



THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF TRANSPORT

LAND TRANSPORT REGULATORY
AUTHORITY



PROPOSED AMENDMENTS

THE LAND TRANSPORT REGULATORY AUTHORITY ACT CHAPTER
413

SN	SHORT TITLE	CURRENT POSITION	PROPOSED AMENDMENT	JUSTIFICATION
1.	Section 5(1)d To coordinate land transport safety activities;	d) to coordinate land transport safety activities	The amendment is proposed to amend by deleting paragraph (d)	The reason for deleting this paragraph the matter is implemented by other Government departments such as Ministry Of Home Affairs.
2.	Section 5(1) (f)	to certify worthiness of rolling stock and road worthiness of public vehicles	The amendment is proposed to amend by deleting paragraph (d) and substituting for it the following; (d) To certify worthiness of rolling stock and railway infrastructure.	Certification of road worthiness of vehicles is implemented by the Tanzania Police Force under the Road Traffic Act CAP 168

3.	To be added under section 13	NIL	<p>The amendment is proposed to amend by adding immediately after subsection (3) as subsection (4) as follows:</p> <p>(4) "A member of the Board of the Authority shall be considered to have a conflict of interest for the purpose of this Act if he acquires interest that could prejudice a proper performance of his duties as a member of the Board.</p>	<p>The proposed provision seeks to establish under what circumstances it could be considered a member of the Board has a conflict of interest.</p>
4.	Section 27	<p>(3) The Review Panel shall be responsible for reviewing decisions of the management of the Authority and submit to the Board for determination.</p>	<p>The amendment is proposed to be amended by deleting the words "management of the" between the words "the" and "Authority"</p>	<p>To make consistent with the provisions of section 27(1) of this act which recognize the Authority and not the management of the Authority</p>

5.	Section 29(2)	The Council shall consist of seven members appointed by the Minister from amongst individuals representing consumers' Interests.	The amendment is proposed to be amended by deleting the words "seven" appearing between the words "consist of" and "members" and substituting for it with the word "five"	To reduce operating costs of the council.
6.	Section 29(7)	(7) After the members are appointed under subsection (2) they shall meet to elect their Chairman.	The amendment is proposed to be amended by repealing and replace subsection (7) as follows: (7) The Minister shall appoint the chairman from among the members appointed under subsection (2).	To enhance accountability of the chairman and the members of the council to the consumers
7.	Section 30(1)	(1) The tenure of the Council members shall be as follows- (a) two members shall hold office for a term of four years; and (b) five members shall	This subsection is proposed to be repealed and replaced with the following: (1) The tenure of the Council members shall be as follows: (a) the chairman shall hold office for the term of four years;	To make consistence with the proposed amendment under the provision of section 29 of this act which propose for the number of members of the council and tenure of the office.

		hold office for a term of three years;	(b) two members shall hold office for a term of four years; and (c) two members shall hold office for a term of three years.	
8.	Section 31(2)	The Council shall maintain its own Secretariat.	Section 31 is proposed to be amended by- (a) By deleting subsection 2 and replacing for it as follows: (2) there shall be a Secretariat of the council which shall consist of a number of officers or staff as the council may determine. (b) Additional of subsection (3) and (4) as follows: (3) the officers and staff of the council shall be the Authority employees for the performance of the functions of the council;	To facilitate efficiency in the performance of day to day activities of the Council.

			(4) the officer and staff of the Council shall be paid remuneration or allowances on terms as the Board may determine.	
9.	Section 33(6) The time to appeal to the FCT should be specifically mentioned in the law i.e. 28 days	(6) Any party aggrieved by the decision of the Board may, within prescribed time, appeal to the Fair Competition Tribunal.	The amendment is proposed to be amended by deleting the words “prescribed time” appearing in this subsection and substituting for them the words “twenty eight days”	The time for appeal to the tribunal is not prescribed in the Act or any Regulations made there under.

