  
for road licence.

36.(1) An application for a road licence shall be made to the Authority by the owner of a motor vehicle or trailer in prescribe manner;

(2) Every applicant for a road licence shall furnish such particulars and produce such evidence as may be prescribed and in particular :-

- (a) that during the period of validity of the licence applied for there will be in force such policy of insurance or such security, relating to motor vehicle or trailer for which such licence is required;
- (b) such motor vehicle or trailer has undergone an initial or periodic vehicle inspection (as the case may be) and found to comply with the requirements of this Act as to construction, weight, equipment and use applicable to the class or description of motor vehicle or trailer to which such motor vehicle or trailer belongs, unless such motor vehicle or trailer has been exempted from compliance with such provision of this Act.



(3) Notwithstanding anything in this section to the contrary, any person who satisfies the road transport licensing officer that he has been authorised in writing for that purpose by a registered owner of a motor vehicle who is absent from Zanzibar may make application on behalf of such registered owner for a licence of such motor vehicle, and in any such case the application shall be deemed to have been made and signed by such registered owner.

(4) Road licences shall be issued in the prescribed form upon payment of prescribed fee.

Duration of a road licence.

37. Road licences of registered vehicles or trailers issued under section 36 shall be for a period of one year from the date of issue.

Authority may refuse to issue road licences in certain cases.

38.(1) The Authority shall not be required to grant a road licence to any motor vehicle or trailer for which application is made unless :

- (a) the registration certificate relating to the motor vehicle or trailer specified in such application is produced and the particulars contained in such application are identical with corresponding particulars in such registration certificate;
- (b) identifying particulars of motor vehicle or trailer including the engine and chassis number remain clear, distinct and untampered with and are identical with the corresponding particulars contained in such registration certificate;
- (c) the prescribed fee has been paid;
- (d) it is satisfied that the applicant has no outstanding matter or case with the Police or Authority relating to any contravention of or offence against this Act or any regulations made thereunder; and
- (e) it is satisfied that the vehicle is in sound condition and is roadworthy.



(2) For purpose of paragraph ((e) of subsection (1) a valid inspection certificate issued in respect of a motor vehicle required under this Act to undergo an initial or periodic inspection shall be taken as prima facie proof that the vehicle is in sound condition and is roadworthy.

(3) The Authority may refuse to grant a road licence or a general licence or may cancel or suspend for a period not exceeding six months a road licence or a general licence already granted if, after giving the owner an opportunity of making representation he may wish to make, the Authority has reason to believe that the motor vehicle or trailer referred to in such licence or in respect of which the application is made has been or is intended to be used for an unlawful purpose or in an unlawful manner, and in so doing shall endorse the registration certificate of such motor vehicle accordingly.

(4) For the purpose of subsection (3), the use of any motor vehicle resulting in the breach of any conditions attached to such licence under Part III or any of the statutory conditions specified therein shall be deemed to be a use of such vehicle in an unlawful manner.

Appeal to the  
Minister.

39.(1) Except where the period of suspension of a road licence does not exceed one month, any person who is aggrieved by the refusal of the Authority to grant him a road licence or general licence or the suspension or cancellation of a road licence or general licence may, within 21 days, after such refusal, cancellation or suspension, appeal in writing to the Minister and such person shall serve a copy of the appeal to the Authority.

(2) After receipt of the copy of the appeal referred to in subsection (1) the Authority shall forthwith furnish the Minister with reasons for the refusal, suspension or cancellation to which such appeal refers.

(3) The Minister may after considering the appeal give such decision as he may deem fit, and any decision so made shall be binding on the Authority and on the appellant.



(4) Where a licence in respect of any motor vehicle or trailer has been refused or cancelled under section 38 (3), the Authority may refuse to grant a further licence in respect of such vehicle for any period not exceeding six months from the date of such cancellation and section 39 (1) shall not apply in case of such refusal.

Effect on  
licence on an  
altered vehicle.

40.(1) If any motor vehicle or trailer, in respect to which the road licence has been granted under section 36 is altered after in such a manner as to cause the motor vehicle in respect of which a licence at higher fee or a licence of different class is required, the licence shall, before the altered vehicle is used, become void, but the holder of the licence, on surrendering the same and furnishing the prescribed particulars, shall be entitled to receive a new licence in respect of that motor vehicle.

Transfer of  
licence  
prohibited.

41. A licence issued under section 36 shall not be transferable to any other person except by the Authority at the request of the holder in the prescribed manner and upon payment of prescribed fee.

Display of  
Motor  
Vehicle  
Licences.

42.(1) Every road licence granted under section 36 other than a motor vehicle licence granted in respect of a motor cycle or an invalid carriage shall be fixed to and exhibited on the vehicle in respect of which it is issued in the manner and subject to such conditions as may be prescribed.

(2) No person shall alter, deface mutilate or add anything to any road licence, nor shall any person exhibit on any motor vehicle or trailer any road licence which has already been altered, defaced, mutilated or added to as aforesaid, or upon which the figures or particulars have been illegible or of which the colour has become altered by fading or otherwise, and nor shall any person exhibit any colourable imitation of any such licence.

(3) Any person who contravenes any provision of this section shall be guilty of an offence and on conviction shall be liable to a fine not less than the equivalent of seventy five Dollars in Shillings or imprisonment for a term of three months or both.



Visitor's  
licences.

43.(1) The Authority may, subject to any regulations which may be made by the Minister, grant a visitors licence in respect of any motor vehicle or trailer brought into Zanzibar from a place outside Zanzibar if the Authority is satisfied that such motor vehicle or trailer will be exported from Zanzibar within a period of ninety days from the date of arrival of such vehicle in Zanzibar.

(2) A visitor's Licence shall :-

- (a) be expressed to expire not later than ninety days from the date of arrival of such vehicle in Zanzibar and shall not be renewable;
- (b) not be granted in respect of a tractor, good vehicle or public service vehicle;
- (c) not be granted unless the Authority is satisfied that there exists in relation to the use of such motor vehicle such certificate, policy of insurance or certificate of security as required by this Act.
- (d) not be granted in respect of a motor vehicle to which international agreement applies.

(3) A visitor's licence under the corresponding provision of any law in force in country which is a party of a treaty in which Tanzania is also a party and which purport to recognise visitors' licence issued by contracting party countries shall, so long as such licence remains in force in such countries, be deemed to be a visitor's licence granted under this section.

Motor Vehicle  
General  
Licence.

44.(1) If any person, being a dealer in or manufacturer of motor vehicles or trailers, makes an application in the prescribed manner to the Authority that he may be entitled, in lieu of taking out a licence under this Part in respect of each motor vehicle used by him, to take out a general licence in respect of all motor vehicles used by him, the Authority may, subject to any condition which may be prescribed, grant to such a person a licence (in this Act referred to as a "motor vehicle general licence") on payment of the prescribed fee.



(2) The holder of a licence granted under this section shall not be entitled by virtue of such licence :-

- (a) to use more than one motor vehicle at any one time, except in the case of a motor vehicle drawing a trailer and used for the prescribed purpose; or
- (b) to use any motor vehicle for any purpose other than such purposes as may be prescribed;
- (c) to carry passengers, other than an intending purchaser or an employee of the dealer, who shall be carried in any vehicle used under a general licence;
- (d) to use any vehicle at night;
- (e) to use any vehicle for any purpose other than :-
  - (i) for proceeding from a wharf to the premises of a dealer or from the premises of a dealer to the premises of a purchaser; or
  - (ii) for test or demonstration by or on behalf of an intending purchaser; or
  - (iii) for bringing it to the premises of a dealer for repair or test or demonstration after repair; or
  - (iv) for proceeding to or from a public weigh bridge for the purpose of its weight being measured or to or from a place of registration; or
  - (v) for towing a motor vehicle which while being driven on a road has become unable to proceed under its own power from the place where it has broken down to the dealer's premises.





(3) Nothing in this section shall operate so as to prevent a person entitled to take out a motor vehicle general licence from holding two or more such licences.

(4) A general licence shall not be granted until the applicant has produced evidence, to the satisfaction of the Authority, that during the period of validity of such licence there will be in force such policy of insurance or such security as complies to the requirements of third party risks in respect of the use of motor vehicles in accordance with such licence.

(5) A general licence shall not be assigned or transferred.

(6) Any provisions concerning requirements for application and power of the Authority to refuse to issue licence shall apply to a general licence as they apply in respect of a road licence.

(7) The holder of a general licence may at any time surrender such licence to the Authority but shall not on such surrender be entitled to repayment by way of rebate.

(8) Any dealer or manufacturer who violates the conditions provided under subsections (2) and (5) of this section shall be guilty of an offence and shall be liable on conviction to a fine not less than the equivalent of one hundred and fifty Dollars in Shillings, or to a term of imprisonment not less than one year or to both such fine and imprisonment.

Other offences  
and penalties.

45.(1) Any person who -

- (a) uses or permits to be used a vehicle required to be registered under this Part without the identification marks assigned thereto or affixed thereon in the manner prescribed;
- (b) affixes on any vehicle required to be registered under this Part identification marks not assigned to that vehicle or fixes the identification marks so assigned in a manner other than the manner prescribed; or
- (c) gives false information or makes an incorrect statement—



- (i) when effecting or changing the registration of a motor vehicle or trailer; or
  - (ii) when applying for a certificate of registration or duplicate of a certificate of registration in respect of any vehicle; or
  - (iii) to the Authority or a prospective buyer, as to the mileage recorded on the mileage recorder (if any) of a motor vehicle;
  - (iv) when effecting the change of ownership of a motor vehicle or trailer; or
- (d) alters the mileage recorder (if any) on a motor vehicle so as to reduce the mileage recorded; or
- (e) obtains, uses or permits to be used dealer's identification marks otherwise than in accordance with the provisions of this Part or of regulations made in that behalf; or
- (f) fails to surrender his certificate of registration for alteration, cancellation or inspection when required so to do by the Authority or a police officer;

shall be guilty of an offence and shall be liable on conviction to a fine not less than the equivalent of one hundred and fifty Dollars in Shillings, or to a term of imprisonment not less than one year or to both such fine and imprisonment.

(2) If any person being the holder of a valid motor vehicle general licence granted under section 44, uses such licence for a greater number of motor vehicles than he is authorised to use by virtue of such licence, he shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of seventy five Dollars or imprisonment for a term not exceeding six months or both.



(3) Where a licence has been granted in respect of a motor vehicle to be for a certain purpose and such motor vehicle is at any time during the period for which the licence is in force used for another purpose, the person so using such motor vehicle or causing or permitting the use thereof shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of seventy five Dollars or imprisonment for a term not exceeding six months or both.

Exemption from registration, licensing, etc.

46. The Minister may, by order in the Gazette, provide for the exemption, either wholly or partially, and either unconditionally or upon conditions, of persons or of their motor vehicles or trailers or of any class of persons or of motor vehicle or trailers, from all or any of the requirements of this Part or of the regulations.

Regulations.

47. The Minister may make regulations for any purpose for which regulation may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect and for regulating motor vehicle registration and licensing and, without prejudice to the generality of the foregoing provisions, may make regulations-

- (a) to regulate the registration and licensing of motor vehicles and trailers and the issuance of certificates of registration and motor vehicle licences;
- (b) to provide for the proper recording and maintenance of registers and for the alteration or rectification of any register or certificate of registrations;
- (c) to prescribe forms and materials of registration plates, the size, shape and character of the numbers or distinguishing marks to be shown thereon, and the manner in which those registration numbers or signs are to be fixed, displayed, illuminated and rendered easily distinguishable whether by night or by day when such vehicle is operated on a public road;
- (d) to prescribe forms of applications, certificates of registration, identification marks and other matters that may be required for the purpose of this Part and



prescribing conditions on which duplicates or substitutes for any certificate of registration may be issued if the original has been lost, destroyed or defaced or any particulars therein have become illegible;

- (e) to prescribe the form of, and the particulars to be included in, an application for a road licence and the identification marks to be carried by any motor vehicle used under such licence and to define the purposes for which the holder of a motor vehicle trade licence may use a motor vehicle under such licence;
- (f) to provide for or with respect to the issue, use, replacement and transfer of plates (including traders plates) and registration certificates;
- (g) to regulate the de-registration generally or on particular motor vehicles or trailers that are not worthy of repair due to serious accidents, old age, or other causes or where the chassis number thereof has been tampered with;
- (h) to regulate the alteration and modification of registered motor vehicles;
- (i) to provide for the surrender of road licences that become void otherwise than by the expiration of time;
- (j) to exempt with or without conditions any person or class of persons or any motor vehicle or type of motor vehicle from operations of this Part;
- (k) to prescribe penalties for any breach or failure to comply with any such regulations.

## **PART V**

### **LICENSING OF COMMERCIAL VEHICLES**

Classification of  
Commercial  
Vehicles.

48.(1) Commercial vehicles shall be categorised into Public Service Vehicles and Goods Vehicles.

(2) Public service vehicles shall be divided into and licensed under following classes –



|     |                     |   |
|-----|---------------------|---|
| (a) | Staff Bus           | E |
| (b) | Stage Bus           | M |
| (c) | Private Hire        | P |
| (d) | School Bus          | S |
| (e) | Taxi Cab            | T |
| (f) | Town Bus            | D |
| (g) | Hire and Driver car | H |

when the staff buses and school buses are owned or hired by business or commercial organisation.

(3) Goods vehicles shall be divided into and licensed under the following classes:

- (a) carrier's licence 'A' and
- (b) carrier's licence 'C'

where goods vehicles of either class may be of different types in respect of their functions.

(4) The Minister may, in consultation with the Authority, and by notice in the Gazette, add or vary the classes of commercial vehicles.

(5) A carrier's licence 'A' shall entitle the holder thereof to use the authorised vehicle for the carriage of goods for hire or reward for or in connection with any trade or business carried on by him as a carrier of goods.

(6) A carrier's licence 'C' shall entitle the holder thereof to use the authorised vehicle for the carriage of his own goods for or in connection with any trade or business carried on by him, but it shall be a condition of the licence that no vehicle which is for the time being an authorised vehicle shall be used for the carriage of goods



for hire or reward other than goods sold and delivered by the holder under a contract of sale where a charge is made for the delivery of goods.

(7) A motor vehicle specified in a carrier's licence shall not, while it remains so specified, be specified in any other carrier's licence.

(8) Where at any time goods are carried on a motor vehicle, being a vehicle which has been let on hire by a person who, at the time of the carriage of the goods, is within the meaning of this Part, the user of the vehicle, the goods shall be deemed to be carried by that person for hire or reward.

(9) For the purposes of this Part, where a carriers licence prohibits the carriage of any goods for hire or rewards -

- (a) the collection or delivery by a person of goods bought, sold, used or let on hire purchase in the course of a trade or business carried on by him;
- (b) the collection or delivery by a person of goods which have been or are to be subjected to a process or treatment in the course of a trade or business carried on by him;
- (c) carriage of goods in a motor vehicle by a manufacturer, agent or dealer whilst the vehicle is being used by him for demonstration purposes; or
- (d) the carriage of goods in a motor vehicle which is being used under and in accordance with the rules applicable to a general licence taken out by manufacturer, repairer or dealer under Part IV -

shall not be deemed to constitute carriage of the goods for hire or reward.



Application for  
Licence of  
Commercial  
Vehicle.

49.(1) An application for a licence under this Part shall be made to the Authority on the prescribed form and in the prescribed manner.

(2) The applicant shall give to the Authority any information, which it may reasonably require for discharge of its functions in relation to the application.

(3) The Authority may refuse to register, proceed with or hear or determine an application, and may require that the application be appropriately amended or completed and resubmitted in its place if:-

- (a) the application form as prescribed is not duly completed by reason of any omission or misdescription;
- (b) the application form contains any error or alteration; or
- (c) the application does not comply with any other prescribed requirement.

Authority's  
decision on  
application.

50. Subject to this Part, the Authority, on an application for a licence under this Part, shall have power in its discretion:-

- (a) to grant the application in full or in part;
- (b) to grant a maximum licence of a different class or for a different permissible laden weight, passenger capacity or type of goods to be carried from that specified in the application;
- (c) to grant a licence which the area or time of operation is different from that specified in the application; or
- (d) to refuse the application.

Duration of  
licence.

51. (1)(a) A licence issued under this Part shall, unless revoked, continue in force for such period not exceeding three years from the date of issue;



- (b) when a licence is granted under this Part, the Authority shall specify the date on which the licence is to come into force and the date of its expiry, and such dates shall be inserted in the licence when it is issued.

(2) If on the date of the expiration of a licence, other than a short term licence granted under section 52, proceedings are pending before the Authority on an application by the holder of the licence for the renewal of such licence under section 55, such licence shall remain in force until the application is disposed of, but without prejudice to the exercise of the powers of suspension or revocation conferred by this Part.

Short term  
Licences.

52.(1) The Authority shall issue short term licences in order to enable a vehicle to be used temporarily -

- (a) pending the determination of the application for a longer period;
- (b) for the purpose of execution of a particular work; or
- (c) for any other purpose of limited duration.

(2) The Licence granted under subsection (1) shall remain in force for a period not exceeding three months from the date of issue, and in the case of paragraph (a) the licence shall cease to have effect from the date on which the Authority gives decision on the application.

