



AN ACT TO AMEND THE ROADS DECREE

ARRANGEMENT OF SECTIONS

SECTIONS

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ACT NO. 17 OF 2013

I ASSENT

[DR. ALI MOHAMED SHEIN]
PRESIDENT OF ZANZIBAR
AND
CHAIRMAN OF THE REVOLUTIONARY COUNCIL

30 June
....., 2014

AN ACT TO AMEND THE ROADS DECREE

CAP 134

ENACTED by the House of Representatives of Zanzibar.

**PART I
PRELIMINARY PROVISIONS**

Short title and
Commencement.

1.(1) This Act may be cited as the Roads (Amendment) Act, 2013 and shall come into operation immediately after being assented to by the President.

(2) This Act shall be read as one with The Roads Act, Cap 134 (in this Act, referred to as the "Principal Act".)

**PART II
AMENDMENT OF VARIOUS SECTIONS**

Amendment of
section 2.

2. Section 2 of the principal Act is hereby amended as follows:

(i) by adding the words "...unless the context otherwise requires" after the word "In this Decree..." appearing on the first line of Section 2 of the Principal Act.



- (ii) by deleting and re-writing the interpretation of the word "Animal" and replace it with the new interpretation as follows:

"Animal" means any tamed animal includes horse, donkeys, goats, sheep, cattle and animal of every description.

- (iii) in the definition of the word "owner" by deleting the word "protectorate" and substituting for the word "Zanzibar" this amendment shall apply wherever the word "protectorate" appears in the principal Act.

- (iv) by deleting the interpretation of the word "public road" and replace it with new interpretation as follow:

"Public road" means any road specified in the Schedule I to this Act and any road which may be classified or reclassified by the Minister under Section 8 of this Act to be a public road and includes every carriageway over which the public has a right of way and shall include the pathways on either side thereof, all drains, ditches, embankments, ferries, bridges appertaining thereto, and all land not being private property lying within the road reserve of such road;

- (v) by deleting the the word "Road Authority" in the interpretation of the word "roads authority" and substitute for it with the word "department".

- (vi) by deleting the words "in pursuance of section 9" appering on the third line in the interpretation of the word "road authority" in the Principal Act.

- (vii) by amending the interpretation of word "vehicles" by adding words "means vehicles of any description whatsoever, and"

- (viii) by adding interpretation relating to the definitions of the following words in alphabetical order:-

"Building" means a structure with or without roof or wall, including foundations, houses, factories, huts, and anything of such nature.

"Government" means the Revolutionary Government of Zanzibar.



"Minister" means the Minister responsible for roads.

"Quarry" means a place usually a very large hole or pit in the ground from which stone, sand earth gravel or other material which may be required for the purpose of opening, making or repairing any public roads are extracted;

"Road reserves" means the area of land specified and declared by the Minister under section 8 of this Act and lying on either side of the roads measured from the center of such road;

"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; and includes any cart way, pathway, track, pedestrian, paved or unpaved and the like;

"Shillings" means "Tanzania Shilling."

Amendment of section 3.

3. Section 3 of the Principal Act is hereby amended by deleting the proviso of that section.

Repeal of section 4.

4. Section 4 of the Principal Act is hereby repealed.

Repeal of section 5.

5. Section 5 of the Principal Act is hereby repealed.

Amendment of section 6.

6. Section 6 of the principal Act is hereby amended by:

- (i) deleting the word " British resident" and substituting for the word "Minister" the word Minister shall apply in all sections of the Decree where the word "British Resident" is appeared;
- (ii) deleting and replacing the marginal notes and shall be read as "the Minister may declare public Road".

Amendment of section 8.

7. Section 8 of the Principal Act is hereby amended by:

- (i) deleting the words "classification of public roads" appeared in the marginal note and substituting it by the word "The Minister may classify and reclassify public Roads",
- (ii) adding the word "published" after the word "notice".