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 3

22nd February, 2019

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THE LAND TRANSPORT REGULATORY AUTHORITY ACT, 2019

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THE UNITED REPUBLIC OF TANZANIA



No. 3 OF 2019

I ASSENT

JOHN POMBE JOSEPH MAGUFULI
President[13th February, 2019]

An Act to make provisions for the establishment of Land Transport Regulatory Authority, to regulate land transport sector, to repeal the Surface and Marine Transport Authority and for related matters.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONSShort title and
commencement

1. This Act may be cited as the Land Transport Regulatory Authority Act, 2019 and shall come into operation on such date as the Minister may, by notice published in the *Gazette*, appoint.

Application

2. This Act shall apply to Mainland Tanzania.

Interpretation

3. In this Act unless the context requires otherwise-
“Authority” means the Land Transport Regulatory Authority or in its acronym “LATRA” established under section 4;

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- “Board” means the Land Transport Regulatory Authority Board established under section 7;
- “class licence” means a licence which is granted to multiple regulated suppliers under sector legislation on standard terms and conditions;
- “commercial road transport” means transport by public service vehicle or goods vehicle;
- “Commission” means the Fair Competition Commission established under the Fair Competition Act;
- “Committee” means the committee of the Board established under section 10;
- “Council” means the LATRA Consumer Consultative Council established under section 29;
- “crew” includes driver, conductor, and any other employee of the licensee on regulated sector while en-route;
- “Director General” means the Director General of the Authority appointed under section 15;
- “goods vehicle” means a motor vehicle constructed or adapted for use for the carriage of goods or a trailer so constructed or adapted, whether used or constructed or adapted solely for that purpose or not;
- “land transport” includes commercial road transport, rail transport, commercial underground or cable transport;
- “long term licence” means a licence issued for the duration of five years or more in terms of this Act;
- “Minister” means the Minister responsible for land transport;
- “multiple regulated suppliers” means more than one company providing regulated services exclusively in specified area or route;
- “Public Register” means the Public Register of the Authority kept by the Authority pursuant to section 25;
- “public service vehicle” means a motor vehicle which carries or is intended to carry passengers for hire or reward, whether used or constructed solely for that

purpose or not;

“regulated goods” means any goods produced, supplied or offered for supply or for use in a regulated sector and includes any goods the Authority declares under this Act;

“regulated sector” means rail transport, commercial road transport, commercial underground and cable transport;

“regulated services” means any services supplied or offered for supply in a regulated sector and includes services which the Authority declares to be such services under this Act;

“regulated supplier” means any person engaged in activities in or in connection with a regulated sector and includes any person whom the Authority declares under this Act to be such supplier;

“rolling stock” means a vehicle that operates on or uses the rail track;

“sector legislation” means the Transport Licensing Act, the Railways Act and any other legislation for regulated sector;

“sector Minister” means the Minister responsible for a regulated sector;

“sub-office” means office of the Authority other than its head office; and

“Tribunal” means the Fair Competition Tribunal established under the Fair Competition Act.

Cap. 317
Act No. 10
of 2017

Cap. 285

PART II

LAND TRANSPORT REGULATORY AUTHORITY

Establishment
of Authority

4.-(1) There is established a body to be known as the Land Transport Regulatory Authority or in its acronym "LATRA".

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

(a) suing and being sued;

- (b) acquiring, holding, investing and alienating movable or immovable property;
- (c) exercising the powers and performing the functions conferred upon it under this Act; and
- (d) entering into any contract or other transaction, and doing or suffering to do all such other acts and things which a body corporate may lawfully perform, do or suffer to be done.

(3) Notwithstanding the preceding provisions of this section, the Attorney General shall have the right, through the Solicitor General, to intervene in any suit or matter instituted by or against the Authority.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government;

Provided that, the requirement of ninety days notice of intention to sue the Government as stipulated under the Government Proceedings Act shall not apply where the Attorney General intervenes under this section.

(5) Notwithstanding the provisions of subsection (2), the Authority shall have duty to notify the Attorney General of any impending suit or intention to institute a suit or matter for or against the Authority.