(3) The use of public service vehicles (where change of route is involve(d) and goods vehicle, for the purpose of funerals and alike, fall under this section and shall be issued with a prescribed permit from the Commissioner of Police upon application in the prescribed form at the prescribed fees with exception of funerals.

Conditions  
which may be  
attached to  
licence.

53.(1) Subject to this Part, the Authority may attach to any licence granted under this Part such conditions as may be prescribed.





(2) The holder of a licence, or any person using, causing or permitting the use of a vehicle in respect of which a licence has been issued under this Part, who fails to comply with any of the conditions attached to the licence under this section shall be guilty of an offence and shall on conviction be liable to a fine not less than equivalent of one hundred and fifty Dollars in Shillings or imprisonment for a term not less than nine months, or both.

Statutory  
condition of  
licence.

54.(1) It shall be a condition of every licence granted under this Part:

- (a) that the authorised vehicle is maintained in a fit and serviceable condition as prescribed under this Act;
- (b) that any provision contained in this Act with respect to rules of the road, weight laden and unladen, and the loading of vehicle is complied with in relation to authorised vehicle.

(2) The holder of the licence or any person using, causing or permitting the use of a vehicle in respect of which a licence has been issued under this Part who fails to comply with any of the conditions under this section, shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of fifty Dollars in Shillings or imprisonment for a term of not less than three months, or to both.

(3) Where a court has found the holder of licence or any person using, causing or permitting the use of a vehicle guilty of failing to comply with any of the conditions specified in subsection (1) (a) or (b), the court shall send notice of such finding of guilt to the Authority.

Application for  
renewal of  
licence.

55.(1) An application for renewal of a licence shall be made in a prescribed manner before the date of the expiration of the existing licence.

(2) If the applicant fails to comply with subsection (1) within 30 days and offers no reason which the Authority thinks as reasonable, he shall apply for new licence and the Authority shall



proceed with, hear or determine such application upon payment of prescribed fines.

Application for variation.

56. Subject to this Part, on an application by the holder of a licence for a variation of the licence or the conditions thereof, the Authority shall have full power in his discretion-

- (a) to grant the application in full or in part;
- (b) to refuse the application, giving reasons thereof; or
- (c) to order any variation of the licence or the conditions thereof other than the variation specified in the application.

Temporary use of 'C' vehicle as 'A' vehicle.

57. Notwithstanding anything contained in this Part, the Authority may, in exceptional cases, and on an application in a prescribed form, authorise for a period not exceeding three months and subject to such conditions as he thinks fit to impose, the holder of a carrier's licence 'C' to use the authorised vehicle for the carriage of goods for hire or reward.

Temporary use of public service vehicle as goods vehicle.

58. Notwithstanding anything contained in this Part, the Authority may in exceptional cases, on an application and payment of prescribed fee authorise for a period not exceeding three months the holder of public service licence to use the authorised vehicle for the carriage of goods for hire or reward.

Power to revoke or suspend licence.

59.(1) The Authority may revoke or suspend any licence granted under this Part-

- (a) on the ground that any of the provisions of this Part or that any of the conditions of the licence has not been complied with;
- (b) on the ground that the grant of the licence was induced by a false representation of fact by or on behalf of the holder; or
- (c) where he is satisfied that the motor vehicle has been or is intended to be used for an unlawful purpose or



that the original purpose for which the licence was issued no longer exists:

Provided that the Authority shall not revoke or suspend the licence on the ground of the breach of any of the conditions unless he is satisfied, after giving the holder of the licence an opportunity of making any representation in writing he may wish to make, that owing to the frequency of the breach, or to the breach having been committed wilfully or to the danger to the public involved in the breach, the licence should be revoked or suspended.

(2) For the purposes of subsection (1), a breach of any of the conditions specified in subsection (1) (a) or (b) of section 54 shall be deemed to be a breach which constitutes danger to the public.

(3) Where a licence has been revoked or suspended, it shall have no effect from the date of revocation or during the period of suspension, as the case may be.

Protection of public interest.

60.(1) It is hereby declared that nothing in this Part shall be construed as conferring on the holder of a licence any right to the continuance of any benefits arising from the provisions of this Part, or from a license, or from any condition attached to a licence.

(2) The grant of a licence under this Part shall not relieve the holder from complying with the provisions of this Act in respect to motor vehicles, road traffic or use of roads.

Appeal to the Minister.

61. Subject to this Part, any person who-

- (a) being an applicant for the grant or renewal of a licence under this Part, is aggrieved by the decision of the Authority on the application or by any condition imposed by the Authority for a licence granted by it; or
- (b) being the holder of a licence granted under this Part, is aggrieved by the revocation of such licence,



may, within 21 days, from the date of service of the letter of decision of the Authority or for such longer period as the Minister may prescribe, appeal in writing to the Minister against such decision setting out the grounds of appeal.

Minister's power to appoint appeal committee.

62.(1) The Minister may, where he deems it fit to do so, appoint a committee of two or more persons to consider an appeal under section 61 and to make to the Minister its recommendations with regard to the appeal.

(2) The Minister shall give such consideration as he thinks fit to the recommendations of the Committee in arriving at his decision on the appeal.

Order on appeal to be binding.

63.(1) Subject to this Part, in giving his decision on an appeal under section 61, the Minister may confirm, reverse or vary the decision of the Authority.

(2) The decision of the Minister on an appeal shall be arrived at on the basis of the documents relating to the appeal and there may be no oral hearing of the appeal.

(3) The decision of the Minister under this section shall be binding and shall be final and conclusive.

Validity of licence extended in successful appeal.

64. Where the Minister, under section 63, allows in full an appeal against an order revoking a licence granted under this Part, the validity of the licence shall thereupon be extended by a period corresponding to that during which the licence was of no effect and such extended period shall accordingly be inserted in the licence.

Prohibition of similar application when earlier application still pending appeal.

65.(1) Where an application is made under this Part and such an application is rejected or only granted in part and the applicant thereafter appeals against such a decision, he shall not subsequently make a similar application under this Part in respect of the same class and type of vehicle, irrespective of the number of vehicles so applied, until such appeal has been determined or disposed of by the Minister.

(2) In the event that any licence is granted as a result of subsequent application before the determination of an appeal the licence so granted shall be deemed void.



Prohibition of  
use of  
unlicensed  
public service  
vehicle.

66.(1) Subject to this Part, no person shall use a motor vehicle or cause or permit a motor vehicle to be used as a public service vehicle unless there is in force in respect of such vehicle a licence granted under this Part authorising such use or otherwise than in accordance with such licence and any conditions attached thereto:

Provided that a person shall not be convicted of an offence under this section if he proves to the satisfaction of the court that he used the motor vehicle, the subject of the charge, as a taxi cab or hire car in an emergency for the purpose of conveying a sick or injured person to hospital or to bring medical aid to such person or for the purpose of making a police report to a police station and that he made all reasonable efforts to hire a taxi cab or hire car for the purpose of the journey.

(2) Any person who is found guilty of an offence under this section shall be liable on conviction to a fine not less than the equivalent of fifty Dollars in Shillings or to imprisonment for a term of not less than six months, or both.

Prohibition of  
use of  
unlicensed  
goods vehicle.

67.(1) Subject to this Part, no person shall use a goods vehicle or cause or permit a goods vehicle to be used for the carriage of goods unless there is in force a carrier's licence granted under this Part authorising such use and is used in accordance with such licence and any conditions attached thereto, and if he does so shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of seventy Dollars in Shillings or imprisonment for a term of not less three months or both.

(2) This section shall not apply-

- (a) to the use of a public service vehicle in pursuance of a licence granted under this Part when used by the licence holder in accordance with such licence and any conditions attached thereto;
- (b) to the use of a motor vehicle for the purpose of funerals;



- (c) to the use of a motor vehicle for police, fire brigade or ambulance purposes;
- (d) to the use of a motor vehicle for towing a broken down motor vehicle from a road to a place of safety or for moving goods from a broken down motor vehicle and moving such goods to a place of safety;
- (e) to the use of a motor vehicle for any specified purpose or the use of a motor vehicle of any class or description when rules made by the Minister under this Part provide that such use shall not be subject to this section;
- (f) to the use of a motor vehicle for the purpose of the Government, non profit making public body or local authority when such vehicle is owned or used by the Government, non profit making public body or local authority; and
- (g) the vehicle is used by its owner solely for the carriage of goods for or in connection with any trade or business carried on by such owner.

Alteration of authorised vehicle.

68.(1) The holder of a licence shall not make any alteration, other than by way of replacement of parts, to the structure or fixed equipment of an authorised vehicle without the approval of the Authority.

(2) If any person fails to comply with or contravenes this section he shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of seventy Dollars in Shillings or to imprisonment for a term not less than three months, or to both.

Transfer of licence prohibited.

69.(1) Subject to subsection (4), a licence granted under this Part shall be personal to the holder thereof and shall not be transferred or assigned.



(2) Except with the previous consent of the Authority, the holder of a licence shall not appoint an agent or attorney for the purpose of exercising any of the rights conferred on him and shall not cause or permit any such agent or attorney to exercise any such right.

(3) The holder of a licence granted under this Part who purports to transfer or assign the licence or causes or permits any other person to use an authorised vehicle or to provide the service authorised in the licence shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of two hundred Dollars in Shillings or imprisonment for a term not less than one year, or both.

(4) The Authority may, in the event of death, incapacity, bankruptcy or, in the case of a company, liquidation of the holder of such licence or, where a receiver or manager is appointed in relation to the business of the holder of such licence or, where for any reason the Authority is satisfied that it would be unjust not to do so, authorise the transfer of such licence.

Certain matters  
to be regarded  
by the Authority.

70. In exercising his discretion, the Authority shall have regard to the following matters:-

- (a) the extent to which the proposed service is necessary or desirable in the public interest including the interest of persons requiring, as well as those persons providing facilities for transport;
- (b) the extent to which the needs of the areas or routes proposed to be served are already met by the existing operators;
- (c) the suitability of the routes on which a service may be provided under the licence, including the general condition of the roads and the size of vehicles proposed for use;
- (d) where the applicant is already the holder of an existing licence of the same class, the extent to which he or she is providing the services for hire or reward;



- (e) the previous conduct and the antecedents of the applicant, if a body of person, the previous conduct and antecedents of the members and officers of such body;
- (f) the number and type of vehicles to be used under the proposed licence, including the need for providing for occasions when vehicles are withdrawn from service for overhaul or repair;
- (g) in the case of an application for a carrier's licence, the extent to which the applicant intends that the vehicle proposed to be used under the licence shall be used for the carriage of goods for hire or reward;
- (h) the provision of safe, adequate, suitable, comfortable and reliable services, and the elimination of wasteful competition;
- (i) any matter it may think necessary to have regard to in respect of conditions peculiar to the area or route in or on which a service is proposed;
- (j) any directions given by the Minister under section 79.

Licence to be under hand of the Authority.

71. All licences granted under this Part shall be under the hand of the Authority or any official authorised in writing by the Authority.

Authority to submit report.

72. The Authority shall submit to the Minister an annual report of the proceedings transacted by him under this Part.

Limitation on numbers of specified classes of vehicles.

73. The Minister shall, from time to time as appears necessary or desirable, fix the number of any class of public services vehicles which he considers should be authorised to be used to meet the reasonable needs of persons requiring the use of such vehicle at a particular area or route.





Classification and numbering of routes for public service vehicles.

74. The Authority may classify and number, in such a manner as may be convenient, the routes in respect of which town and stage bus licences are granted, and may publish a list of the routes so classified and numbered.

Authority to obtain opinion of Road Department.

75. When considering an application for a licence, the Authority may obtain and take into account the opinion of the appropriate road department as to the suitability of the vehicle or vehicles for the road or roads on which the applicant proposes to operate.

Authority to give reasons for refusal of licence.

76. In any case in which the Authority refuses to grant licence, or grants a licence which differs from the licence applied for or attaches conditions to which the applicant does not agree, the Authority shall, if requested by the applicant, state in writing the reasons for its decision.

Authority may make inquiries.

77. The Authority may hold such inquiries as it thinks necessary for the proper exercise of its functions under this Part including inquiries into an applicant's reliability.

Minister may revoke or suspend licence.

78. The Minister may, by order, revoke or suspend any licence granted under this Part where, in his opinion, it is necessary in the public interest to do so.

Minister may give directions.

79. The Minister may give to the Authority directions in writing of a general or specific character as to the exercise and performance by the Authority of its functions under this Part and the Authority shall give effect to such directions.

Regulations.

80. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect, and for regulating the licensing of commercial vehicles and, without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters-

- (a) the forms to be used and the information to be furnished for any of the purposes of this Part;



- (b) the procedure on application for and the determination of questions in connection with the grant, variation, surrender, suspension and revocation of licences, and conditions to be attached to licences;
- (c) the grants of licences and the issue of copies of licences in the case of licences lost or destroyed;
- (d) the means by which commercial vehicles are to be identified as authorised vehicles whether by plates, marks or otherwise and providing for distinguishing words, letters, number, colours or marks being or not being affixed to authorised vehicles;
- (e) the custody of licences, the production, return, surrender and cancellation of licences on the expiration, suspension, revocation or variation of the conditions thereof, and the custody, production return and obliteration of documents and plates;
- (f) the form of register and other records to be kept and maintained by the Authority, provisions for the opening, maintenance and closure thereof, the provisions for the inspection and taking extracts therefrom and the supply of copies thereof;
- (g) the notification to the Authority of motor vehicles which ceased to be used under a licence granted under this Part of the Act;
- (h) the records to be kept by licence holders and drivers of authorised vehicles and the returns to be made;
- (i) the determination of the number of passengers for the transport of which a certain class of motor vehicle is adapted and the number which may be transported;
- (j) the general safety, comfort and convenience of passengers carried on or by public service vehicles;



- (k) the conduct or misconduct by drivers, conductors and passengers of public service vehicles;
- (l) the badges to be worn by drivers or conductors of public service vehicles, and the form, description issue, wearing and return of these badges;
- (m) the form, construction and equipment of public service vehicles;
- (n) the amount of luggage and weight of goods to be carried in or on a public service vehicles;
- (o) the payment of fares for public service vehicle;
- (p) the prohibition on touting, or otherwise soliciting anyone to hire or use a public service vehicle;
- (q) the rights and liabilities of -
  - (i) the holders of licence for public service;
  - (ii) the drivers and conductors of public service vehicles; and
  - (iii) people hiring or using public service vehicles;
- (r) the production of licences issued under this Part to a road transport officer or a police officer;
- (s) the safe custody or disposal of any property accidentally left in a public service vehicle;
- (t) the temporary use of any vehicle in substitution for an authorised vehicle which is not fit for normal use;
- (u) the provision of any matter which in the opinion of the Minister is necessary or desirable to provide in the interest of the road transport industry in Zanzibar; and
- (v) the prescription of penalties for any breach or failure to comply with any such regulation.



## PART VI

### TESTING AND LICENSING OF DRIVERS OF MOTOR VEHICLES

#### Driving Licences

Drivers of motor vehicles to have driving licences.

81.(1) A person shall not drive on a road a motor vehicle of any class or description unless he or she is the holder of a valid driving licence authorising him or her to drive a motor vehicle of that class or description.

(2) No person who owns or is in charge of a motor vehicle of any class or description shall permit any person to drive on a public road a motor vehicle of such class or description unless such person is the holder of a valid driving licence authorising him to drive a motor vehicle of that class or description.

(3) A person who acts in contravention of subsection (1) or (2) of this section shall be liable on conviction to a fine not less than the equivalent of fifty Dollars in Shillings, or in the case of a second or subsequent conviction to a fine not less than the equivalent of one hundred and fifty Dollars in Shillings or to imprisonment for a term not less than six months or both.

Classes of Motor Vehicles.

82.(1) For the purpose of issuing driving licenses, motor vehicles shall be categorised into the following classes -

- A - motor cycle;
- B1 - private vehicle of up to 7 passenger seats;
- B - private vehicle of more than 7 passenger seats;
- C1 - goods vehicles with permissible maximum weight not exceeding 3,500 kilogrammes;
- C - goods vehicles with permissible maximum weight exceeding 3,500 kilogrammes;



- D1 - public service vehicle having not more than seven seats;
- D - public service vehicles having more than seven seats;
- E - tractors;
- G - general (all classes of motor vehicles);
- M - moped and invalid carriage.

(2) The Minister may, in consultation with the Authority, and by notice in the Gazette, vary or add the motor vehicles classes.

Minimum age  
for driving.

83.(1) Subject to the provision of this Part with respect to competence and fitness to drive, a driving licence shall not be issued to any person unless he is at least :

- (a) 16 years of age for class M;
- (b) 18 years of age for classes A, B1 and C1;
- (c) 21 years of age for classes B, C, D1 and E;
- (d) 25 years of age for class D;
- (e) 25 years of age and having capability to drive all classes of vehicles for class G.

(2) Any person applying for a driving licence of classes C, D, and E must have at least two years driving experience.

Provided that a person shall not be prohibited by virtue of this section from driving motor vehicle of any class or description if at any time before the coming into force of this Act he has held a licence, other than a provisional licence, authorising him to drive that class or description of motor vehicle or if at the time of the coming into force of this Act he holds a provisional licence.



Application for driving licence.

84.(1) Subject to the provision of section 83, any person may apply to the Authority for a driving licence for the class or description of motor vehicle he wishes to drive.

(2) Every application for a driving licence shall be in the prescribed form and shall contain the prescribed particulars.