Addition of new section 8A.

8. The principal Act is hereby amended by adding new section 8A immediately after section 8 as follow:



"Class of Roads 8A For the purpose of this Act the road network is hereby classified as follows:

- (a) trunk Roads: A road which primarily links two or more regions;
- (b) Rural Road: A road which link between village and village;
- (c) Urban Road : A road that links between trunk roads and other roads within town areas;
- (d) Feeder Road: A road which feeds between a village within the same district, it is usually originated from the rural or trunk;
- (e) Other Roads: Other Roads includes roads other than those mentioned in (a), (b),(c) and (d) of this section".

Repeal of section 9.

9. The Principal Act is hereby amended by repealing section 9.

Amendment of section 10.

10. Section 10 of the Principal Act is hereby amended by:-

- (i) deleting words "and appropriated without tender or payment by way of compassion and shall there upon vest in the government without any formal transfer thereof" and substituting for the words "in accordance with the provisions of the Land Tenure Act No.12 of 1992".
- (ii) deleting the words " Appropriation of Lands" appearing in the marginal note and substituting for it by the words "acquiring of land for public road".

Amendment of section 11.

11. Section 11 of the Principal Act is hereby amended by:

- (i) deleting the word "as it shall judge reasonable." And replacing it for the word "in accordance with the provisions of the Land Tenure Act No. 12 of 1992 and any other applicable law"
- (ii) repealing subsection (2) of this section.

Addition of new section 11A.

12. The principal Act is hereby amended by adding new section 11A immediately after section 11 as follow:



11 A " The Minister shall cause a plan or survey to be prepared of all public roads declared under this Act and shall, from time to time cause any deviation or alteration made in any existing public road to be added to the plan or survey".

Amendment of section 15.

13. Section 15 of the Principal Act is hereby amended by deleting the word "referred to arbitration in the manner provided under section 19." and substituting it for the word "settled in the manner provided for under section 19 of this Act.

Amendment of section 19.

14. Section 19 of the Principal Act is hereby amended by repealing the whole section and substitute it with the new section as follow:

19.(1) A person who considers himself aggrieved by the decision of a department in respect of the payment or amount of compensation payable as the result of any act, matter or thing done by a department under the powers vested in it by section 13 shall make application in writing in a manner provided for under the Land Tenure Act No. 12 of 1992 and any other relevant legislation governing compensation.

(2) Where there is not legislation governing compensation the aggrieved person shall institute a claim in the court of competent jurisdiction.

Repealing and replacing section 20.

15. The Principal Act is hereby amended by repealing section 20 and replacing it with the new section 20 as follows:

20. Any person who resist, obstruct, hinder, molest or cause to be obstructed an officer authorized by the department in the discharge of his duty, or performance of any act which he shall be authorized or required to perform by this decree, commits an offence and shall be liable on conviction to a fine not less than five hundred thousand shillings and not more than one million shillings or to imprisonment for a term not exceeding three months.

Amendment of section 21.

16. Section 21 of the principal Act is hereby amended as follows:

- (i) by deleting the words "to a fine not exceeding seventy five shilings" which appear after the words "liable" and substitute it for the words "to a fine not less than five hundred thousand shilling and not more than one million five hundred thousand shillings"



(ii) by deleting the words "two weeks" and substitute it with the words "three months".

Addition of new section 23A.

17. The Principal Act is hereby amended by adding new section 23A immediately after section 23 as follow:

23A.(1) Upon application of the department, the Minister may determine a certain distance from the centre of the road of a particular class to be a road reserve.

(2) Unless private property is reserved for the use of the department, the following distances from the centre of carriage-way of each class of road on both sides shall be:

1. Main roads, 15 meters;
2. Secondary roads, 12 meters;
3. District roads 10 meters;
4. Other roads as may be determine by the department.

Amendment of section 24.