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Functions of
Authority

- 5.-(1)** The functions of the Authority shall be-
- (a) to perform the functions conferred on the Authority by sector legislation;
 - (b) to issue, renew and cancel permits or licences;
 - (c) subject to sector legislation to-
 - (i) establish standards for regulated goods and regulated services;
 - (ii) establish standards for the terms and conditions of supply of the regulated goods and services; and
 - (iii) regulate rates and charges;
 - (d) to coordinate land transport safety activities;
 - (e) to register crew and certify drivers of regulated

- sector;
- (f) to certify worthiness of rolling stock and road worthiness of public service vehicles and goods vehicles;
 - (g) to monitor the performance of the regulated sectors including-
 - (i) levels of investment;
 - (ii) availability of safe, quality and standards of services;
 - (iii) cost of services;
 - (iv) efficiency of production and distribution of services; and
 - (v) other matters relevant to the Authority;
 - (h) to facilitate resolution of complaints and disputes;
 - (i) to disseminate information about matters relevant to the functions of the Authority;
 - (j) to consult with other regulatory authorities or bodies or institutions discharging functions similar to those of the Authority in Mainland Tanzania or elsewhere; and
 - (k) to perform such other functions as may be conferred on the Authority by this Act or any other law.

(2) In the performance of its functions, the Authority shall not award or cancel a licence having a term of five or more years without prior consultation with the Minister and the relevant sector Minister.

(3) The Minister may, for the purposes of securing the effective performance by the Authority of its functions, give to the Authority directions of a specific or general character.

Duty of
Authority

6. It shall be the duty of the Authority in carrying out its functions to enhance the welfare of Tanzania society by-

- (a) promoting effective competition and economic efficiency of regulated sectors;
- (b) promoting safety of regulated sectors including consumers of the regulated sectors;
- (c) protecting the interests of consumers in relation to

- costs, quality and standards of transport services;
- (d) protecting the financial viability of efficient suppliers;
 - (e) promoting the availability of regulated services to all consumers including low income, rural and disadvantaged consumers;
 - (f) raising public knowledge, awareness and understanding of the regulated sectors including-
 - (i) the rights and obligations of consumers and regulated suppliers;
 - (ii) the ways in which complaints and disputes may be resolved;
 - (iii) the duties, functions and activities of the Authority; and
 - (g) taking into account the need to protect and preserve the environment.

PART III

BOARD OF THE AUTHORITY

Establishment
of Board

7.-(1) There is established the Land Transport Regulatory Authority Board which shall be the governing body of the Authority and shall consist of seven members as follows-

- (a) a Chairman to be appointed by the President; and
 - (b) six other members to be appointed by the Minister as follows:
 - (i) a law officer nominated by the Attorney General;
 - (ii) five other members appointed from amongst persons with qualifications and experience in transport logistics, law, engineering management, finance or accounts.
- (2) In appointing members of the Board under subsection (1), due regard shall be given to gender.
- (3) The Director General shall be the secretary to the Board.
- (4) In order to maintain impartiality and for the

purpose of avoiding conflict of interest, a person shall not be qualified for appointment as a member of the Board if owing to the nature of the office he holds, he is likely to exert influence on the Authority.

(5) The provisions of the First Schedule to this Act shall have effect as to the tenure of office of members, remuneration, proceedings of the Board and other matters in relation to the Board.

Functions of
Board

8.-(1) The Board shall oversee the management in the performance of the functions of the Authority, and shall ensure adherence to the governing laws and procedures.

(2) Without prejudice to the generality of subsection (1), the Board shall-

- (a) provide strategic guidance and formulate policies for operation and management of the Authority;
- (b) conduct managerial oversight and review the activities and performance of management of the Authority;
- (c) secure and ensure efficient use of resources, including approval of annual work plan, annual budget and supplementary budget;
- (d) approve strategic and investment plans and operations manual;
- (e) evaluate the performance of the entire management team and take necessary measures;
- (f) approve performance reports of the Authority;
- (g) approve any changes in salaries and conditions of service for employees;
- (h) approve code of conduct;
- (i) approve and oversee financial regulations and staff rules;
- (j) approve the disposal of capital items; and
- (k) do any other functions as it may deem fit for the achievement of the objectives of the Authority.

Powers of Board

9.-(1) The Board shall, in respect of the performance of the functions of the Authority, have powers to-

- (a) approve projects, subject to other relevant laws for the purpose of the Authority, not included within a programme or annual work plan and budget;
- (b) consider legislative proposal relating to land transport services and recommend their enactment to the Minister; and
- (c) exercise disciplinary powers over management employees.