(3) Upon making an application under this section the applicant is required to produce to the Authority either.

- (a) a certificate of competence issued to applicant after a prescribed driving test conducted not more than one year before the date of application; or
- (b) a valid international driving permit or a foreign driving licence for that class of motor vehicle issued while he was not permanently resident of Zanzibar but in a country which is a party to the 1949 or 1968 Convention on Road Traffic.

Issue of driving licence and condition thereof.

85.(1) Subject to the provision of sections 83 and 84 with respect to minimum age for and competence to drive, the Authority shall, on application being made and on payment of the prescribe fee issue a driving licence to the applicant, which shall be in the prescribed form with prescribed means of identifying the holder.

(2) A driving licence issued by the Authority under subsection (1) of this section shall authorise the holder thereof to drive such class or classes, or such type or types within any class or classes of motor vehicles as the Authority may specify therein.

(3) Where the applicant, under the provision of this Part of this Act or regulations made thereunder is subject to any restriction with respect to driving of a class or description of motor vehicle, the extent of restriction shall be specified in the driving licence in the prescribed manner.

(4) Any driving licence holder shall submit in person every six years a medical certificate from the medical practitioner of Government hospital to certify his fitness.



(5) In any proceedings the fact that a driving licence has been granted to a person shall be evidence that that person for the purpose of obtaining the driving licence, he made a declaration that he or she was not disqualified from holding or obtaining the licence.

(6) No person shall be issued with or be entitled to possess more than one driving licence and no driving licence shall be transferable to any other person.

Duration and  
renewal of  
driving licence.

86.(1) A driving licence shall, unless previously revoked or surrendered, remain in force for a period of one to three years from the date of its issue and may on application being made in the prescribed form and after payment of the prescribed fee, be renewed for a further period of one to three years.

(2) Where a driving licence has not for any reason been renewed within a period of three years from the date it expired, the licence shall lapse and shall not be renewable:

Provided that this subsection shall not apply to a person who had been abroad and who had been driving while abroad.

Custody of  
driving licence.

87. Every driver of a motor vehicle shall keep in his motor vehicle his driving licence or certified copy thereof and any driver who fails to produce the licence when required by a police or a road transport officer shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of twenty five Dollars in Shillings or a term of imprisonment not less than one month or both.

Provided that no person shall be convicted of an offence under this section by reason only of his failure to produce the driving licence or the certified copy thereof if, within twenty four hours after being so required, he produces it at such police station or any place as may be specified at the time of making such requirement.

Recognition and  
registration of  
foreign drivers.

88.(1) A person who is a holder of international driving licence or foreign driving licence issued as prescribed in the 1949 Geneva Convention and 1968 Vienna Convention, such licence shall be recognised as a licence issued under this Act.



(2) Any person who is a holder of a valid driving licence issued under the corresponding provisions of any law in force in any country which is a party of a treaty to which Tanzania is also a party and which purports to recognise domestic licences issued by the contracting countries shall, so long as such licence remains in force in that country, be deemed to be a driving licence granted under this Act.

(3) Where a holder of an international driving licence extends his stay in Zanzibar after the expiration of such licence or where a holder of any other foreign licence recognised as licence issued under this Act and extends his stay in Zanzibar for more than six months, such licence shall be deemed not to be valid in Zanzibar.

(4) Except in special cases that may be prescribed before driving in Zanzibar, holders of international and foreign driving licences are required to present their licences to the Authority for verification and registration on payment of prescribed fee.

Duplicate driving licence.

89. If a driving licence is lost, defaced or mutilated the Authority shall, on request being made to him on the prescribed form, and if he is satisfied that the request is justified, and on payment of prescribed fee, issue a duplicate thereof to person to whom the driving licence had been issued:

Provided that where any driving licence which has been lost is subsequently found, the person to whom the duplicate thereof has been issued shall forthwith deliver up such duplicate to the Authority.

Revocation etc, of driving licence by the Authority.

90.(1) If it appears to the Authority that there is reason to believe that any person who holds a driving licence granted under this Act is suffering from a disease or physical disability likely to cause the driving by him of a motor vehicle of any such class or such form of construction as he is entitled by the licence to drive to be a source of danger to the public, and on inquiry into the matter the Authority is satisfied that the driving licence holder is suffering from such a disease or disability as aforesaid then, whether or not the licence holder so suffering as aforesaid has previously passed a test under this Act, the Authority may, after giving to the licence holder notice of his intention so to do, revoke the driving licence.





Provided that, except in the case of any of such diseases and disabilities as may be prescribed, if the licence holder produces a certificate from a Government medical practitioner stating that, in the opinion of such medical practitioner, the licence holder is physically fit to drive a motor vehicle of such class or such form of construction as he is entitled by the licence to drive, the licence shall not be revoked.

(2) If it appears to the Authority that the holder of a driving licence is so deficient in driving ability as to be a source of danger to the public, the Authority may order the driving licence holder to undergo a driving test and if the licence holder fails to pass such test the Authority shall revoke the licence.

(3) The Authority shall restore the driving licence of a person whose licence has been revoked under this section -

(a) if, in the case of licence revoked under subsection (1), such person produces a certificate from a Government medical practitioner stating that in the opinion of such medical practitioner the licence holder has recovered from the disease or disability he was suffering and has thereby become physically fit to drive a motor vehicle of any such class or form of construction as he was authorised by the licence to drive.

(a) if, in the case of a licence revoked under subsection (2), such a person passed a subsequent driving test.

Learners'  
licences.

91.(1) For the purpose of enabling an applicant for the grant of a driving licence to learn to drive a motor vehicle with a view to passing a test of competence to drive, the Authority may, on application in a prescribed manner, and on payment of such fee as may be prescribed, grant him a learner's licence.

Provided that no such licence shall be granted except after production of a birth certificate or an affidavit evidencing the age of the applicant, a certified medical certificate from government hospital to prove his physical fitness and further proof that the applicant has made arrangement to attend a recognised driving school.



(2) Learner's licence shall be valid for three months and may in the discretion of the Authority be renewed for a further period of three months at a time upon payment of the prescribed fee but no learner's licence shall be renewed after a period of ten months from the date of its issue unless the applicant has, within such period of ten months, submitted himself for at least one driving test.

(3) A learner's licence shall be in the prescribed form and granted subject to the prescribed conditions.

(4) Notwithstanding the provision of section 81 the holder of a valid learner's licence may drive on a road a motor vehicle of such class or form of construction as he is authorised by the licence to drive without being in possession of a driving licence.

(5) If a person to whom a learner's licence is granted fails to comply with any of the conditions subject to which it is granted, he shall be liable on conviction to a fine not less than the equivalent of thirty five Dollars in Shillings or on a second or subsequent conviction to a fine not less than the equivalent of seventy Dollars in Shillings, or to imprisonment for a term not less than three months.

(6) Any driver who wishes to get a driving licence for another class of a motor vehicle shall be obliged to take a learner's licence for at least one month and attend a recognised driving school before he submits himself for a test.

Appeal against  
refusal or  
revocation of  
licence.

92.(1) A person who is aggrieved by the refusal under sections 85 and 91 of this Act of the Authority to grant a driving licence or a learner's licence, or by the revocation thereunder of a driving licence, or by the refusal under the last foregoing section of Authority to grant a licence, may, within 21 days, after such refusal or revocation, appeal to the Minister against such refusal or revocation and such person shall serve a copy of the appeal to the Authority.

(2) After receipt of the copy of the appeal referred to in subsection (1), the Authority shall furnish to the Minister with reasons for the refusal or revocation to which such appeal refers.



(3) The Minister may after considering the appeal give such decision as he may deem fit and an order so made shall be binding on the Authority and on the appellant.

Identification marks for vehicles used in driving lessons.

93. When a motor vehicle is being used for the purposes of instructing a learner driver it shall display such identification marks and in such manner as may be prescribed.

Driving tests.

94.(1) A learner driver may, at any time after one month from the date when a learner's licence was first issued to him, apply to the Authority for a driving test

(2) The application for the driving test shall be in a prescribed form and shall be submitted to the Authority together with a learner's licence of the applicant.

(3) Driving tests shall be conducted upon the payment of prescribed fee by certifying officers in such a manner as may be prescribed or as the Minister may direct.

(4) Notwithstanding the provision of subsection (2) where the Authority is of opinion that an applicant for a driving test is experienced in driving motor vehicle he may accept the application for a test whether or not he submits a learner's licence.

Certificate of Competence.

95. If the certifying officer is satisfied that --

- (a) the applicant is competent to drive a motor vehicle of the class of which he desires a driving licence;
- (b) the applicant has a good knowledge of the rules of the road, the highway code, the road signals and the road signs,

he shall issue to the applicant a certificate of competence in the prescribed form.

Disqualification on conviction of certain offences.

96.(1) The court before which a person is convicted of an offence under this Act -



- (a) may, subject to any limitation specified in relation to that offence (if any) order him to be disqualified from holding or obtaining a driving licence for such period as the court thinks fit;
- (b) if the conviction is one involving obligatory disqualification, shall, without prejudice to the power to order a longer period of disqualification, order him to be disqualified as aforesaid in accordance with any provisions of this Act as to the period of disqualification, unless under those provisions it is permissible for the court to order otherwise and it so orders in accordance with those provisions.

(2) The obligation imposed by paragraph (b) of the foregoing subsection to order a person to be disqualified if convicted of an offence shall not apply to a conviction of aiding, abetting, counselling or procuring, or inciting to the commission of the offence; and in the case of an offence under section 102 of this Act the power conferred by paragraph (a) of subsection (1) of this section shall not be exercisable in respect of such a conviction as aforesaid unless it is proved that he was present in the vehicle at the time of the commission of the offence.

(3) The court before which a person is convicted of an offence under section 102 or 103 of this Act or under subsection (1) of section 123 thereof may, whether he has previously passed the prescribed test of competence to drive or not and whether or not the court makes an order under subsection (1) of this section, order him to be disqualified for holding or obtaining a licence to drive a motor vehicle until he has, since the date of the order, passed that test; and a disqualification by virtue of an order under this subsection shall be deemed to have expired on production to the Authority of evidence in the prescribed form that the person disqualified has, since the order was made, passed that test.

Appeal against disqualification and rule for determining end of period thereof.

97.(1) A person disqualified by an order of a court for holding or obtaining a licence may appeal against the order in the same manner as against a conviction, and the court by or before which he was convicted may, if it thinks fit, pending the appeal, suspend the disqualification.



(2) In determining the expiration of the period for which a person is disqualified by an order of a court made in consequence of a conviction for holding or obtaining a licence, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

Removal of  
disqualification.

98.(1). Subject to the provisions of this section, a person who by an order of a court is disqualified for holding or obtaining a licence may apply to the court by which the order was made to remove the disqualification, and on any such application the court may, as it thinks proper having regard to the character of the person disqualified and his conduct subsequent to the order, the nature of the offence, and any other circumstances of the case, either by order remove the disqualification as from such date as may be specified in the order or refuse the application.

(2) No application shall be made under the foregoing subsection for the removal of a disqualification before the expiration of whichever is relevant of the following periods from the date of the order by which the disqualification was imposed, that is to say –

- (a) six months, if the disqualification is for less than a year;
- (b) one half of the period of the disqualification, if it is for less than six years but not less than a year;
- (c) three years in any other case;

(3) In determining the expiration of the period after which under subsection (2) a person may apply for the removal of a disqualification, any time after the conviction during which the disqualification was suspended or he was not disqualified shall be disregarded.

(4) Where an application under subsection (1) of this section is refused, a further application thereunder shall not be entertained if made within six months after the date of the refusal.



(5) If under this section a court orders a disqualification to be removed, the court shall cause particulars of the order to be endorsed on the licence previously held by the applicant and the court shall in any case have power to order the applicant to pay the whole or any part of the costs of the application.

(6) The foregoing provisions of this section shall not apply where the disqualification was imposed by order under subsection (3) of section 96 of this Act.

Disqualification of persons under age.

99. A person who under section 83 of this Act is prohibited by reason of his age from driving a motor vehicle of any class or description is disqualified from holding or obtaining a licence other than a licence authorising him to drive such motor vehicles, if any, as he is not by the said section 83 forbidden to drive.

Disqualification to prevent duplication of licences.

100. A person is disqualified for obtaining a licence authorising him to drive a motor vehicle of any class or description so long as he is the holder of another licence authorising him to drive a motor vehicle of that class or description, whether the licence is suspended or not.

Effect of disqualification.

101.(1) Where the holder of a licence is disqualified by an order of a court from holding or obtaining a licence, the licence shall be suspended so long as the disqualification continues in force, and during the time of suspension shall be of no effect.

(2) A licence obtained by any person disqualified from holding or obtaining a licence shall be of no effect.

(3) Notwithstanding anything in this Part of this Act, a person disqualified by order of a court under subsection (3) of section 96 of this Act shall (unless he is disqualified from holding or obtaining a licence otherwise than by virtue of such an order) be entitled to obtain and to hold a learner's licence to be granted (where the person disqualified is the holder of a licence, by the licensing officer by which that licence was grante(d) under section 91 of this Act, and to drive a motor vehicle in accordance with the conditions subject to which the learner's licence is granted.



Offence of applying for or obtaining licence, or driving, while disqualified.

102. If a person disqualified from holding or obtaining a licence -

- (a) applies for or obtains a licence while he is so disqualified; or
- (b) while he is so disqualified drives on a road a motor vehicle, or if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that class or description,

shall be liable on conviction to imprisonment for a term not less than one year, or, if the court thinks that having regard to the special circumstances of the case a fine would be an adequate punishment for the offence, to a fine not less than the equivalent of five hundred Dollars in Shillings, or to both such imprisonment and such fine.

Forgery, etc. of driving licences, etc.

103. If, with intent to deceive, any person -

- (a) forges or fraudulently alters or uses or fraudulently lends to or allows to be used by any other person a driving licence, learner's licence or a certificate of competence;
- (b) makes or has in his possession any document so closely resembling such licences or certificate as to be calculated to deceive;

shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of five hundred Dollars in Shillings, or in case of the second or subsequent conviction to a term of imprisonment not less than two years.

Endorsement of licences.

104.(1). The court before which a person is convicted of an offence under this Act may order that particulars of the conviction shall be endorsed on any licence held by him; and particulars of a conviction so endorsed may be produced as *prima facie* evidence of the conviction.



(2) Where the court orders a person to be disqualified for holding or obtaining a licence, the court shall exercise the power conferred by the foregoing subsection, and the particulars to be endorsed on the licence shall include particulars of the disqualification.

(3) Where the conviction is one involving obligatory endorsement, then without prejudice to the last foregoing subsection the court shall exercise the power conferred by subsection (1) of this section unless it is permissible for the court to order otherwise and it so orders in accordance with those provisions.

(4) An order that the particulars of a conviction or of a disqualification to which the convicted person has become subject are to be endorsed on any licence held by him shall, whether he is at the time the holder of a licence or not, operate as an order that any licence he may then hold or may subsequently obtain shall be so endorsed until he becomes entitled under the following provisions of this section to have a licence issued to him free from endorsement.

(5) Where an order is made requiring any licence held by an offender to be endorsed, then -

- (a) if he is at the time the holder of a licence he shall, if so required by the court, produce the licence within five days or such longer time as the court may determine for the purpose of endorsement; and
- (b) if he is not then the holder of a licence, but subsequently obtains a licence, he shall within five days after so obtaining the licence produce it to the court for the purpose of endorsement,

and a person who fails to comply with this subsection, shall be liable on conviction to a fine not less than the equivalent of seventy Dollars in Shillings, or in the case of a second or subsequent conviction to a fine not exceeding one hundred fifty Dollars in Shillings, or to imprisonment for a term not less than three months; and a licence required to be produced by or under this subsection which is not produced within the time specified in that behalf shall





be suspended from the expiration of that time until it is produced for the purpose of endorsement and during the time of suspension shall be of no effect.

(6) On the issue of a new licence to a person, the particulars endorsed on any previous licence held by him shall be copied on to the new licence unless he has previously become entitled under the following provisions of this section to have a licence issued to him free from endorsement.

(7) If a person whose licence has been ordered to be endorsed and who has not previously become entitled under the following provisions of this section to have a licence issued to him free from endorsement applies for or obtains a licence without giving particulars of the order, he shall be liable on conviction to a fine not less than the equivalent of sixty Dollars in Shillings, or term of imprisonment not less three months, and any licence so obtained shall be of no effect.

(8) Where an order has been made in respect of a person under this Part requiring the endorsement of any licence held by him he shall, after payment of prescribed fee and surrender of any subsisting licence, be entitled to be issued a new licence free from endorsements -

- (a) if has, during a continuous period of three years or upwards since the order was made, had no such order made against him, or no such order other than an order made more than one year before the date of his application and by reason only of a conviction for the offence of driving a motor vehicle at a speed exceeding a speed limit; or
- (b) where the order was made by reason only of such a conviction as aforesaid and immediately before the order was made he was the holder of, or was entitled to have issued to him, a licence free from any endorsement or free from any endorsement except of particulars in relation to such a conviction as aforesaid, if he has during a continuous period of one year or upwards since the order was made had no order requiring endorsement made against him.



Provided that in reckoning the said continuous periods of three years and one year respectively, any period during which the applicant was by virtue of the order disqualified for holding or obtaining a licence shall be excluded.

