

GOVERNMENT NOTICE NO. 73 published on. 7/2/2020

THE LAND TRANSPORT REGULATORY AUTHORITY ACT,
(CAP. 413)

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RULES

—
(Made under section 41)
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THE LAND TRANSPORT REGULATORY AUTHORITY (REVIEW PROCEDURES) RULES,
2020

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PART I
PRELIMINARY PROVISIONS

- Citation 1. These Rules may be cited as the Land Transport Regulatory Authority (Review Procedures) Rules, 2020.
- Interpretation 2. In these Rules unless the context requires otherwise -
- Cap.413 “Act” means the Land Transport Regulatory Authority Act;
- Cap.413 “Authority” means the Land Transport Regulatory Authority or in its acronym “LATRA” established under section 4 of the Act;
- Cap.413 “Board” means the Land Transport Regulatory Authority Board established under section 7 of the Act;
- Cap.413 “Director General” means the Director General of the Authority appointed under section 15 of the Act;
- Cap.413 “management” means the Director General of the Authority, director, head of unit, manager or any other officer authorized to issue decision on behalf of the Authority; and
- Cap.413 “Review Panel” means the Review Panel established by the Board in accordance with section 26 of the Act.

PART II
PROCEEDINGS OF REVIEW PANEL

Quorum of Review
Panel

3.-(1) Subject to Section 26 of the Act, the quorum at any meeting of the Review Panel shall be three members.

(2) The Chairman of the Board shall appoint a Chairman of the Review Panel amongst members of the Review Panel.

Duty to
disclose
conflict of
interest

4. Every member of the Review Panel having directly or indirectly by himself, his spouse or children, any interest in any matter under discussion by the Review Panel, shall disclose to the Review Panel the fact of his interest and the nature thereof as soon as practicable after the relevant fact has come to his knowledge.

Decision of
Review Panel

5. Matter in the Review Panel shall be decided by majority of the vote of members present and in the event of the equality of the vote the Chairman shall have a casting vote.

Official seal

6.-(1) The official seal of the Review Panel shall be of such shape, size and form as the Review Panel may determine.

(2) The official seal of the Review Panel shall be duly affixed if witnessed under hand by the Chairman or any other person dully authorized in that behalf.

Proceedings
not invalidated
by irregularity

7. Proceedings of the Review Panel shall not be invalid by reason of any defect or irregularity in the appointment of any member or by reason that any person who purported bona fide to act as a member at the time of the proceeding was in fact disqualified or not entitled to act as a member.

Review Panel may regulate its own proceedings

8. Subject to these Rules, the Review Panel shall have power to regulate its procedure in relation to its meetings and the transaction of its meetings.

PART III
PROCEDURE OF APPLICATION FOR REVIEW

Procedure for application

9.-(1) A person who is aggrieved by any decision made by management of the Authority may, within fourteen days upon receipt of the record of the decision, apply to the Authority for review of the decision.

(2) An application for review or service of document on any party may be done by hand, fax, register's box, courier service or by electronic mail.

(3) The Authority shall, within five days upon receipt of the application, submit it to the review panel for determination.

(4) The Review Panel shall, within five days upon receipt of the application, constitute to initiate proceedings of the matter.

(5) The Review Panel shall notify the Authority of the application for review and require it to reply within five working days from the date of notification,

Provided that the Review Panel may grant an extension of time for presentation of the reply on the application.

(6) The Applicant may lodge a rejoinder within three days upon receipt of the reply by the Authority.

(7) Every document issued by the Review Panel shall be signed by the Chairman of the Review Panel and shall be affixed with the seal of the Review Panel.

Filing of application out of time

10. The Review Panel may, where the applicant provides sufficient reasons, grant an extension of time for filing an application out of time.

PART IV
HEARING OF APPLICATION

Notice of hearing 11. Upon presentation of all pleadings, the application shall be deemed to be ready for hearing and the Chairman of the Review Panel shall serve both parties to the application with a notice of hearing.

Procedure on non-
appearance 12.-(1) Where an applicant does not appear on a day fixed for hearing without reasonable cause, the Review Panel may dismiss the application.

(2) Where the applicant appears and the respondent does not appear without reasonable cause, the application may proceed *ex parte*.

Recommendation 13. The Review Panel shall prepare its recommendations in writing and submit the same to the Board for determination within five working days after completion of the hearing.

PART V
GENERAL PROVISIONS

Obstruction of
proceedings 14. Any person who obstructs the proceedings of the Review Panel commits an offence and shall be liable to a fine not less than five hundred thousand Shillings and not exceeding three million Shillings.

Withdrawal of
application 15. (1) The applicant may, at any time prior to commencement of hearing, withdraw an application.

(2) Upon receipt of an application for withdrawal, the panel shall mark the application withdrawn without cost.

Dar es Salaam,
27th January, 2020

JOHN S. NDUNGURU
*Chairman of the Board Land
Transport Regulatory Authority*