(2) The Board may give directions to the Director General in relation to the carrying out of any of the functions of the Authority.

Committees of Board

10. The Board may, for the purpose of effective performance of its functions, form and appoint from among its members, such number of committees as it deems necessary for carrying out specific functions as the Board may determine.

Delegation of functions and powers of Board

11.-(1) The Board may, subject to such conditions or restrictions as it deems necessary, delegate to any committee of the Board any functions or powers vested in it by this Act or any other written law, except powers to borrow or lend money, prescribe fees, rates, charges and commissions.

(2) Any power or function so delegated shall be exercised or performed by the committee in the name and on behalf of the Board.

(3) The Board may exercise any power conferred upon it or perform any function under this Act or any other written law, notwithstanding the delegation of the power or function made under such written law.

Code of conduct

12.-(1) The Authority shall prepare a code of conduct to be published in the *Gazette* prescribing standards to be observed by members of the Board and

employees of the Authority in the performance of their duties.

(2) A member of the Board or employee of the Authority who fails to comply with the code of conduct commits an offence and shall be liable to disciplinary action.

Conflict of interest

13.-(1) Where at any time a member of the Board has a conflict of interest in relation to-

(a) any matter before the Board for consideration or determination; or

(b) any matter the Board could reasonably expect might come before it for consideration or determination, that member shall immediately declare the interest held by him to members of the Board and refrain from taking part in the consideration or determination of the matter.

(2) Upon the Board becoming aware of any conflict of interest it shall make a determination as to whether the conflict is likely to interfere with the proper and effective performance of the functions and duties of the member and the member with the conflict of interest shall not vote on the matter under consideration.

(3) Where the Board determines that the conflict is likely to interfere with the member's proper and effective performance, competence or integrity, such member shall resign except if within the next thirty days the member eliminates the conflict to the satisfaction of the Board.

Cessation of membership

14. A member of the Board or an employee of the Authority shall not, during a period of twelve months after the expiration or termination of the term of office or service-

(a) enter into any contract of employment with, or contract for the supply of services to any person or organisation under the jurisdiction of the Authority; and

(b) acquire or hold any financial interest, whether as an

employee, partner, shareholder, officer or joint venture, in any business or organisation supplying services to any person or organization under the jurisdiction of the Authority.

PART IV

ADMINISTRATION AND MANAGEMENT OF THE AUTHORITY

Director General

15.-(1) There shall be the Director General of the Authority who shall be the chief executive officer of the Authority and responsible to the Board for the proper administration and management of the functions and affairs of the Authority.

(2) The Director General shall be appointed by the President on such terms and conditions as provided for in the scheme of service.

(3) A person shall not be qualified for appointment as Director General unless he-

- (a) is a holder of at least a post graduate degree from a recognized university or its equivalence;
- (b) possesses at least eight years experience in senior managerial position in one or more of the field of management, law, economics, finance, engineering or such other qualification as may be required; and
- (c) has knowledge and experience of the transport sector.

(4) The Director General shall be appointed to serve for a term of four years renewable once on such terms and conditions as shall be set out in the letter of his appointment or as may be determined by the Board upon approval by the Minister.

Establishment of departments, units and sections

16.-(1) The Board may, for the purpose of facilitating performance of its functions, establish departments, units and sections as may be determined by the Board.

(2) There shall be employed by the Board, departmental directors each with responsibilities for a particular function.

Officers and
other staff of
Authority

17.-(1) There shall be employed by the Board such number of officers, staff and employees of the Authority in such categories and levels as may be necessary for the efficient discharge of the functions of the Authority and upon such terms and conditions as may be determined by the Board.

(2) The Authority may appoint consultants and experts of the Authority in various disciplines on such terms and conditions as the Authority may determine.

(3) The Authority shall, in recruiting employees, comply with the competitive selection procedures.

PART V

POWERS AND PROCEEDINGS OF THE AUTHORITY

General
powers

18.-(1) Subject to the provisions of this Act, the Authority shall have powers to do all things which are necessary for or in connection with the performance of its functions or to enable it to discharge its duties.