Supplementary provisions as to disqualifications and endorsements.

105.(1) Where a court orders particulars to be endorsed on a licence held by a person, or where by an order of a court a person is disqualified from holding or obtaining a licence, the court shall send notice of the order to the Authority and, in a case where a person is so disqualified, shall also on the production of the licence for the purpose of endorsement retain the licence and forward it to the Authority and the Authority shall keep the licence until the disqualification has expired or been removed and the person entitled to the licence has made a demand in writing for its return to him.

(2) Where on appeal against any such order the appeal is allowed, the court shall send notice thereof to the Authority.

(3) Where a person is disqualified by order of a court under subsection (3) of section 96 of this Act, then on the return to him of any licence held by him, or on the issue to him of a licence, there shall be added to the endorsed particulars of the disqualification a statement that the person disqualified has, since the order was made, passed the prescribed test.

#### **Driving schools and instructors**

Prohibition on operating driving school without Permit.

106.(1) No person shall establish or operate a driving school unless he has obtained a permit to do so from the Authority and holds a licence under the law relating to trading activities.

(2) An applicant for a driving school permit shall submit his application in the prescribed form and make payment of the prescribed fee to the road transport licensing officer for onward transmission to the Authority.

(3) If the Authority is satisfied that the applicant for a driving school is qualified, has no previous convictions and has adequate facilities for that purpose he shall, upon payment of the prescribed fee, issue him a permit.



(4) A permit for a driving school shall be valid for one year from the date of its issue.

(5) Any person who contravenes subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine of not less than the equivalent of two hundred seventy Dollars in Shillings or imprisonment for a term of not less than eighteen months or to both.

Prohibition to provide driving instructions without a licence.

107.(1) No person shall in return for a reward instruct or supervise another person in the driving of a motor vehicle on a public road unless such person holds a valid instructor's licence issued to him by the Authority.

(2) A person shall not engage or permit another person to act as a driving instructor unless that other person holds a valid instructors licence issued by the Authority.

Provided that the Authority may, on application by the learner driver and on payment of prescribed fee, allow any holder of an appropriate and valid driving licence to provide driving lessons to the applicant subject to the requirement of section 91(1) with respect to learner drivers attending recognised driving schools.

(3) Any person who contravenes subsections (1) and (2) of this section shall be guilty of an offence and on conviction shall be liable to a fine of not less than the equivalent of one hundred and seventy five Dollars in Shillings or to imprisonment for a term of not less than twelve months or to both.

Requirements for instructor's licence.

108. The instructors licence shall not be issued to any applicant unless he has met the requirements with respect to age, driving experience and others as prescribed.

Application.

109. An application for an instructor's licence shall be made to the Authority in the prescribed form.

Medical certificate, etc.

110.(1) The Authority may require an applicant for an instructor's licence to submit to:

- (a) a medical examination by approved medical practitioner to determine the physical and mental fitness of such applicant.



- (b) an examination and a test by a certifying officer or any competent person nominated by the Authority in order to determine the competence of such applicant to act as an instructor of drivers or learner drivers.

(2) The applicant shall bear the costs of the medical examination carried out as stipulated in subsection (1) and shall pay the fee for an examination for an instructor's licence.

Determination of Application.

111.(1) The Authority shall, if satisfied that an applicant referred to in section 109 is a competent, fit and proper person to act as an instructor of drivers and learner drivers, issue upon payment of the prescribed fee, an instructor's licence in the prescribed form to such applicant.

(2) An instructor's licence shall be valid for one year from the date of its issue and may on application being made in the prescribed form and after payment of prescribed fee, be renewed annually.

Conditional licence.

112.(1). A licence may be issued subject to such conditions as the Authority may determine and such conditions may include a condition restricting the licence holder to acting as a driving instructor in respect of motor vehicles of a specified class or construction.

(2) Where a licence is issued subject to conditions, the Authority shall, on the applicant's request, serve on the applicant a notice setting out the reasons for the decision to impose the conditions.

(3) During the duration of licence the Authority may, by request of the holder of licence, do either or both of the following:

- (a) revoke or vary any conditions imposed on the licence;
- (b) impose new conditions on the licence.



(4). Any person who contravenes any conditions to which the licence is subject to subsection (1) shall be guilty of an offence and on conviction shall be liable to a fine of not less than the equivalent of seventy five Dollars in Shillings or to imprisonment for a term of not less than three months or to both.

Regulations.

113. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect and for regulating driver licences and, without prejudice to the generality of the foregoing provisions, may make regulations-

- (a) to regulate the grant of driving licences or learners licences, to prescribe the form of application for, and the form and content of, such licences, and to prescribe the conditions to be attached thereto;
- (b) to provide for the examination and testing of applicants for driving licences, and the manner in which applicants are to be tested;
- (c) to require persons who are-
  - (i) applicants for driver licence or renewal or variation of driver licence; and
  - (ii) holders of drivers licences,to submit to test or medical or other examinations to assess fitness to obtain, hold, or continue to hold a driver licences, or a varied driver licence;
- (d) to provide for the proper recording and maintenance of the registers of driving licences issued under this Part, the correction, alteration or cancellation of entries in such registers and the issue of duplicates or substitutes for the driving licence if the original has been lost, destroyed, or defaced, or any particulars therein have been illegible;



- (e) to require any person submitting himself for a test of competence to drive to provide a motor vehicle for the purposes thereof;
- (f) to provide for or with respect to -
  - (i) the registration of schools or establishments for the instructions of drivers of motor vehicle; licensing driving instructors and eligibility criteria for issue of instructors licences;
  - (ii) the driver training schemes; and
  - (iii) the accreditations of driving instructors including the conduct and content of driving instructions and examinations;
- (g) to provide for or with respect to-
  - (i) the issue or refusal to issue driver licences;
  - (ii) the renewal or the refusal to renew driver licences;
  - (iii) the imposition of conditions on the driver licences; and
  - (iv) the replacement of or refusal to replace driver licences;
- (h) to provide for or with respect to the cancellation, variation and suspension of driver licences;
- (l) to fix the duration for which a driver licence or renewal remains in force;
- (j) to require the production of information by applicants for driver licences, or for renewal or variation of driver licences or holder of driver licences;
- (k) to prescribe different classes and kinds of driver licence, grade each class or kind by reference to driving skills required for the class or kind, and prescribe the eligibility criteria for the issue of each class or kind of licence;



- (l) to provide the circumstances in which driver licence must be returned to the Authority;
- (m) to require the holder of driver licence other than that issued by the Authority or similar authorities in Tanzania Mainland to submit to test or medical or other examination to assess the person's fitness to drive in Zanzibar;
- (n) to specify the persons who are forbidden to drive motor vehicles or any class of motor vehicles because of physical or mental conditions and providing for the test to be carried out on such persons and standards by which a person shall be deemed to be incapable of driving a motor vehicle;
- (o) to provide for the communication by Licensing Officers to one another, and to persons exercising similar functions in Tanzania Mainland particulars of driving licences; to provide that at any time particulars in respect of any persons who are disqualified from holding or obtaining licences or whose licences are suspended or endorsed are available for use by the police to prevent any person from holding more than one driving licence and to facilitate the identification of holders of driving licences;
- (p) to exempt with or without conditions any person or class of persons from the operation of all or any of provisions this Part; and
- (q) to prescribe penalties for any breach or failure to comply with any such regulation.

## PART VII

### SAFETY AND TRAFFIC MANAGEMENT

#### *Rules of the road*

114. Every driver of a vehicle shall observe all rules for the guidance of drivers, which may be prescribed. Failure on the part of a driver to observe any such rule shall not of itself be regarded as an offence but such failure may in any proceedings (whether civil or criminal and including proceedings for an offence under this Act) be relied upon by any party as tending to establish or negate any liability which is in question in such proceedings.

Drivers to observe rules which may be prescribed.



### Offences Connected with Driving of Motor Vehicles

Causing death  
by reckless or  
dangerous  
driving.

115.(1) A person who causes the death of another person by the driving of a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, (including the nature, condition and size of the road, and the amount of traffic which is or might reasonably be expected to be on the road) shall be liable on conviction to imprisonment for a term not less than seven years.

(2) The court in which a person is charged with an offence under this section may, in the exercise of its discretion and upon a request so made by the prosecution, order that the driving licence of the person charged be suspended pending final determination of the matter.

(3) Upon the trial of a person for manslaughter in connection with the driving of a motor vehicle by him, it shall be lawful for the court if it is satisfied that he is guilty of an offence under this section, to find him guilty of that offence.

(4) The court shall order particulars of any conviction under this section to be endorsed on any driving licence held by the person convicted.

(5) A person convicted under this section shall be disqualified from holding or obtaining a driving license for a period of not less than three years from the date he completes to serve the conviction and, in the case of a second or subsequent conviction, be disqualified for a period of five years from the date of completing to serve the conviction.

Reckless, and  
dangerous,  
driving  
generally.

116.(1) If a person drives a motor vehicle on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case (including the nature, condition and size of the road, and the amount of traffic which is or might reasonably be expected to be, on the road) shall be liable on conviction to a fine not less than equivalent of one hundred Dollars in Shillings, or to imprisonment for a term not less than six months or to both such fine and such imprisonment, or in





the case of a second or subsequent conviction to a fine not less than the equivalent of three hundred Dollars in Shillings, or to imprisonment for a term not less than one year or both such fine and such imprisonment.

(2) If upon the trial of a person for an offence against section 115 of this Act the court is not satisfied that his driving was the cause of the death but are satisfied that he is guilty of driving as mentioned in subsection (1) of this section, it shall be lawful for the court to convict him of an offence under this section.

(3) The court shall order particulars of any conviction under this section to be endorsed on any driving licence held by the person convicted.

(4) A person convicted under this section shall be disqualified from holding or obtaining a driving licence for a period of three years from the date of the conviction and, in the case of a second or subsequent conviction, be disqualified for a period of five years from the date of the conviction.

Careless, and  
inconsiderate,  
driving.

117.(1) If a person drives a motor vehicle on a road without due care and attention, or without reasonable consideration for other persons using the road, he shall be liable on conviction to a fine not less than the equivalent of one hundred fifty Dollars in Shillings or imprisonment for a term not less than six months, or in the case of a second or subsequent conviction to a fine not less than the equivalent of two hundred fifty Dollars in Shillings, or to imprisonment for a term not less than one year or to both.

(2) The court shall order particulars of any conviction under this section to be endorsed on any driving license held by the person convicted.

(3) On a second or subsequent conviction under this section, the court shall exercise the power conferred by this Part ordering that the offender shall be disqualified from holding or obtaining a driving license unless the court having regard to the lapse of time since the date of previous conviction or for any other reason (which reason shall be stated in the order), thinks fit to order otherwise, but this provision shall not be construed as affecting the



right of the court to exercise the power aforesaid on a first conviction.

Speeding.

118.(1) A person convicted of an offence of driving a motor vehicle on a road at a speed exceeding a statutory speed limit shall be liable on conviction to a fine not less than the equivalent of seventy five Dollars in Shillings, or in the case of a second or subsequent conviction to a fine not less the equivalent of one hundred fifty Dollars in Shillings or imprisonment for a term of not less than three months or both.

(2) A person prosecuted for such an offence as aforesaid shall not be liable to be convicted solely on the evidence of one witness to the effect that in the opinion of the witness the person prosecuted was driving the vehicle at a speed exceeding a specified limit.

Provided that the speed recorded by a speedometer shall, unless proven otherwise, be conclusive proof of the speed so recorded.

(3) The court shall, unless for any special reasons it thinks fit to order otherwise, order particulars of any finding of guilt under this section be endorsed on a driving licence of the person convicted.

(4) A first or second conviction for an offence under this section shall not render the offender liable to be disqualified from holding or obtaining a driving licence for a longer period than six months for a first conviction or twelve months for a second conviction.

Driving  
unreasonably  
slowly.

119. Any driver of a motor vehicle or trailer who, without reasonable excuse, drives the vehicle at such unreasonably low speed as is likely to cause obstruction to the traffic on the road or annoyance to the other road users shall be guilty of an offence and shall be liable on conviction to a fine not less than the equivalent of fifteen Dollars in Shillings or in the case of second or subsequent conviction to a fine not exceeding the equivalent of forty Dollars in Shillings or to a term of imprisonment not exceeding three months or both.



Public service  
vehicles  
carrying greater  
number of  
passengers than  
authorised.

120.(1) It shall not be lawful for a public service vehicle to carry a greater number of passengers than it is licensed to carry.

(2) If a public service vehicle carries passengers in contravention of the provisions of this section the driver, the conductor and any other person in charge of the vehicle shall be guilty of an offence and be liable on conviction to a fine not less than the equivalent of ten Dollars in Shillings plus five Dollars for each passenger in excess or in the case of second or subsequent conviction to a fine not less than the equivalent of fifteen Dollars in Shillings for each passenger in excess or term of imprisonment not exceeding three months.

(3) Any passenger who is an excess under subsection(2) of this section and has not secured a seat shall be guilty of an offence and shall be liable on conviction to a fine of not less than the equivalent of two Dollars in Shillings.

(4) For the purposes of this section "passenger" means a person of ten years and over or two children under the age of ten years but does not include the driver or conductor or children under the age of two years provided they do not occupy a seat.

Over-and  
Bad loading.

121.(1) It shall not be lawful for a motor vehicle or trailer to carry a load that will make it exceed its maximum gross weight allowed by an examining officer.

(2) If a motor vehicle or trailer carries a load in contravention of subsection (1) of this section the driver or any person who is shown to the satisfaction of the court to have been responsible for the loading of the motor vehicle or trailer shall be guilty of an offence and be liable on conviction to a fine not less than the equivalent of twenty Dollars in Shillings or in the case of a second or subsequent conviction to a fine not less than the equivalent of fifty Dollars in Shillings or to imprisonment for a term of not less than three months or to both.

(3) Every load carried on a motor vehicle or trailer shall be so arranged and, if necessary, secured to prevent it from -



- (a) endangering persons, or causing damage to public or private property, more particularly trailing on or falling on the road;
  - (b) obstructing the drivers view or impairing the stability or driving of the vehicle;
  - (c) causing noise, raising dust or sand, or creating any other nuisance which can be avoided;
  - (d) concealing registration number plates, lights including the prescribed stop lights, direction indicators and reflectors, or concealing signals given by arm.
- (4) All accessories, such as cables, chains, ropes, canvass and others, used to secure or protect the load shall be drawn tight around the load and be firmly fastened.
- (5) Loads projecting beyond the rear of the motor vehicle or trailer shall be clearly marked in the prescribed manner but in no case shall any load protrude more than 1.83 metres (6 feet) at the rear and more than 0.15 metres (6 inches) from the side(s) of the motor vehicle or trailer.
- (6) If a motor vehicle or trailer is used on a road in contravention to subsections (3), (4) and (5) of this section the driver of the motor vehicle or trailer, or any person who is shown to the satisfaction of the court to have been responsible for the loading of the motor vehicle or trailer, shall be guilty of an offence and liable on conviction to a fine not less than the equivalent of ten Dollars in Shillings, or in the case of a second or subsequent conviction to a fine not less than the equivalent of twenty Dollars in Shillings or to imprisonment for a term of not less than three months, or both.
- (7) For the purpose of subsection (1) of this section with respect to over loading, persons travelling in the motor vehicle shall be deemed to be part of the load.



Restriction on driving under age.

122. A person who drives, or causes or permits a person to drive, a motor vehicle in contravention of the provisions of this Act relating to the minimum age for driving motor vehicle of different classes and description shall be liable on conviction to a fine not less than the equivalent of seventy five Dollars in Shillings, or in the case of a second or subsequent conviction to a fine not less than the equivalent of one hundred fifty Dollars in Shillings or to imprisonment for a term not less than six months.

Driving, or being in charge, when under influence of drink or drugs or with alcohol above prescribed limit.

123.(1) A person who, when driving or attempting to drive a motor vehicle on a road or other public place-

- (a) is under the influence of intoxicating liquor or drug, to such an extent as to be incapable of having proper control of the vehicle; or
- (b) has so much alcohol in his body that the proportion of it in his breath, blood or urine exceeds the prescribed limit

shall be guilty of an offence and on conviction shall be liable to a fine not less than the equivalent of seventy five Dollars in Shillings or to imprisonment for a term not less than six months or to both such fine and such imprisonment, and in the case of a second or subsequent conviction to a fine not less the equivalent of two hundred fifty Dollars in Shillings or to imprisonment for a term not less than one year or to both such fine and such imprisonment.

(2) A person who, when in charge of a motor vehicle which is on a road or other public place (but not driving the vehicl(e), is unfit to drive through drink or drugs or has so much alcohol in his body that the proportion of it in his breath, blood or urine exceeds the prescribed limit shall be guilty of offence and on conviction shall be liable to a fine of not less than the equivalent of fifty Dollars in Shillings or to imprisonment for a term of not less than three months and in the case of second or subsequent conviction shall be liable to a fine of not less than the equivalent of hundred Dollars in Shillings or to imprisonment for a term of not less than six months or to both.



(3) A person shall be deemed for the purposes of subsection (2) not to have been in charge of a motor vehicle if he proves -

- (i) that at the material time the circumstances were such that there was no likelihood of his driving the vehicle so long as he remained unfit to drive through drink or drugs; and
- (ii) that between his becoming unfit to drive as aforesaid and the material time he had not driven the vehicle on a road or other public place.