18. (1) Section 24 of the principal Act is hereby amended as follow:

(i) re-writing section 24 by adding subsection (1) as follow:-

" (1) No person shall plant any tree or construct any building within road reserve without the permission of the department".

(ii) by adding new subsection (2) as follow:

"(2) any person or institution who contravenes the provision of subsection (1) of this Section shall be guilty of an offence and up on conviction shall be liable to a fine of not less than five hundred thousand shilling and not more than one milion shillings or imprisonment for a term no exceeding three months or both and shall be ordered by the court to remove such tree or building".

Amendment of section 25.

19. Section 25 of the Principal Act is hereby amended in penal provision by adding the word " not less than one million shillings " and deleting the word "not exceeding four hundred and fifty Shillings" after the word "fine" and substitute the words "and not more than three millions Shillings " and three months shall be replaced with twelve months.



Amendment of
section 26.

20. Section 26 of the principal Act is hereby amended by:

- (a) by deleting the word "injuring" appearing before the word "public" and substituting it with the word "damaging" in the marginal note;
- (b) by deleting the word "not exceeding four hundred and fifty Shillings" after the word "fine" and substitute it with the words "not less than one million and five hundred thousand and not more than three million Shillings" and "three months" shall be replaced with "seven months" in the penal provision.

Amendment of
section 27.

21. Section 27 of the Principal Act is hereby amended by:

- (a) deleting the word "new" appearing before the word public and the word "making" appearing after the word "after" and substitute for the word "construction" in the marginal note.
- (b) deleting the word "not exceeding four hundred and fifty Shillings" after the word "fine" and substitute the words "not less than one million shillings and not more than three million shillings" and the words "three months" shall be replaced with the words "twelve months or both".

Amendment of
section 30.

22. Section 30 of the principal Act is hereby amended by:

- (i) deleting the words "turning animals loose" appearing before the words "on public" and substitute it with the word "obstruction" in the marginal note.
- (ii) deleting the word "not exceeding four hundred and fifty Shillings after the word "fine" and substitute it with the words "not less than five hundred thousand shillings and not more than one million shillings" .
- (iii) deleting the words " three month" after the word " not exceeding" and substitute it with the word "six months and cost for the removal of such obstruction"
- (iv) deleting in its proviso, the word "not exceeding four hundred and fifty Shillings" appearing after the word "fine" and substitute it with the words "not less than two hundred thousand shillings and not more than "five hundred thousand shillings"
- (v) inserting new sub-sections (2) and (3) of section 30 of the Principal Act as follows:



(2) any person who deliberately destroy or deface any road shall be guilty of an offence and shall be liable to pay fine not less than seven million shillings and not more than twenty five million shillings or imprisonment for a term not less than six months and not more than twelve months or both

(3) any person who build or caused to be built a block on the road without the permission of the Minister, shall be guilty of an offence, and up on conviction shall be liable to pay a fine of one million shillings or imprisonment for a term of not less than three months and the court shall order that person to pay the cost of the removal of the block.

Addition new section 30A.

23. The Principal Act is hereby amended by adding new section 30A immediately after section 30 as follows:

30A. The department entrusted with developing, managing, and maintaining the public roads under its jurisdiction, shall comply with the prescribe guidelines, regulations or any other written law relating to environmental protection and waste disposal

Amendment of section 32.

24. Section 32 of the principal Act is hereby amended as follows:

- (i) in subsection (1) by deleting the words " The Resident in council may make Rules" and substituting for words "The Minister may make Regulations as may be necessary for the purposes of giving effect to the provisions of this Act
- (ii) in subsection (2) by deleting the word "rules" substituting for the word "regulations" and deleting the words "four hundred and fifty shilling" and substituting it with the words "one million shillings.

PASSED in the House Representatives of Zanzibar on day of 13th December, 2013.

YAHYA KHAMIS HAMAD
CLERK OF THE HOUSE OF REPRESENTATIVES
OF ZANZIBAR