(2) Without limiting the powers conferred under subsection (1), the Authority shall have-

- (a) such powers as may be conferred on it by sector legislation; and
- (b) the power to appoint an administrator to manage the business of a regulated supplier whose long term licence has been cancelled.

Powers to set
rates and
charges

19.-(1) Subject to the provisions of sector legislation and licences granted under sector legislation, the Authority shall set and carry out regular review of rates and charges.

(2) In setting rates and charges, the Authority shall have regard to-

- (a) the costs of making, producing and supplying the goods or services;
- (b) the desire to promote competitive rates and attract the market;

- (c) any relevant benchmarks including international benchmarks for prices, costs and return on assets in comparable industries;
- (d) the financial implications of the determination;
- (e) the consumer and investor interest;
- (f) the return on assets in the regulated sector; and
- (g) any other factors the Authority considers relevant.

(3) The Authority shall publish in the *Gazette* all the rates and charges approved by the Board.

Power to obtain information documents and evidence

20. Where the Authority has reason to believe that a person is capable of supplying information, producing a document or giving evidence that may assist in the performance of any of its functions, a member of the Authority may, by summons signed by the Director General served on that person, require that person-

- (a) to furnish the information in writing signed by him, or in the case of a body corporate, signed by a competent officer of the body corporate;
- (b) to produce the document to the Authority; or
- (c) to appear before the Authority to give evidence orally.

Powers to hold inquiry

21.-(1) Where it considers it necessary or desirable for the purpose of carrying out its functions, the Authority shall conduct an inquiry.

(2) Subject to subsection (1) the Authority shall, before exercising a power to-

- (a) grant, renew, suspend or cancel exclusive or class licence; and
- (b) make a decision on issues of competition in nature in the regulated sector,

conduct an inquiry in accordance with this section.

(3) Where the Minister directs by notice in writing that an inquiry be conducted, and specifies the subject matter of the inquiry, the Authority shall conduct the inquiry.

Competition
matters

22.-(1) In carrying out its functions and exercising its powers under this Act and under sector legislation in relation to particular markets for regulated services, the Authority shall take into account-

- (a) whether the conditions for effective competition exist in the market;
- (b) whether any exercise by the Authority is likely to cause any lessening of competition or additional costs in the market and is likely to be detrimental to the public; and
- (c) whether any such detriments to the public is likely to outweigh any benefit to the public resulting from the exercise of the powers.

(2) The Authority shall deal with all competition issues which may arise in the course of the discharge of its functions, and may investigate and report on those issues and make appropriate recommendations to the Commission or any other relevant authority in relation to-

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- (a) any contravention of the Fair Competition Act, or any other written law;
- (b) actual or potential competition in any market for regulated services; and
- (c) any detriments likely to result to the members of the public.

Delegation of
powers

23.-(1) Subject to subsection (3), the Authority may delegate to an employee of the Authority, either generally or otherwise as provided by the instrument of delegation, any of its powers.

(2) Subject to the provisions of sub-section (1), the delegated power shall be exercised in accordance with the instrument of delegation.

(3) Notwithstanding the powers conferred to the Authority to delegate, the Authority shall not delegate powers to-

- (a) grant, renew, suspend or cancel a licence of a period of five years or more;
- (b) make any rule or declaration;

- (c) fix the method of calculating and reviewing of rates and charges;
- (d) make a decision to hold an inquiry;
- (e) adopt a report on the results of an inquiry;
- (f) adopt a code of conduct; and
- (g) such other matters as the Minister may, by notice published in the *Gazette*, determine.

Consultation
with
stakeholders

24.-(1) The Authority shall, before the beginning of each financial year, establish an annual program for consultation with stakeholders for the purpose of effectively carrying out its functions.

(2) Subject to provisions of subsection (1), the Authority shall publish the program in the Public Register.

(3) The Authority shall include in its annual report, a report on the implementation of its consultation program during the year covered by the report.

(4) For the purposes of this section, it shall be the duty of the Authority to establish and identify the persons, organizations and institutions to be consulted.

Public Register

25.-(1) There shall be a Public Register published by the Authority which shall be available for public inspection.

(2) The Board shall from time to time determine the categories of decisions and information which would be placed on the Public Register.