(4) A police officer may arrest without warrant a person committing an offence under this section.

(5) Where a person convicted of an offence under subsection (2) of this section has been previously convicted of an offence under subsection (1) thereof, he shall be treated for the purposes of the said subsection (2) as having been previously convicted under that subsection.

(6) It is a defence for a person charged with an offence under subsection (2) to prove that at the material time the circumstances were such that there was no likelihood of his driving the vehicle whilst the proportion of alcohol in his breath, blood or urine remained likely to exceed the prescribed limit.

(7) On a second or subsequent conviction of an offence under this section, the offender shall, unless the court for special reason thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of not less than 15 months from the date of conviction from holding or obtaining a driving licence.

Breath test.

124.(1) Any police officer may require any person driving or attempting to drive or in charge of motor vehicle or trailer on a road or other public place to provide a specimen of breath for breath test or to accompany him to a police station or the surgery of a approved medical practitioner to provide a specimen of blood for a blood test if the police officer has reasonable cause to suspect:-



- (a) that a person has committed an offence under section (123) ; or
- (b) that a person was the driver of or attempted to drive or was in charge of a motor vehicle in an accident involving one or more vehicle on a road or other public place.

(2) A breath test required under subsection (1) shall be conducted by the police officer making the requirement or any other police officer, and if any person without reasonable excuse, fails to provide a specimen of breath when required to do so in pursuance of this section, shall be guilty of an offence and on conviction shall be liable to a fine of not less than the equivalent of fifty Dollars in Shillings or imprisonment for a term of not less than three months and in case of a second or subsequent conviction to a fine of not less than the equivalent of one hundred Dollars in Shillings or imprisonment for a term of not less than six months or to both such fine and imprisonment.

(3) A police officer in uniform may arrest a person without warrant if he has a reasonable cause, due to a result of breath test that the proportion of alcohol in that person's breath, blood or urine exceeds the prescribed limit or if that person has failed to provide a specimen of breath for a breath test when required to do so in pursuance of this section and the police officer has a reasonable cause to suspect that he has alcohol in his body, but a person shall not be tested by virtue of this subsection when he is at a hospital as a patient.

Testing of patient at hospital.

125.(1). A person who is at a hospital as a patient shall be required to provide a specimen for breath test or to provide a specimen of blood and urine for a laboratory test after the approved medical practitioner in immediate charge of his case authorizes it and the specimen is to be provided at the hospital.

(2) The approved medical practitioner referred to in subsection (1) shall not authorise a specimen to be taken where it would be prejudicial to the proper care and treatment of the patient.



Detention of person while affected by alcohol.

126.(1) A person required to provide a specimen of breath, blood or urine may thereafter be detained at a police station until it appears to a police officer that were that person then driving or attempting to drive a motor vehicle on a road, he would not be committing an offence of driving while under influence of drink or drugs, but such period shall not exceed twenty four hours.

(2). A person shall not be detained in pursuance of this section if it appears to a police officer that by reason of his condition there is no likelihood of driving or attempting to drive a motor vehicle.

Motor racing on roads.

127.(1) No promotion, competition or trial of speed or race involving the use of vehicle shall take place on public road without the previous written approval of the Minister.

(2). Any person who promotes, advertises or assists in the organization or supervision of any competition or trial of speed which has not been so approved shall be guilty of an offence and on conviction shall be liable to a fine not less than the equivalent of three hundred fifty Dollars in Shillings or imprisonment for a term not less than two years or to both.

(3). Any person who takes part in, or any driver or person in charge of any vehicle used in any competition, or race or trial of speed which has not been approved, shall be guilty of an offence and shall :-

- (a) in the case of a first conviction, be liable to a fine not less than the equivalent of seventy five Dollars in Shillings or imprisonment for a term not less six months or both and if the court deems it appropriate shall order that the person so convicted be disqualified from holding or obtaining a driving licence for a period of one year.
- (b) in the case of a second or subsequent conviction be liable to a fine not less than the equivalent of one hundred fifty Dollars in Shillings or to imprisonment for a term not less than twelve months or both, and if the court thinks fit, shall be





disqualified from obtaining or holding a driving licence for a period of three years.

- (4) The Minister may -
- (a) give or refuse to give an approval under subsection (1);
  - (b) impose any condition (whether of general or limited application) that he considers necessary in the interest of public safety and convenience.

(5) Before giving an approval under subsection (1), the Minister shall -

- (a) consult the Commissioner of Police; and
- (b) take reasonable steps to seek, and take into account, the views of anyone who would be, in the Minister's opinion, likely to be affected if the approval were granted or refused:

Provided that failure to comply with paragraph (b) shall not affect the validity of the approval.

(6). Any police officer may arrest without warrant any person committing an offence under subsection (3) and may seize and detain for the purposes of proceedings under this Act any vehicle used in any competition or trial of speed which has not been so approved.

Duty of driver to stop for a State motorcade.

128.(1) On the approach and during the passing of the State motorcade the driver of every vehicle on the road shall -

- (a) where the road is demarcated into one traffic lane for his direction of travel, draw his vehicle to a halt at the extreme left of the road; or
- (b) where the road is demarcated into two traffic lanes for his direction of travel, draw his vehicle to a halt in a safe



position at the extreme left of the road if he is in the left lane, or adjacent to any vehicle which may be to his left if he is in the right lane; or

- (c) where the road is demarcated into more than two lanes for his direction of travel, draw his vehicle to a halt in a safe position which may include a lane reserved for right – turning traffic; or
- (d) where his vehicle is stopped in any lane at a controlled intersection remain stationary and only proceed when instruction to do so by means of the hand signals of a police officer or when the State motorcade has passed; or
- (e) where the road is not demarcated into traffic lanes for his direction of travel, draw his vehicle to a halt at the extreme left of the road.

(2) No person driving a vehicle shall overtake or attempt to overtake a vehicle in a State motorcade.

(3) Any person who contravene subsections (1) and (2) of this section shall be guilty of an offence and liable on conviction to a fine not less than the equivalent of one hundred fifty Dollars in Shillings or term of imprisonment not exceeding one year or in the case of a second or subsequent conviction to a fine not less the equivalent of two hundred fifty Dollars in Shillings or imprisonment for two years or both.

(4) For the purposes of this section “a State motorcade” means a motorcade of two or more motor vehicles escorted by or carrying a police officer to ensure that such motorcade has a safe and unimpeded journey to its destination, and “controlled intersection” means an intersection where traffic is controlled by a “stop” or a “give way” sign, automatic traffic signals, or hand signals of a policeman.

(5) In any proceedings for an offence under this section a certificate in writing signed by a police officer not below the rank of a Senior Superintendent of Police that a motorcade was a State motorcade shall be conclusive evidence of the facts stated therein.



Restriction on  
use of hand held  
mobile phone  
while driving.

129.(1) It shall not be lawful for any person to use or permit or cause to be used a hand held mobile phone while driving motor vehicle in a public road.

(2) If any person contravenes subsection (1) he shall be guilty of offence and on conviction shall be liable to a fine of not less than the equivalent of thirty Dollars in Shillings and in case of the second and subsequent conviction to a fine of not less than the equivalent of fifty Dollars in Shillings.

(3) For purpose of this section "to use a hand held mobile phone" means making or receiving a call while driving a motor vehicle which may cause a driver to lose a proper control of his vehicle and drive in a careless or dangerous manner.

Protective  
devices.

130.(1) No person shall drive a motor cycle or be a passenger on a motor cycle unless he is wearing a protective helmet which -

(a) fits him properly, and of which the chin strap is properly fasten under his chin; and

(b) conforms to prescribed standard specification.

(2) No person shall operate a passenger car on a public road unless the front seats are fitted with safety belts which comply with the prescribed specifications, and any person using the front seat of a passenger car where safety belts are fitted must wear such belt.

(3) Notwithstanding the provision of subsection (2) of this section, it shall not be lawful for persons under the age of ten years to be carried on the front seat of a motor vehicle unless under prescribed arrangements.

(4) Any person who contravenes subsections (1), (2) and (3) of this section shall be guilty of an offence and on conviction shall be liable to a fine of not less than the equivalent of thirty Dollars in Shillings and in case of the second and subsequent conviction to a fine of not less than the equivalent of fifty Dollars in Shillings.



- (5) The requirement under subsection (2) does not apply to –
- (a) driver reversing his motor vehicle;
  - (b) parked vehicles;
  - (c) vehicle driven in parking bays, garages, petrol stations or similar places;
  - (d) a person with written exemption from the Authority.

Restriction on carriage of persons on motor cycles.

131.(1) It shall not be lawful for more than one person, in addition to the driver to be carried on a two-wheeled motor cycle, nor shall it be lawful for any such one person to be so carried otherwise than sitting astride the cycle and on a proper seat securely fixed to the cycle behind the driver's seat.

(2) If a person is carried on a motor cycle in contravention of the foregoing subsection, the driver of the cycle shall be liable on conviction to a fine not less than the equivalent of twenty five Dollars in Shillings, or in the case of a second or subsequent conviction to a fine not less than the equivalent of sixty Dollars in Shillings.

#### **Offences Connected With Bicycles**

Riding of unroadworthy bicycle prohibited.

132.(1) No person shall ride a bicycle or tricycle on a public road which is not in a roadworthy condition as shall be prescribed.

(2) If any person rides a bicycle or tricycle on any public road in contravention of subsection (1) of this section shall be guilty and on conviction shall be liable to a fine of not less than the equivalent of three Dollars in Shillings and the second and subsequent conviction to a fine of not less than the equivalent of seven Dollars in Shillings.

Reckless, and dangerous, cycling.

133.(1) If a person rides a bicycle or tricycle, not being a motor vehicle, on a road recklessly, or at a speed or in a manner which is dangerous to the public, having regard to all the circumstances of the case, including the nature, condition and use of the road, and the amount of traffic which is actually at the time, or which might



reasonably be expected to be, on the road, he shall be liable on conviction to a fine not less than the equivalent of fifteen Dollars in Shillings or a term of imprisonment not less than one month, or in the case of a second or subsequent conviction to a fine not less than the equivalent of thirty Dollars in Shillings or imprisonment for a term not less than two months or both.

(2) Any police officer may arrest without warrant any person who commits an offence under this section.

Careless, and  
inconsiderate,  
cycling.

134 . If any person rides a bicycle or tricycle, not being a motor vehicle, on a road without due care and attention, or without reasonable consideration for other persons using the road, he or she shall be liable on conviction to a fine not less than the equivalent of ten Dollars in Shillings or imprisonment for a term not less than one month, or in the case of a second or subsequent conviction to a fine not less than the equivalent of twenty Dollars in Shillings or imprisonment for a term not less than three months or both.

Cycling when  
under influence  
of drink or drugs  
above  
prescribed limit.

135.(1) A person who, when riding a bicycle or tricycle, not being a motor vehicle, on road or other public place, is unfit to ride through drink or drugs or has so much alcohol in his body that the proportion of it in his breath, blood or urine exceeds the prescribed limit, shall be liable on conviction to a fine not less than the equivalent of fifteen Dollars in Shillings or imprisonment for a term of not less than three months, or in the case of a second or subsequent conviction to a fine not less than the equivalent of thirty Dollars in Shillings, or to imprisonment for a term not less than six months.

(2) In determining whether a conviction under subsection (1) of this section is a second or subsequent conviction, previous convictions under section 123 in connection with driving a motor vehicle shall be disregarded.

(3) A police officer may arrest without warrant a person committing an offence under this section.



(4) In this section "unfit to ride through drink or drugs" means, as regards a person riding a bicycle or tricycle, being under the influence of drink or a drug to such an extent as to be incapable of having proper control of it.

Regulation of  
cycle racing on  
highways.

136. Any person who promotes or takes part in a race or trial of speed on a public highway between bicycles or tricycles, not being motor vehicles, shall, unless the race or trial is authorised by Commissioner of Police, and is conducted in accordance with any conditions imposed by or under regulations under this section, be liable on conviction to a fine not less than the equivalent of ten Dollars in Shillings.

Restriction on  
carriage of  
persons and  
goods on  
bicycles.

137.(1) It shall not be lawful for more than one person to be carried in addition to the driver on a bicycle nor shall it be lawful for any such one person, unless such person is under the age of six years to be so carried otherwise than on a proper seat or carrier securely fixed to the bicycle behind the drivers seat.

(2) It shall not be lawful to carry on a bicycle a load, which, because of its size or the manner in which it is carried, is likely to be a danger to other road users.

(3) The driver of any bicycle who contravenes any of the provisions of this section shall be guilty of an offence and on first conviction shall be liable to a fine not less than the equivalent of five Dollars in Shillings and on the second and subsequent conviction to a fine not less than the equivalent of ten Dollars in Shillings.

(4) A police officer in uniform may arrest without warrant any person who commits any offence under this section if the person refuses to give his or her name and address or if the police officer has reason to believe that the name or address given to him or her is false.

(5) In this section references to a person carried on a bicycle shall include references to a person riding the bicycle.



### Other Traffic offences

Taking motor vehicle without lawful authority.

138.(1) Any person, whether employed by the owner or not, who takes and drives away or attempts to take and drive away any motor vehicle without the consent of the owner thereof or other lawful authority shall be guilty of an offence and on conviction shall be liable to a fine not less than the equivalent of one thousand Dollars in Shillings or in case of a second or subsequent conviction to a term of imprisonment of not less than five years.

Provided that if the court is satisfied that the person charged acted in the reasonable belief that the owner would, in the circumstances of the case, have given his consent if he had been asked therefor the person charged shall not be convicted of an offence under this section.

(2) Any police officer in uniform may arrest without warrant any person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

(3) In addition to any penalty imposed for an offence under this section the court may order that the convicted person shall pay to the owner of the motor vehicle such sum as represents fair compensation for any damage sustained by such owner.

(4) If, in any prosecution for stealing a motor vehicle, the court is of the opinion that the person charged was not guilty of stealing the motor vehicle but was guilty of an offence under this section, the court may find him guilty of an offence under this section and shall be liable on conviction to same punishment provided in subsection (1) of this section.

Tampering with motor vehicle.

139. If, while a motor vehicle or trailer is on a road any person, otherwise than with lawful authority or reasonable cause, attempts to manipulate the starter or any of the levers, brakes or machinery of the vehicle or in any way tampers with the vehicle he shall be guilty of an offence and shall be liable on conviction to fine not less than the equivalent of one hundred Dollars in Shillings or in the case of second or subsequent conviction to a fine not less than the equivalent of one hundred fifty Dollars in Shillings or a term of imprisonment not less than six months or both.



Causing  
damage to  
motor vehicle.

140. (1) Any person who:-

- (a) throws any object at a motor vehicle or trailer or at any person in or on a motor vehicle or trailer; or
- (b) places any object on a road or in any other way impedes the progress of a motor vehicle or trailer;

shall, if injury or damage might thereby be caused to the motor vehicle, trailer or any such person, be guilty of an offence and shall be liable on conviction to a fine not less than the equivalent of fifty Dollars in Shillings or in the case of a second or subsequent conviction to a fine not less than the equivalent of one hundred fifty Dollars in Shillings or a term of imprisonment not less than six months or both such fine and such imprisonment.

(2) In addition to any penalty imposed for an offence Under this section the court may order that the convicted person shall pay to the owner of the motor vehicle or any person injured such sum as represents fair compensation for any damage Sustained by such owner or person.

Drivers to  
comply with  
traffic  
directions.

141.(1) Where a police officer is for the time being engaged in the regulation of traffic in a road, or where a traffic sign, has been lawfully placed on or near a road, a person driving or propelling a vehicle who:-

- (a) neglects or refuses to stop the vehicle or to make it proceed in, or keep to, a particular line of traffic when directed so to do by the police officer in the execution of his or her duty; or
- (b) fails to comply with the indication given by the sign,

shall be liable on conviction to a fine not less than the equivalent of ten Dollars in Shillings or in the case of a second or subsequent conviction to a fine not less than the equivalent of twenty Dollars in Shillings or imprisonment for a term not less than one month or both.





(2). A traffic sign shall not be treated for the purposes of this section as having been lawfully placed unless either:-

- (a) the indication given by the sign is an indication of a statutory prohibition, restriction or requirement; or
- (b) it is expressly provided by or under any provision of this Act that this section shall apply to the sign or to signs of a type of which the sign is one;

and where the indication mentioned in paragraph (a) of this subsection is of the general nature only of the prohibition, restriction or requirement to which the sign relates, a person shall not be convicted of failure to comply with the indication unless he has failed to comply with the said prohibition, restriction or requirement.

(3) For the purposes of this section a traffic sign placed on or near a road shall be deemed to be of the prescribed size, colour and type, or of another character authorised by the Minister to have been lawfully so placed, unless the contrary is proved.

Pedestrians to comply with directions to stop given by police officers regulating vehicular traffic.

142. Where a police officer in uniform is for the time being engaged in the regulation of vehicular traffic in a road, a pedestrian, who proceeds across or along the carriageway in contravention of a direction to stop given by the such officer, in the execution of his duty, either to pedestrians or to pedestrians and other traffic, shall be guilty of offence and on conviction shall be liable to a fine not less than the equivalent of three Dollars in Shillings or in the case of a second or subsequent conviction to a fine not less than the equivalent of ten Dollars in Shillings.

Leaving vehicles in dangerous positions.

143. If a person in charge of a vehicle causes or permits the vehicle or a trailer drawn thereby to remain at rest on a road in such a position or in such condition or in such circumstances as to be likely to obstruct, cause danger or inconvenience to other persons using the road, he shall be liable on conviction to a fine not less than the equivalent of twenty Dollars in Shillings or in the case of a second or subsequent conviction to a fine not less than the equivalent of fifty Dollars in Shillings or to imprisonment for a term not less than three months or both such fine and imprisonment.



Road speed limits.

144.(1) The Minister may, by order published in the Gazette prescribe a national speed limits for all roads in Zanzibar.

(2) The Minister in relation to public roads and the appropriate authority in relation to other roads within the area of such authority, may by order published in the Gazette, prohibit the driving of motor vehicles, or of any specified class or description of motor vehicles, at a speed greater than the speed specified in such order, over any road or part thereof specified in the order, and either generally or at a specified time or times.

(3) As long as any order made under subsection (2) remains in force, the Director of Roads in relation to public roads and the appropriate authority in relation to other roads within the area of such authority, shall erect and maintain in such position as shall give adequate notice of the prohibition to drivers of motor vehicles, such traffic signs as shall be prescribed, indicating the nature of the prohibition.

(4) Any person who fails to observe the national speed limit prescribed by this section shall be guilty of an offence and on conviction shall be liable to a fine not less than the equivalent of fifty Dollars in Shillings or a term of imprisonment not less than three months or both.

(5) It shall not be a defence in any proceedings for an offence relating to the use of a motor vehicle or trailer on any road or in any public place, other than the offence of exceeding any speed limit, that at the time of the alleged offence the motor vehicle or trailer was being driven at a speed not exceeding any speed limit imposed in respect of that road or public place in relation to such motor vehicle or trailer.

Exemption of emergency vehicles, etc. from speed limits etc.

145. (1) Subject to the provision of this section, the drivers of fire fighting vehicles, ambulances, rescue vehicles or any temporarily authorised emergency vehicle may, where the observance of the provisions of this Act would be likely to hinder such vehicle for the purpose for which it is being used -



- (a) park or stand in any place on a road, regardless whether or not such place is a parking place;
- (b) disregard any road traffic sign;
- (c) exceed the prescribed speed limit; or
- (d) disregard any regulation governing direction of movement or turning in a specified direction.

(2) The exemption granted under this section to an authorised emergency motor vehicle shall apply only when the driver drives the vehicle concerned with due regard to the safety of other traffic and the vehicle while in motion shall be fitted with a device capable of emitting a prescribed sound and with identification lamp as prescribed and such device shall be so sounded and such lamp shall be in operation while the vehicle is driven under exemption of traffic signs and prescribed speed limit.

(3) The provisions of this section shall not relieve the driver of an authorised emergency motor vehicle or trailer from the duty to drive with due regard and care for the safety of other persons or property nor protect the driver from the consequences of his disregard for the safety of other traffic or property.

Duty of drivers  
and others in  
case of  
accident.

146.(1) Where an accident, arising directly or indirectly from the use of a motor vehicle or trailer occurs to any person or to motor vehicle or trailer or to any other property, the driver of the motor vehicle or trailer shall stop if, having regard to all the circumstances, it is safe for him to do so and shall ascertain whether any person has been injured in which event it shall be his duty to render all practicable assistance to the injured person:

Provided that where the driver does not stop because it is not, having regard to all the circumstances, safe for him to do so he shall report the accident at the nearest police station as soon as reasonably practicable and in any case not later than twenty four hours after the time of the accident.

(2) In the case of any accident, if any person is injured or not, the driver of the motor vehicle or trailer:-



- (a) shall give to any police officer present his name and address and also the name and address of the owner and the registration number assigned to the vehicle; and
  - (b) shall report the accident in person at the nearest police station not later than twenty four hours after the time of the accident unless he is incapable of doing so by reason of injuries sustained by him in the accident.
- (3) Whenever the driver of a motor vehicle or trailer:-
- (a) is physically incapable of giving immediate notice of an accident as required by subsection (2) and there is a conductor or another occupant in the vehicle at the time of the accident capable of doing so, that conductor or occupant shall give or cause to be given the particulars of the accident not given by the driver;
  - (b) is physically incapable of making a report of an accident as required by subsection (2) and such driver is not the owner of the motor vehicle or trailer, then the owner of the motor vehicle or trailer involved in such accident shall, after learning of the accident, make such report of the accident not made by the driver.
- (4) No person shall remove any vehicle involved in an accident in which another person is killed or injured from the position in which it came to rest until such removal has been authorised by a police officer, except when accident causes complete obstruction of the roadway of a public road, in which event the vehicle involved may, without such authority and after its position has been clearly marked on the surface of the roadway by the person moving it, be moved sufficiently to allow the passage of traffic.



(5) Subject to subsection (4) of this section, no person shall remove a vehicle involved in an accident from the scene of such accident, except for the purpose of sufficiently allowing the passage of traffic, without the permission of the owner, driver or operator of such vehicle or a person who may lawfully take possession of such vehicle.

(6) If, as a result of being involved in an accident, a motor vehicle or trailer appears to a police officer to be in such condition that it would not be fit or safe for use on a road, the officer may remove the vehicles identification marks and return them to the Authority.

(7) A motor vehicle or trailer from which identification marks have been removed under subsection (6) shall not thereafter be driven under its own motive power on a road until it has been tested and been given a certificate of fitness by an examining officer.

(8) Any person who contravenes any of the provisions of this section shall be guilty of an offence and be liable on conviction to fine not less than the equivalent of fifty Dollars in Shillings or a term of imprisonment not less than two months or in the case of second or subsequent conviction to a fine of not less than the equivalent of one hundred Dollars in Shillings or a term of imprisonment not less than four months.

(9) In proceedings for contravention of subsection (1) the burden to prove that it was not safe for the driver to stop shall be on the person charged.

#### **Control of Traffic**

Traffic signs.

147.(1) The Minister in relation to public roads and the appropriate authority in relation to any other roads within the area of such authority, may cause or permit traffic signs to be placed on or near such road and may from time to time repair, alter, change or remove the same.



(2) Any person or public authority authorised under any written law to do or cause to be done any work on a road shall place and maintain or cause to be placed and maintained on or near any road such traffic signs as are necessary or expedient to prevent or mitigate danger to persons on such road or to the traffic whilst such work is being carried out.

(3) Traffic signs other than notices in respect of the use of a bridge or traffic signs placed on or near any road in exercise of any powers conferred by subsection (2) shall be of the prescribed size, colour and type and shall if so prescribed, be illuminated by lighting or by the use of reflectors or reflecting material in such a manner as is prescribed.

(4) The Minister in relation to public roads and the appropriate authority in relation to any other roads within the area of such authority, may by notice in writing, require the owner or occupier of any land on which there is any traffic sign or any object which so closely resembles a traffic sign that it might reasonably be taken to be such a sign or any advertisement or other structure which is so placed as to obscure any traffic sign from view or to distract the attention of drivers, to remove it or to cut down any tree or vegetation which is growing on such land in such a manner as to obscure any such sign, and if any person fails or neglects to comply with such notice, may effect such removal or cutting down doing as little damage as possible and may recover as civil debt from the person in default the expense incurred in so doing:

Provided that this subsection shall not apply to any traffic sign placed on such land by the Minister or the appropriate authority or any public officer or authority acting in pursuance of any powers conferred by any written laws.

(5) The Minister or the appropriate authority or any person acting under his or her authority may enter any land and exercise such other power as may be necessary for the purpose of the performance of his powers and duties under this section.

(6) Any person wilfully damaging, defacing, altering, removing or tampering with any traffic sign which is lawfully placed in pursuance of this Part shall be guilty of an offence and shall on



conviction be liable to a fine not less the equivalent one hundred twenty five Dollars in Shillings or to imprisonment for a term not less six months or both.

(7) In addition to any penalty imposed for an offence under this section the court may order that the convicted person shall pay to the road or appropriate authority such sum as represents fair compensation for any damage or loss caused by such person

(8) Any person, other than a person authorized thereto under the provisions of this Part, who places on or near any traffic sign an object which so closely resembles a traffic sign that it might reasonably be, or who places on or near any road any sign or advertisement in such a manner as to obscure from view any traffic sign lawfully placed in pursuance of this section, shall be guilty of an offence and shall on conviction be liable to a fine not less the equivalent of one hundred twenty five Dollars in Shillings or to imprisonment for a term not less than six months or both.

Emergency  
traffic signs.

148. A police officer or road transport officer acting in the course of his duty, may place on a road or on any structure on a road, traffic signs of any size, colour and type prescribed or authorised under this Act being signs indicating prohibitions, restrictions or requirements relating to vehicular traffic, as may be necessary or expedient to prevent or mitigate congestion or obstruction of traffic, or danger to or from traffic, in consequence of extraordinary circumstances; and the power to place signs conferred by this section shall include power to maintain a sign for a period of seven days or less from the time when it was placed, but not longer.

Pedestrian  
crossings.

149.(1) The Minister may cause signs for pedestrian crossings in such form as may be prescribed, to be placed across roads at such places as he may determine.

(2). In any proceedings under this Act, every sign for pedestrian crossing shall be presumed to have been lawfully placed and to be in a lawful form until the contrary is proved.



Power to place road humps and other speed breakers.

150.(1) The Department of roads with approval from the Minister may, for the purpose of protecting traffic along the roads or making the crossing of any road less dangerous to pedestrians, construct, maintain, alter and remove road humps or any speed breakers.

(2) Before giving an approval under subsection (1), the Minister shall:

- (a) consult the Authority; and
- (b) have regard on the opinions or views of the people living in the area in which the road to which the approval is sought passes.

Restriction on placing of ropes, road humps across road.

151.(1) Any person who, for any purpose places or causes to be placed any road hump or any rope or wire chain across a road or any part thereof in such a manner as to be likely to cause danger to persons or damage to vehicles using the road, shall, unless he proves that he had a lawful right so to do and had taken all necessary means to give adequate warning of the danger, be guilty of any offence and shall on conviction be liable to a fine of not less than the equivalent of fifty Dollars in Shillings or to imprisonment for a term of not less than three months or to both.

(2) In addition to any penalty imposed for an offence under this section the court may order that the convicted person shall pay to the owner of the motor vehicle or the injured person such sum as represents fair compensation for any damage sustained by such owner or person.

Permit for herds, processions or parades.

152.(1) No herd exceeding thirty animals and no procession (other than a funeral procession) or parade containing fifty or more persons or thirty or more vehicles, excepting military vehicles of the Defence Forces or vehicle of the police force shall occupy, march or proceed along any road or street except in accordance with a permit issued by the Commissioner of Police and subject to such conditions as may be specified in such permit.





(2) Any person who is found guilty under this section shall on conviction be liable to a fine not less than the equivalent of one hundred Dollars in Shillings or a term of imprisonment not less than nine months, or both.

Carelessness while in charge of animals.

153 Any person in charge of any donkey, cattle, dog or other domestic animal who, on any road fails to keep it or them under proper control, or allows it or them to become a danger or annoyance to other road users shall be guilty of an offence and shall be liable on conviction to a fine not less than the equivalent of fifteen Dollars in Shillings, or in the case of second or subsequent conviction to a fine not less than the equivalent of twenty five Dollars in Shillings or term of imprisonment not less than two months or both.

Road closure and restriction of traffic.

154.(1) The Minister in relation to public roads and the appropriate authority in relation to other roads after consultation with Director of Roads in relation to other roads within the area of such authority, may by order published in the Gazette, prohibit or restrict, the driving or use of vehicles or of any specified class or description of vehicles on any road or any part thereof specified in the order, in any case in which it appears to such Minister or the appropriate authority, as the case may be, that such vehicles cannot be used, or cannot without restriction be used on that road without endangering the safety of the vehicles, or of the person or vehicles using the roads, or that the road is unsuitable for use, or for restricted use, by any such vehicles, or is a road on which the prohibition or restriction is necessary or desirable to facilitate repair or reconstruction of such road.

(2) An order made under subsection (1) may provide that certain types or categories of motor vehicles identified therein may be exempted from complying with the order by any person specified therein.

(3) Subject to any rules made by the Minister in relation to the regulation of traffic, an order may be made under this section for any or all of the following:-

(a) the specification of the routes to be followed by vehicles;



- (b) the prohibition or restriction of the use of specified roads by vehicles of any specified class or description either generally or during particular hours;
- (c) the prohibition of the driving of vehicles on any specified road otherwise than in a specified direction:

Provided that no such order shall be made unless notice in the prescribed form of the intention to make the same shall be published in the Gazette at least fourteen days before the date on which it is intended to make such order, and before making such order there shall be taken into considerations –

- (i) any objections which may have been made to the making thereof;
- (ii) the existence of alternative routes suitable for the traffic which would or might be affected by the order.

(4) An appropriate authority, or an Engineer of the Roads Department on being satisfied that owing to the state of the road, it is necessary in order to avoid serious danger to the public or serious damage to that road to restrict or prohibit temporarily the use of that road by vehicles or by vehicles of a particular class or description, may by notice displayed by him on that road restrict or prohibit the use of the same:

Provided that -

- (a) such restriction or prohibition shall not be effective for more than thirty days from the date on which it is imposed;
- (b) as long as such restriction or prohibition remains in force, a notice stating the effect of such restriction or prohibition and describing the alternative routes available for traffic shall be kept, posted in a conspicuous manner at each end of



the part of the road to which the notice relates and at the points at which it will be necessary for traffic to diverge such road; and

- (c) notice of such restriction or prohibition shall be given to the nearest police station and to the Commissioner of Police as soon as reasonably practicable, and in any case, within twenty four hours of the imposition thereof.

(5) Any person who uses a vehicle or causes or permits a vehicle to be used in contravention of any restriction or prohibition made or imposed under this section shall be guilty of an offence and on conviction shall be liable to a fine not less than the equivalent of fifty Dollars in Shillings or to imprisonment for a term not less than three months or to both.

Erection of permanent road blocks by police.

155.(1) The Commissioner of Police after approval of the Minister may, if he considers it necessary so to do for the enforcement of this Act or any other written law, erect or place or cause to be erected or placed a permanent road block in any part of a public road.

(2) Before giving the approval under subsection (1), the Minister shall consult the Authority and the Director of Roads to consider the public interest of safety and convenience.

One-way Traffic.

156. The Minister may, by an order in the Gazette, restrict the use a road to one-way traffic either permanently or for such period as may be specified in such order.

Parking places.

157.(1) The Minister may, by an order in the Gazette -

- (a) set aside parts of roads as parking places for such classes of motor vehicles and for such period as may be specified in such order;
- (b) provide suitable places as parking places or stands for stage and town buses, taxi cabs and goods vehicle.



(2) An appropriate authority or public body may, after consultation with the Minister and by an order in the Gazette, provide suitable parking places for private motor vehicles, bicycles or tricycles and stands for public service vehicles or goods vehicles in accordance with this Act.

(3) Orders under subsection (1) and (2) of this section may prescribe -

- (a) the vehicles or class of vehicles which may use such parking places or stands and the period during which, and the condition subject to which, such parking places or stands may be used;
- (b) the charge, if any, to be made for the use of such parking places.

(4) Where any charge for the use of such parking place is to be made or intended to be made pursuant to any order under this section, such order shall specify-

- (a) the parking place designated for the leaving of vehicles; and
- (b) the times (where at all times or between such hours) during which vehicles may be parked in a parking place;

and may make further provisions as may be prescribed.

(5) A notice stating the substance of the order and the charge prescribed thereby shall be entered and maintained by the appropriate authority at or near such parking place or stand.

(6) It shall not be lawful for the driver of any vehicle or any person employed in connection therewith to ply for hire or reward while any vehicle is within a parking place which has not also been gazetted as a stand for public service vehicles and any person who acts in contravention of this subsection shall be guilty of an offence.



(7) If any person, without lawful excuse, contravenes or fails to comply with an order made under this section, he shall be guilty of an offence and shall on conviction be liable to a fine not exceeding the equivalent of fifteen Dollars in Shillings or in the case of second or subsequent conviction to a fine not less than the equivalent of fifty Dollars in Shillings or term of imprisonment not less than two months or to both.

(8) The appropriate authority or public body shall not incur any liability in respect of any loss or damage to any vehicle or the fittings or contents of any vehicle parked in any parking place authorised or designated under this section.

158.(1) The Minister or appropriate authority after consultation with the Minister, may, by an order in the Gazette, set aside parts of roads or other places as parking places for;

- (a) vehicles for diplomatic missions; and
- (b) vehicles of disabled persons.

(2) No parking charges shall be raised on vehicles of diplomatic missions and disabled persons, and no other vehicles shall be parked on special places as authorised or designated for vehicles of diplomatic missions and disabled persons under this section.

(3) Any person who contravenes the provision of subsection (2) of this section shall be guilty of an offence and on conviction shall be liable to a fine not exceeding the equivalent of fifteen Dollars in Shillings or in the case of second or subsequent conviction to a fine not less than the equivalent of fifty Dollars in Shillings or term of imprisonment not less than two months or to both.

159. The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect and for regulating safety and traffic management and, without prejudice to the generality of the foregoing provisions, may make regulations-

Special  
parking  
places.

Regulations.