(3) The Authority may exclude from the Public Register any document or part of a document which is confidential under this Act.

PART VI

REVIEW AND APPEALS PROCEDURES

Review Panel

26.-(1) The Board shall establish a Review Panel which shall consist of-

- (a) two persons who have experience in law for at least ten years; and
- (b) two persons who are graduates of a recognized

university, each having at least ten years of experience in one or more of the fields of economics, finance, engineering, transport or management.

(2) Subject to subsection (1), the Board shall appoint the members of the Review Panel for a term of not exceeding five years on such terms and conditions as the Board shall deem fit.

(3) The Review Panel shall be responsible for reviewing decisions of the management of the Authority and submit to the Board for determination.

Application for
review

27-(1) Any person aggrieved by any decision made by the Authority may, within fourteen days after receipt of the decision, apply to the Authority for it to review the decision.

(2) The Board may make rules prescribing procedures governing review under this Act.

Appeal to Fair
Competition Tribunal
Cap.285

28-(1) Any person aggrieved by the decision of the Board may appeal to the Fair Competition Tribunal in accordance with the Fair Competition Act.

(2) Notwithstanding subsection (1), the grounds of appeal shall be the following:

- (a) the decision made was not based on evidence produced;
- (b) there was an error in law;
- (c) the procedures and other statutory requirements applicable to the Authority were not complied with and the non-compliance materially affected the determination; and
- (d) the Authority did not have power to make the determination.

PART VII

CONSUMER CONSULTATIVE COUNCIL

Establishment
of Council

29-(1) There is established a council to be known as the LATRA Consumer Consultative Council.

(2) The Council shall consist of seven members appointed by the Minister from amongst individuals representing consumers' interests.

(3) Before making the appointment of members pursuant to subsection (2), the Minister shall, by notice published in any newspaper circulating widely in the country, invite nominations for appointments and having received them publish the names and call for comments, objections or representations from the public concerned.

(4) In nominating and appointing persons for the Council, the Minister shall have regard to the desirability of the Council as a group having knowledge and understanding of the interests of consumers and that of the regulated services, including the interests of-

- (a) low income, rural and disadvantaged persons;
- (b) industrial and business users; and
- (c) Government and community organizations.

(5) In appointing members of the Council under this section, due regard shall be given to gender.

(6) In the performance of its functions, the Council shall regulate its own proceedings.

(7) After the members are appointed under subsection (2) they shall meet to elect their Chairman.

Tenure of Council

30.-(1) The tenure of the Council members shall be as follows-

- (a) two members shall hold office for a term of four years; and
- (b) five members shall hold office for a term of three years;

(2) The Council members shall not serve for more than two consecutive terms.

Functions and powers of Council

31.-(1) The functions of the Council shall be-

- (a) to represent the interests of consumers by making submissions to, providing views and information to and consulting with the Authority, Minister and regulated sector Ministers;
- (b) to receive and disseminate information and views on

matters of interest to consumers of regulated goods and services;

- (c) to establish regional and regulated sector consumer committees and consult with them;
- (d) to consult with industry, Government and other consumer groups on matters of interests to consumers of regulated goods and services;
- (e) to establish local and sector consumer committees and consult with them; and
- (f) to conduct research on the matters affecting interest of consumers of a regulated sector.

(2) The Council shall maintain its own Secretariat.

(3) The Council shall have power to regulate its own procedure in relation to the performance of its business.

(4) Subject to subsections (1), (2) and (3), the Chairman of the Council in consultation with the members may convene meetings at least four times a year.

(5) The Chairman of the Council shall preside at meetings of the Council and in his absence, members present may appoint one of their member to preside at the meeting.

(6) The quorum at a meeting of the Council shall be half of the number of all the members present.

Funds of
Council

32.-(1) The Fund and resources of the Council shall be-

- (a) such sums as shall be appropriated from the funds of the Authority for the purposes of the Council;
- (b) grants, donations or bequests; and
- (c) any other monies legally acquired or received by the Council for the execution of its functions.

(2) The Council shall, upon approval by the Minister, prescribe procedure for enabling regulated suppliers to contribute to the budget of the Council.

(3) The Council shall keep books of accounts and maintain proper records of its operations in accordance with commercial accounting standards.

(4) The accounts of the Council shall, at the end of

each financial year, be audited by the Controller and Auditor General or any other person appointed by him.

(5) The Council shall prepare an Annual Report in relation to each year ended 30th June and submit it to the Authority before 31st December of the following year.

(6) The Annual Report shall provide detailed information regarding the activities of the Council during the previous year ended 30th June, and any additional information requested by the Authority within 28 days of its receipt.

(7) Subject to subsection (5), the Annual Report of the Council shall include the financial statements of the Council for the immediate preceding financial year and the auditor's report based on the aforementioned financial statements.

(8) The Council shall prepare a budget and submit to the Authority for approval before the end of each financial year for the following financial year showing estimates of its receipts and expenditures for the following financial year.

(9) At the Authority's request the Council shall commission its auditors to assess and report on the extent to which the budget represents a fair and reasonable projection of the income and expenditure of the Council for the relevant year and shall submit that report to the Authority.

PART VIII

COMPLAINTS HANDLING AND DISPUTE RESOLUTION

Complaints
handling

33.-(1) Where a complaint is referred to, or otherwise comes to the attention of the Authority, and it appears to the Authority that-

- (a) the complainant has an interest in the matter to which the complaint relates; and
 - (b) the complaint is not frivolous or vexatious,
- the Authority shall investigate the matter.

(2) Where it appears to the Authority at any time during or after its investigation that the supplier has not

considered the complaint or has not considered it adequately, the Authority may refer the complaint to the supplier with a directive that the supplier should consider or reconsider the complaint.

(3) Where it comes to the knowledge of the Authority at any time during or after its investigation that the supplier has considered the matter but the complainant is not satisfied with the decision, the Authority shall handle the complaint in accordance with this section.

(4) The Authority shall investigate the complaint and attempt to resolve it amicably, and in the event it cannot be resolved, the Authority shall present its findings and recommendations to the Board.

(5) The Board shall make a decision on the complaint within the prescribed time.

(6) Any party aggrieved by the decision of the Board may, within prescribed time, appeal to the Fair Competition Tribunal.

Orders of
Board

34.-(1) Subject to section 33, the Board may make an order-

- (a) requiring a party to pay a certain amount of money;
- (b) requiring a party to supply goods or services for specified periods;
- (c) requiring a party to supply goods or services on specified terms and conditions;
- (d) requiring a party to pay the costs of another party or of a person appearing at the hearing or producing documents;
- (e) dismissing a complaint;
- (f) imposing fines and or refunds;
- (g) requiring specific performance;
- (h) setting up an escrow fund;
- (i) appointing a trustee; and
- (j) such other relief as may be deemed reasonable and necessary.

(2) The orders of the Board under this section shall be enforceable as orders of the High Court.

PART IX
FINANCIAL PROVISIONS

Funds of
Authority

35.-(1) The funds and resources of the Authority shall consist of-

- (a) fees collected by the Authority including fees payable for the grant and renewal of licences;
- (b) levies collected from regulated suppliers;
- (c) all other payment or property due to the Authority in respect of any matter incidental to its functions;
- (d) any grants, donations, bequests or other contributions made to the Authority; and
- (e) any other monies legally acquired or received by the Authority for the execution of its functions.

(2) The Authority may, by regulations made under this Act, require regulated suppliers to pay annual levies to the Authority calculated as a percentage of the revenues of regulated suppliers from the supply of regulated goods and services.

(3) An annual levy payable under subsection (2) shall not exceed one percent of the gross operating revenue of a regulated supplier from the supply of regulated goods and services.

(4) The percentage of an annual levy payable under subsection (2) may differ between different regulated sectors.

(5) The Authority shall not accept any grant or donation from a regulated supplier.

Financial year

36. The financial year of the Authority shall be the period of one year ending on 30th June.

Accounts and
audit

37.-(1) The Authority shall keep proper books of account and maintain proper records of its operation in accordance with public sector accounting standards and or other standards approved by the national accounting standards setting board.

(2) The accounts of the Authority may at any time

and shall, at the end of each financial year, be audited by the Controller and Auditor General or any other person appointed by him.