- (1) On safety generally -
  - (a) to provide for the rules of the road that shall apply to all public roads;
  - (b) to provide for any light which may interfere with the proper view of any road traffic sign or may be confused with any sign;
  - (c) to regulate the lights to be carried by vehicles, whether in respect of the nature of such lights, the position which they shall be fixed and the periods during which they should be lighted, or otherwise;
  - (d) to require persons driving or being carried on motor cycles to wear protective helmets, and specify the class or description of such motorcycles; to prescribe such protective helmets with reference to shape, construction, labeling, marking or any other quality and to prohibit the sale, offer for sale, letting on hire, offer to let on hire or supply of helmets when they are not so prescribed;
  - (e) to require safety seat-belts to be fitted to such class or description of motor vehicles as may be specified, to prescribe the minimum standards of quality of material and construction with respect to road safety and the position in which such seat-belts shall be fixed, and to require the use of such seat-belts;
  - (f) to prescribe the appliances to be fitted to bicycles and tricycles (not being motor vehicles) for signaling their presence when used on roads and for ensuring that the riders of such vehicles shall, by means of such appliances, give sufficient warning of their presence;
  - (g) to regulate the maximum mass, laden or unladen, of any vehicle, the height and width of any load which may be carried by any vehicle, the manner in which any vehicle may be loaded, the extent to which any



load may project in any direction and the maximum mass of any vehicle or any part thereof supported by the road or any specified area thereof, when any such vehicle is operated on a public road;

- (h) to specify the number and nature of springs and brakes with which motor vehicles shall be equipped and to ensure that springs, brakes, silencers and steering gear shall be efficient and kept in proper working order;
  - (i) to regulate the appliances to be fitted for signaling the approach of motor vehicles or enabling the drivers of vehicles to become aware of the approach of the other vehicles from the rear, or for intimating any intended change of speed or direction of motor vehicle, to regulate or to prohibit the use of any such appliances and to ensure that they shall be efficient and kept in proper working order;
  - (j) to provide for or with respect to the transportation of dangerous goods on public roads -
    - (i) the classification of dangerous goods;
    - (ii) the power and duties of police officers and authorised persons in respect of the transportation of dangerous goods on public roads;
    - (iii) the manner in and condition on which specified dangerous goods may be transported on public roads; and
    - (iv) the dangerous goods which may not be transported on public roads.
- (2) On safe operation of vehicles-
- (a) to prescribe the maximum speed for motor vehicles of any class or description and to provide for exceptions in special cases;



- (b) to provide conditions on which any motor vehicle fitted with a steering apparatus on the left side may be imported into Zanzibar or operated on public road, including the power to prohibit the operation of such vehicles on public roads;
  - (c) to regulate the towing, pushing or drawing of any vehicles by tow-trucks or other motor vehicle and the manner of attachment and to regulate and control tow-truck operations;
  - (d) to prohibit and regulate the use of mobile telephone handsets or other communication devices by drivers of vehicles while driving on public roads;
  - (e) to prohibit, in connection with the use of motor vehicles, the use of any appliances accessories or machines, or the commission of any acts, which are likely to cause annoyance or danger;
  - (f) to prescribe the manner in which specimens of breath for breath test and specimens of blood and urine for laboratory investigation will be provided and the persons or officers who will make requirement and conduct analysis.
- (3) On child safety –
- (a) to provide for or with respect to the duties of parents and other people responsible for children (other than children over 18 years) in relation to the use of roads (or vehicles on roads);
  - (b) to provide for or with respect to the establishment and conduct of schemes to assist children to cross roads safely, including the following:-





- (i) enabling the Principal Road Transport Authority to conduct, or authorise other people to conduct the schemes;
  - (ii) enabling the Principal Road Transport Authority to-
    - amend or replace the schemes;
    - impose conditions on other people who conduct such scheme;
    - revoke other person to conduct such schemes;
  - (iii) the signs to be displayed at crossings and how the signs are to be displayed;
  - (iv) placement of barriers across or partly across a road near a crossing;
  - (v) conditions about the wearing or display of insignia, badge, belts or other articles of uniform by anyone taking part in crossing schemes;
  - (vi) anything else necessary or convenient to be prescribed for the carrying out of the schemes.
- (4) On traffic management generally -
- (a) to provide for the places where and how vehicles may or may not be driven or ridden;
  - (b) to provide for the use of roads by people on foot;



- (c) to prescribe the conditions subject to which, and the times at which, animals may be led or driven on roads;
- (d) to prescribe the size, colour, design, dimensions and other details of signs, signals, structure and other devices to be placed on or near roads for controlling, directing or warning traffic;
- (e) to prescribe the marks that are to be used on the surface of roads and the materials of which they are to be made;
- (f) to control and reduce traffic congestion or danger in vehicles operation;
- (g) to regulate the conduct of events on roads (such as procession) that may disrupt traffic;
- (h) to provide on the use of stalls or other ways of selling goods, services, or carrying out business or trade, on a public road;
- (i) to provide on the compliance with directions of a police officer, authorised person, or other people prescribed under the regulation;
- (j) to prohibit or prescribe the condition subject to which vehicles, or vehicles of any particular class or description, may remain stationary or unattended on any roads, any particular class of road, or on any particular road;
- (k) to prohibit animals from being on or being left unattended, or not under due control on roads, or any particular class of roads, or any particular road;
- (l) to restrict and regulate the use on public roads of vehicles engaged in the erection, placing, removal, alteration or repair of lamps, overhead cables and road or street works;



- (m) to prohibit excessive noise due to the design or condition of motor vehicle or the loading therefore, or to the condition or misuse of a silencer, or of a hooter, bell, or other warning device when any such vehicle is operated on a public road.
- (5) On other matters on traffic management -
- (a) to provide for or with respect to the procedure for the establishment and operation of parking places (including pay parking) for vehicles and stands for commercial vehicles;
  - (b) to provide for the installation and operation of devices used for car parking;
  - (c) to provide for the issue of guidelines by the Principal Road Transport Authority on pay parking schemes and the legal effect of the guidelines;
  - (d) to provide for or with respect of the seizure and removing to retention place, of a vehicle that is -
    - (i) a danger to the public or an unreasonable obstruction to traffic; or
    - (ii) abandoned or left unattended on a public road;
  - (e) to provide conditions to be complied with before a vehicle can be seized and for the release of a seized vehicles.
- (6) To prescribe penalties for any breach or failure to comply with any such regulations.



**PART VIII**  
**ENFORCEMENT**

Duties of  
Police.

160. Without prejudice to any powers or duties of the police under this Act or any other written law it shall be the duty of the police -

- (a) to regulate all traffic and to keep order and prevent obstruction in all roads, parking places, thoroughfares, or other places of public resort;
- (b) to divert traffic temporarily, to close and deny public access to any road, parking place, thoroughfare or other place of public resort, where any emergency or other event appears to render such a course necessary or desirable.

Record of  
Traffic  
offences.

161.(1) The police shall keep a record of all offences against this Act of which any person has been charged together with a record of the final disposition of all such alleged offences.

(2) All records kept under this section shall be so maintained as to show all types of offences and the total of each.

(3) All forms for records and all notices of offences thereof shall be serially numbered; and for each month and year, a written report shall be kept available to the public showing the disposal of all such forms.

(4) All records and reports made under this section shall be public records.

Filing of  
accident  
reports,  
driver's files.

162 . The Commissioner of Police shall maintain or cause to be maintained a suitable system of filing traffic accident report and individual drivers' files, a record of traffic accidents, warnings, arrests, convictions and complaints reported in respect of each driver.



Commissioner of Police to submit quarterly traffic accident and safety report.

163. The Commissioner of Police shall quarterly prepare and submit to the Minister a traffic report containing information on traffic matters as may be prescribed.

Power to demand production of driving licence.

164. Every person driving a motor vehicle or trailer on a road shall carry his driving licence and, on being so required by a police officer or road transport officer in uniform produce it for examination.

Power to demand names and address of owner of vehicle.

165. The driver of a motor vehicle or trailer shall stop at the request of a police officer and if the police officer has reasonable cause to demand his name and address he shall give his name and address and, if he is not the owner of the vehicle, shall also give the name and address of the owner.

Employer to keep record of driver.

166.(1) Any person who employs any other person to drive a motor vehicle or trailer shall at all times keep a written record of the name, address and driving licence number of such other person, and shall on demand by a police officer or road transport officer in uniform produce such record for inspection.

(2) Any person who, without reasonable excuse, fails to carry out his duty or contravenes the provisions of subsection (1) shall be guilty of an offence and shall on conviction be liable to fine of not less than the equivalent of thirty Dollars in Shillings or a term of imprisonment not less than three months or both.

Owner or hirer, etc., to give identity of driver.

167.(1) Where any police officer in uniform has reason to suspect that an offence in connection with a motor vehicle or trailer has been committed –

- (a) the owner or hirer of the motor vehicle or trailer shall, upon having been required by the police officer so to do, give such information to the police officer as is within his knowledge as to the identity of the driver;



- (b) any other person shall, upon having been required by the police officer so to do, give such information to the police officer as is within his knowledge as to identity of the driver.

(2) Any person who is found guilty under the provisions of subsection (1) shall be liable to a fine not less than the equivalent of twenty five Dollars in Shillings or to a term of imprisonment not less than three months or both.

Examination  
of vehicle  
on road.

168. Any police officer or road transport officer in uniform may stop and examine any motor vehicle or trailer on a road or public place if he is of the opinion that such motor vehicle or trailer -

- (a) is in such a condition as to be unfit for the purpose for which it is intended;
- (b) is in such a condition that the driving of the motor vehicle or trailer by day or by night is likely to be a danger to any person or to the public;
- (c) has a load greater than the load capacity declared by the manufacturers of the chassis of the motor vehicle or trailer or greater than the load capacity determined by a vehicle examining officer under the provisions of this Act;
- (d) is loaded in such a manner as to make it a danger to the public or any other road users or to cause a damage to road;

and when the examination reveals that such motor vehicle, or trailer is unfit or a danger to any person or that it has a load greater than the load capacity declared by the manufacturers of the chassis of the vehicle or determined by an examining officer he may:

- (i) if he considers it sufficiently safe, taking all the relevant facts into consideration, for the motor vehicle or trailer to be moved under its own motive-power, order that it be driven forthwith



to the nearest police station or workplace of an examining officer, whichever is the more convenient; or

- (ii) if he considers that the motor vehicle or trailer is overloaded or that it is not safely loaded, order the motor vehicle or trailer to be driven forthwith to the nearest weighbridge and weighed or order the load to be made safe before the motor vehicle or trailer is moved; or
- (iii) if he considers it unsafe for the motor vehicle or trailer to be driven under its own motive-power, order that the motor vehicle or trailer be towed forthwith to the nearest police station or work-place of an examining officer whichever is the more convenient.

Power to order examination.

169.(1) Any police officer or road transport officer in uniform who has reason to believe that a motor vehicle or trailer has ceased to be fit for the purpose for which it is registered may order that the motor vehicle or trailer be produced for examination by a vehicle examining officer at a specified time and place.

(2) An order given under subsection (1) of this section shall be deemed to be an order prohibiting the use of the vehicle pending such examination other than the driving of it direct to the place specified in the order.

Inspection by Examining Officer.

170.(1) A vehicle examining officer may, after inspecting a motor vehicle or trailer-

- (a) approve the same as being fit for the purpose for which it is being used and issue a certificate of fitness in respect thereof;
- (b) permit the motor vehicle, trailer or engineering plant to be driven or towed direct to a workshop for the purpose of being repaired on the condition that the



motor vehicle or trailer will be returned direct to the vehicle examining officer for re-examination after the completion of repairs; or

(c) condemn the motor vehicle or trailer.

(2) If a motor vehicle or trailer is condemned or is unfit for the purpose for which it is being used and is likely to be a danger to any person until it has been repaired, the examining officer shall forthwith remove the identification marks and return them to the Registrar who shall either cancel the registration of the motor vehicle or trailer if condemned, or shall suspend the registration of the vehicle until he is notified by the vehicle examining officer that the vehicle is fit for the purpose for which it was registered.

(3) The owner of a motor vehicle or trailer the registration of which is cancelled or suspended under subsection (2) of this section may, after giving the Registrar notice of his intention so to do, appeal against the decision of the Registrar within a period of 21 days to the Minister, and the Minister may make such order as he thinks fit and an order so made shall be binding on the Registrar and the appellent.

Removal of  
abandoned  
vehicle.

171 (1) A police officer or road transport officer may require the owner, driver or other person in control or in charge of any motor vehicle or trailer which is on a road or road reserve if it appears to him that the vehicle or trailer has been abandoned by the owner and has not been moved from such road or road reserve for more than three consecutive days, to remove or to cause to be removed such vehicle or trailer from such road to any other area.

(2) Any person who fails to comply when required to move such motor vehicle under this section shall be guilty of an offence and on conviction shall be liable to a fine of not less than the equivalent of one hundred Dollars in Shillings or to imprisonment for a term of not less than six months, or to both.

(3) Where any motor vehicle or trailer is on a road or road reserve and has not been removed for a period of 24 hours after requirement made under subsection (1) of this section, any police





officer may take possession of and remove immediately such vehicle or trailer to some suitable place and there to remain at the risk of the owner, and may detain the same until any fees as may be prescribed under this Act for such removal and detention are paid.

(4) When the motor vehicle or trailer is removed and detained under this section, the police officer detaining such vehicle shall inform the Authority on such detention and upon receipt of such information, the Authority shall notify the owner of that vehicle of his intention to sell it if it remains unclaimed.

(5) A police officer or road transport officer or any person acting under their direction shall not incur any liability in respect of any loss or damage caused to any motor vehicle or trailer or the fittings or the contents thereof in the course of its removal or while it is being detained, unless such damage or loss was caused negligently or wilfully.

(6) If any vehicle or trailer so removed is not claimed and the expenses of removal and storage thereof not paid by the owner or some other person having an interest therein within two months of the date of such notice to him, the Authority may cause a one month notice of his intention to sell by auction the motor vehicle or trailer to be published in the Gazette, Radio and Television Zanzibar, and, at any time thereafter, the motor vehicle or trailer may be sold by auction and disposed of to any person, who shall thereupon become the lawful owner of the vehicle or trailer as the case may be.

(7) The proceeds of any such sale shall be applied in payment of the costs and charges of attending the sale, including the cost of the advertisement, and of the expenses of removal and storage of the vehicle or trailer and the residue, if any, shall be payable to the former owner of the vehicle, or, where the former owner fails to claim such residue within six months of such sale, the residue shall be forfeited to the Government.

172.(1) It shall be the duty of the owner and of the driver or of any other person in control or in charge of a broken down vehicle or trailer on any road to remove or take all reasonable steps to

Removal of  
broken down  
vehicle.



secure the removal of such vehicle or trailer as soon as practicable from any such road.

(2) If a police officer or road transport officer is of the opinion -

(a) that the owner or driver or other person in control or in charge of a broken-down vehicle on any road has failed to take any necessary steps to remove the vehicle or to cause it to be removed in accordance with the provisions of subsection (1) of this section; or

(b) that the vehicle constitutes a danger to traffic,

may forthwith remove the vehicle or use the services of any other person or persons to remove the vehicle in such manner and to such place as he may think fit, and for this purpose may provide and use any plant or apparatus and take all other steps which he may consider necessary.

(3) When any police officer or road transport officer removes any broken-down vehicle or trailer or uses the services of any other person or persons to remove the vehicle or trailer in accordance with the provisions of subsection (2) of this section -

(a) the expenses of and incidental to such removal shall be recoverable summarily as a civil debt from the owner thereof;

(b) except upon proof of failure to exercise reasonable care, the police officer, the road transport officer or any person whose services are used by him as aforesaid shall not be liable to any action or demand whatsoever for any damage to the broken-down vehicle or trailer or otherwise in respect of the removal thereof.

(4) Any person who, without reasonable excuse, acts in contravention of or fails to carry out his duty under the provisions of subsection (1) of this section commits an offence and shall on conviction be liable to a fine of not less than the equivalent of



seventy five Dollars in Shillings or in the case of second or subsequent conviction to a fine not less than the equivalent of one hundred twenty Dollars in Shillings or to a term of imprisonment not less than six months.

(5) For the purposes of this section "broken-down vehicle or trailer" means any vehicle or trailer, whether mechanically propelled or drawn by any draught-animal, which from any cause whatsoever has become incapable of movement by its motive-power or by the draught-animal, as the case may be.

Police may require motor vehicle to be driven to police station and detain vehicle.

173. A police officer may, after stopping any motor vehicle or trailer which he reasonably suspects of being, or of having been used or involved in the commission of an offence, whether under this Act or any other written law, order the driver thereof to drive it to the nearest convenient police station in order that -

- (a) particulars may be taken of the motor vehicle or trailer and its registration;
- (b) the names and addresses of the driver, owner and any passenger may be obtained; and
- (c) the details of the place at which each passenger entered the motor vehicle and his or her destination may be obtained;
- (d) statements relevant to the suspected offence may be obtained,

and such vehicle may be detained until all necessary inquiries have been made in relation to the case, but in no case shall a vehicle be so detained for a period of more than forty eight hours except in week-ends or public holidays.

False Information and other offences.

174.(1) No person shall make any statement when required to do so under this Part of this Act which to his knowledge is false or in any respect misleading.



(2) Any person who -

- (a) fails to comply with or contravenes any requirement, direction or order made under this Part of this Act; or
- (b) obstructs a police officer or road transport officer in the execution of his duty under this Part of this Act;

shall be guilty of an offence and shall be liable on conviction to a fine not less than the equivalent of sixty Dollars in Shillings or in the case of second or subsequent conviction to a fine not exceeding one hundred twenty Dollars in Shillings or to a term of imprisonment not less than six months.

Regulations.

175. The Minister may make regulations for the proper carrying out the provisions of this Part by the police and the road transport officers.

## PART IX

### FEES, CHARGES AND OTHER AMOUNTS PAYABLE UNDER THIS ACT

Determination of fees, charges and other amounts.

176.(1) The Minister may, by notice in the Gazette, determine fees, charges and other amount payable under the provisions of this Act.

(2). Without limiting the generality of subsection (1), a fee, charge or other amount may be determined for or with respect to -

- (a) a service or facility provided under the provisions of this Act; or
- (b) any other service or facility provided for road users or particular road users, including a service or facility for, or to improve, road safety or transport efficiency; or



(c) the grant, issue, revocation, renewal or variation of or the doing of anything else in relation to an approval, authority, certificate, exception, licence, permission, permit or registration, or any other matter under this Act.

(3) A fee, charge and other amount may be determined -

(a) by specifying the amount; or

(b) by setting a rate, or providing a formula or other method, by which the amount is to be worked out.

(4) A determination -

(a) must provide who is liable to pay a fee, charge or other amount; and

(b) may make provision about when the fee, charge or other amount is payable and how it is to be paid whether as a lump sum or otherwise; and

(c) may make provision about any other matter relating to fee, charge and other amount.

Fees, charges and other amount payable to the Authority in accordance with determination, etc.

177.(1) A fee, charge or other amount under subsection (1) of section 176 shall be payable to the Authority in relation to the relevant matter mentioned in the determination and in accordance with the determination, by a person liable to pay the fee, charge or other amount under the determination.

(2) A fee, charge or other amount determined under subsection (1) of section 176 of this Part is payable in advance unless the determination provides otherwise.

(3) If a fee, charge or other amount determined under subsection (1) of section 176 of this Part is payable in advance and the amount has not been paid, the Authority or anyone acting on its behalf, shall not be obliged to exercise a function, or provide a service or facility, in relation to which the amount is payable.



Recovery of unpaid fees, charges and other amounts.

178. Any unpaid fee, charge or other amount payable to the Authority by a person under the road transport legislation is a debt payable to the Authority and may be recovered in a proceeding brought against the person in the District Magistrate's Court.

Regulations.

179.(1) The Minister may make regulations for any purpose for which regulations may be made under this Part and for prescribing anything which may be prescribed under this Part, and generally for the purpose of carrying this Part into effect and for regulating fees, charges and other amounts payable to Road Transport Authority and, without prejudice to the generality of the foregoing provisions, may make regulations on the following matters -

- (a) the prescription of fees, charges and other amounts to be paid for -
  - (i) the registration or re-registration of various classes of motor vehicles or trailers;
  - (ii) the alteration or cancellation of particulars of registration of motor vehicle or trailer;
  - (iii) searches of registers;
  - (iv) certified copies of records;
  - (v) dealers certificate of registration;
  - (vi) notice of change of ownership of a motor vehicle or trailer;
  - (vii) duplicate copies of, or substitutes for certificate of registration, and other documents;
  - (viii) the issue of a driving licence;
  - (ix) the issue of a learner driving licence;
  - (x) the testing and examining of drivers;
  - (xi) alteration of records;



- (xii) duplicate copies of or substitutes for licences;
  - (xiii) issue of certificates of competence;
  - (xiv) examination of a vehicle by a vehicle inspector;
  - (xv) issue of a certificate by a vehicle inspector;
  - (xvi) the issue of private and commercial vehicles licences;
  - (xvii) the issue of route cards;
  - (xviii) the registration of driving education centres;
  - (xix) the licensing of approved driving instructors;
  - (xx) the issue of any other document or service for which fees, charges or other amounts are prescribed under the regulations of this Part.
- (b) the collection and recovery of fees, charges and other amounts payable under the Road Transport Legislation;
- (c) the refund, or part refund, of fees, charges and other amounts payable under the Road Transport Legislation, including whether a person is entitled (or not entitled) to a refund, or part refund, for a fee, charge or other amount paid for or with respect to an approval, authority, certificate, exemption, licence, permission, permit, registration or anything else if it is suspended, cancelled, revoked or surrendered or in any other circumstances prescribed under the legislation;
- (d) the remission, waiver or postponement of fees, charges and other amounts payable under the road transport legislation; and
- (e) anything about which provision may be made by determination under section 169.



(2). Without limiting subsection (1), the regulations may make provisions with respect to the payment by cash or cheque of fees, charges or other amounts payable under the Road Transport Legislation, including, for example, the consequences of a cheque not being honoured on presentation; and

(3). Without limiting subsections (1) and (2) the regulations may make provisions for or with respect to –

(a) the suspension, cancellation or revocation of the approval, certificate, exemption, licence, permission, permit, registration, or anything else issued or done under the road transport legislation of any fee, charge or other amount payable under the road transport legislation for or in relation to it-

(i) is not paid when it is required to be paid; or

(ii) is paid by cheque and the cheque is not honoured on presentation; and

(b) the restoration (whether prospectively or during any post period of suspension, cancellation or revocation) of an approval, authority, certificate, exemption, licence, permission, permit, registration or anything else so suspended, cancelled or revoked.

## PART X

### SUMMARY PUNISHMENT

Application.

180. This Part shall apply to all such offences under this Act or the regulations as the Minister may, by order in the Gazette, specify as offences to which this section shall apply.

Punishment without prosecution.

181.(1) Where a police officer or road transport officer has reason to believe that any person is committing or has committed an offence to which this section applies, he may give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of that offence by payment of a spot penalty under this section; and no person shall then be





liable to be convicted of that offence if the spot penalty is paid in accordance with this section before the expiration of fourteen days next following the date of the notice or before the date on which proceedings are begun, whichever event last occurs:

Provided that if the person convicted under this Part is not a Zanzibari or a resident of Zanzibar, the spot penalty shall be paid immediately.

(2) Where a person is given a notice under this section in respect of an offence, proceedings shall not be taken against such person for that offence by any police officer until after the expiration of fourteen days next following the date of the notice.

(3) Payment of a spot penalty under this section shall be made to such officer as may be prescribed by regulations made under section 184 of this Act and sums paid by way of spot penalty for any offence shall be treated for the purposes of this section as if they were fines imposed on conviction for that offence.

(4) A notice under subsection (1) of this section shall specify the offence alleged and give such particulars of the offence as are necessary for giving reasonable information of the allegation and shall state also the period during which proceedings will not be taken for the offence, the amount of the spot penalty, and the officers to whom and the address at which the spot penalty may be paid.

Notice in  
absentia.

182.(1) Where a police officer or road transport officer finds a vehicle on an occasion and has reason to believe that, on that occasion, there is being or has been committed in respect of it an offence to which this part applies, he or she may proceed as if he had found a person reasonably believed by him or her to be committing the offence, and for that purpose a notice affixed to the vehicle shall be deemed to be given to the person liable for that offence.

(2) A notice affixed to a vehicle under the provisions of subsection (1) of this section shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in



question; and any person contravening the provisions of this subsection shall be guilty of an offence and shall be liable on conviction to a fine not less than the equivalent of fifteen Dollars in Shillings and on a second or subsequent conviction to a fine not less than the equivalent of twenty five Dollars in Shillings or imprisonment for a term of two months.

Spot penalty.

183.(1) The spot penalty for an offence under this Part shall be for those offences whose penalties do not exceed the equivalent of fifteen Dollars in Shillings:

Provided that the Minister may in an order under section 180 specifying an offence to which this Part applies or by any subsequent order, prescribe in relation to any offence so specified a spot penalty of equivalent to ten Dollars in Shillings but not exceeding twenty Dollars.

(2) It shall not be a defence for any driver or in charge of vehicle to which a notice affixed to his vehicle has been removed or interfered while in his or her absence.

Regulations.

184. The Minister may make regulations for all or any of the following purposes:-

- (a) prescribing the form of notice under subsection (1) of section 181 and the officer to whom the fixed penalty is payable;
- (b) prescribing the duties of officers to whom a fixed penalty is payable and the information to be supplied to them;
- (c) generally for the better carrying out of the purposes and provisions of this Part.

## PART XI

### MISCELLANEOUS PROVISIONS

Persons propelling push carts or riding animals, etc.

185. Every person propelling or riding any carriage or an animal upon a road, or driving any animal-drawn vehicle, shall be subject to the safety provisions of this Act.



Riding vehicle,  
etc., to  
common  
danger.

186. Any person who rides or propels or causes to be driven or propelled any animal or carriage on a road carelessly, negligently or recklessly, or at a speed or in a manner which is dangerous to the public or to property having regard to all the circumstances of the case, including the amount and nature of the traffic which actually is at the time or which might reasonably be expected to be on such road, shall be guilty of an offence and on conviction be liable to a fine not less than the equivalent of ten Dollars in Shillings or imprisonment for a term of not less than one month.

Driving  
Carriage, etc.  
whilst drunk.

187. Any person driving, propelling or being in charge of any carriage or animal on a road, whilst drunk or while his efficiency for such purpose is impaired by drink or drugs, shall be guilty of an offence.

Blind animal.

188. No owner or person in charge of a carriage drawn by animals shall allow any animal, which is of materially defective vision to be used for drawing such vehicle on a road.

Excess cargo to  
animals.

189. No owner or person in charge of a carriage drawn by animal shall cause to be carried by such animal a net weight of cargo and or persons exceeding four hundred kilogrammes.

Bicycle, etc. to  
carry bells.

190. Every bicycle and tricycle shall be fitted with a horn, bell or other instrument as may be prescribed and the person riding such bicycle or tricycle shall whenever it is prudent for the purpose of giving audible warning of his approach, clearly sound such horn, bell or other instrument.

Damage to  
road or bridge.

191.(1) If, by reason of an offence against this Act, any damage is caused to any road or any works erected in connection with the road or any road signs, the authority responsible for the repair of the road may cause such damage to be made good, and may, either before or after the damage is made good, recover the estimated or actual cost from the owner of the vehicle causing the damage.



(2) A certificate under the hand of the head of the authority responsible for roads or any person authorised by him in that behalf as to the cost of making good such damage, shall be *prima facie* evidence of the amount payable by the owner of the vehicle.

Hire of vehicles.

192.(1) The person in charge of any vehicle standing or plying for hire and not engaged shall not without lawful excuse refuse to take any lawful passenger.

(2) No person hiring a vehicle shall wilfully refuse to pay on demand the legal fare due by him.

Noisy or troublesome touting for passengers for public service vehicles.

193.(1) It shall not be lawful for any person in a public service vehicle in motion on a road to call, or make any noise, or sound any instrument in order to solicit passengers, nor shall it be lawful for any person, by troublesome and frequent offers or by persistent following or by loitering in such a manner as to constitute a nuisance, to offer a public service vehicle for hire.

(2) Any person who contravenes the provision of this section shall be guilty of an offence.

Wilful damage to public service vehicles.

194. Any person who wilfully damage any public service vehicle hired by him or in which he is travelling shall be guilty of an offence.

Using public service vehicle, which is dirty, etc.

195. Any person who permits a public service vehicle to be used or drives on a road such a vehicle in a dirty or neglected condition shall be guilty of an offence.

Avoidance of contracts in respect of death or injury to passengers.

196. Any contract for the conveyance of a passenger in a public service vehicle shall, so far as it purports to regulate or restrict the liability of any person in respect of the death of or bodily injury to the passenger while being carried in or entering or alighting from the vehicle, be void.

Arrest without warrant.

197. Any police or road transport officer in uniform may arrest without warrant the driver or the person in charge of any vehicle, carriage or animal who commits an offence under this Act within the view of such police or road transport officer -



- (a) if the offender refuses to give his name and address;
- (b) if the police officer or road transport officer in uniform has reason to believe that the name or address so given is false;
- (c) if he has reason to suspect that the offender will abscond; or
- (d) where the vehicle is a motor vehicle or trailer, if it does not bear identification marks.

Aiding,  
abetting,  
etc.

198. Where a person is convicted of aiding, abetting, counselling, procuring, or inciting the commission of an offence under this Act, and it is proved that he was present in the vehicle at the time the offence of which he is convicted of was committed, he shall for the purpose of the provisions of this Act relating to disqualification for holding or obtaining driving licence, be deemed to have committed an offence in connection with the driving of the vehicle.

Nuisances.

199. Nothing in this Act shall authorise any person to use on a road any vehicle so constructed or used as to cause a public or private nuisance or shall affect the civil liability of the owner or the person so using such a vehicle.

Penalties for  
offences under  
Part XI.

200. Any person who is guilty of an offence under this Part shall on conviction be liable to a fine not less than the equivalent of twenty Dollars in Shillings or in the case of a second and subsequent conviction to a fine not less than the equivalent of thirty Dollars in Shillings or to imprisonment for a term not less than three months or both.

General  
penalties for  
contravention  
of the Act.

201.(1) Any person who contravenes or does any act forbidden by this Act or by subsidiary legislation under this Act, or who fails or omits to perform any act required by this Act or any subsidiary legislation made under this Act, and the contravention or failure to comply therewith is not made an offence under any other provision of this Act or of such subsidiary legislation, shall be guilty of an offence and shall be liable on conviction to a fine not



less than the equivalent of fifty Dollars in Shillings or imprisonment for a term not less than three months or to both such fine and imprisonment.

(2) Any person who wilfully fails or refuses to comply with any lawful order or direction of a police or road transport officer in relation to vehicular traffic and the failure to comply therewith is not made an offence under any other provision of this Act, shall be guilty of an offence and shall be liable on conviction to a fine not less than the equivalent of twenty Dollars in Shillings.

(3) Every parent or guardian who permits or authorises a child under his care to do or perform any act forbidden by this Act shall be guilty of an offence and shall on conviction be liable to a fine not less than the equivalent of twenty Dollars in Shillings.

(4) Any person guilty of an offence under this Act for which no specific penalty is provided for shall be liable on conviction to a fine not less than the equivalent of fifty Dollars in Shillings or to imprisonment for a term not less than three months or to both such fine and imprisonment.

Destination  
of fines.

202. All fines imposed or payable under this Act or the regulations made thereunder shall be paid to the revenue section at the Ministry responsible for Finance of the Government.

Power to make  
Regulations.

203.(1) The Minister may make regulations generally for the purpose of carrying this Act into effect and for prescribing anything which may be prescribed thereunder and without prejudice to the generality may make regulations to prescribe or provide for:-

- (a) the procedure to be adopted and the conditions to be observed in connection with the issue of documents necessary for international travel and the use of such documents in Zanzibar;
- (b) the conditions on which motor vehicles licensed in any part of Africa outside Zanzibar may be used within Zanzibar and on which persons holding driving licences or permits issued outside Zanzibar may be allowed to drive in Zanzibar;



- (c) the licensing and registration of, the equipment to be carried by and the general regulation of animal-drawn carts, hamali carts and handcarts;
- (d) the licensing and registration of non motorised transport.

(3) Penalties may be imposed for the breach, non-observance or non-performance of any Regulations made under the provisions of this section, which penalties shall not, unless a higher penalty is provided for under the provisions of this Act exceed:-

- (i) on first conviction, a fine not less than the equivalent of thirty Dollars in Shillings or imprisonment for a term not less one month or both such fine and imprisonment;
- (ii) on each subsequent conviction, a fine not less than the equivalent of sixty Dollars in Shillings or imprisonment for a term not exceeding six months or both such fine and imprisonment.

Delegation by the Minister.

204. The Minister may, by order in the Gazette, delegate to the Authority or any other officer appointed under this Act or any authority specified in such order, the exercise of any powers (other than the powers to make regulations) or the performance of any duties conferred or imposed on him by or under this Act subject to such conditions and restrictions as may be specified in such order.

Repeal of Cap.135 and transitional provisions.

205.(1) The Road Traffic Decree is hereby repealed.

(2) Notwithstanding the provisions of subsection (1) of this section:-

- (a) all subsidiary legislations made under the Road Traffic Decree and in force immediately before the commencement of this Act shall continue in force and be deemed to have been lawfully made under this Act until revoked;



- (b) until new appointments are made under this Act, any appointments made under the Road Traffic Decree shall be deemed to have been made under this Act;
- (c) any orders, directions or other acts lawfully done under any provision of the Road Traffic Decree repealed by this Act and in force immediately before the coming into operation of this Act shall be deemed to have been lawfully issued, made or done under the corresponding provisions of this Act and shall continue in force until they are revoked or cancelled, and may be varied or amended accordingly;
- (d) all traffic signs erected or installed under the repealed Decree shall continue in force and shall be deemed duly erected or installed under this Act;
- (e) every certificate of registration and driving issued under the Road Traffic Decree repealed by this Act and in force immediately before the commencement of this Act shall be deemed to have been issued under this Act and shall continue in force until it expires;
- (f) all proceedings pending in court immediately before coming into force of this Act shall be continued and completed under the repealed Decree.

**Passed by the House of Representatives on the 9th day of April, 2003.**

  
{ KHAMIS JUMA CHANDE }  
CLERK OF THE HOUSE OF REPRESENTATIVES