(3) The Authority shall keep proper books and audit records of accounts of the income, expenditure and assets of the Authority.

(4) After the end of each financial year, the Authority shall submit to the Controller and Auditor General the accounts of the Authority together with-

- (a) a statement of financial performance during the year;
- (b) a statement of the financial position of the Authority on the last day of that year;
- (c) a statement of change in equity during the year;
- (d) statement of comparison of budget and actual amounts; and
- (e) notes, comprising of a summary of significant accounting policies and other explanatory notes.

Annual report

38.-(1) The Authority shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report detailing general activities and operation of the Authority during that year.

(2) The annual report shall provide detailed information regarding the exercise of the functions and powers of the Authority during the year to which it relates and shall include-

- (a) a copy of the audited accounts of the Authority;
- (b) a copy of any other report of the Controller and Auditor General carried out during the year to which the Annual Report relates; and
- (c) such information and other material as the Authority may be required by this Act or the regulations to include in the Annual Report.

Budget

39.-(1) Before the end of financial year, the Authority shall prepare a budget for the following financial year, showing estimates of its receipts and expenditure for the following financial year.

(2) Subject to the provisions of subsection (1), the Authority shall inform the Minister of its budget for the following financial year by submitting a copy to the Minister for information.

(3) Where the Minister so requests prior to the commencement of the following financial year, the Authority shall commission the Authority's auditor to assess and report on the extent to which the budget represents a fair and reasonable projection of the income and expenditure of the Authority for the relevant year.

(4) The Authority shall deliver to the Minister a copy of any report prepared pursuant to subsection (3) as soon as possible after the Authority receives it.

(5) If the Authority's Auditor reports that the budget does not represent a fair and reasonable projection of income and expenditure, the Minister may before the commencement of the financial year, require the Authority to revise the budget to correct the deficiencies.

PART X

GENERAL PROVISIONS

Compliance
orders

40.-(1) Where the Authority is satisfied that a person has committed or is likely to commit an offence against this Act or sector legislation it may make a compliance order under this section.

(2) Any person against whom a compliance order is made shall comply with the order.

(3) A compliance order may require a person to refrain conduct which is in contravention of the provisions of this Act or sector legislation or to take actions required to be taken in order to comply with this Act or sector legislation.

(4) A compliance order shall be made in writing specifying the grounds for its making and shall be enforceable as an injunction of the High Court.

(5) A copy of a compliance order shall be placed on the Public Register and a copy shall be served on the person against whom it is made.

(6) Notwithstanding the provisions of any law to the contrary, where an order or a certified certificate is produced or submitted to the High Court, the order or certificate shall, unless where the contrary intention appears, be conclusive proof of its making by the High Court and of the facts to which it relates.

Rules and
declarations

41.-(1) The Authority may, with the prior approval of the Minister, make rules with respect to-

- (a) code of conduct;
- (b) records to be kept, including the form and content of accounting and business records and information and documents to be supplied to the Authority by regulated suppliers;
- (c) conduct in connection with the production, distribution and supply of regulated goods and services;
- (d) complaints handling procedures;
- (e) rates and charges for regulated goods and services; and
- (f) such other matters as the Authority considers necessary or desirable to give effect to this Act;

(2) Any person who contravenes or fails to comply with rules made under this section, commits an offence and on conviction shall be liable to a fine not exceeding three million shillings.

(3) Notwithstanding other functions upon which the Authority is empowered to perform, the Authority may, upon consultation with the Minister, make declaration prescribing various requirements to be observed under this Act.

(4) Without prejudice to the generality of subsection (3) the Authority may make declarations on-

- (a) particular goods or services, or particular classes of goods or services and on regulated goods or services for purposes of this Act;
- (b) particular persons or classes of persons and regulated suppliers for the purposes of this Act; or

(c) particular activities which are in connection with a regulated sector.

(5) Declarations made by the Authority shall not be inconsistent with this Act, sector legislation or subordinate legislation made under this Act or a sector legislation.

(6) A copy of any declaration made under this section shall be placed on the Public Register.

(7) A person who contravenes the requirements as declared under subsections (3) and (4), commits an offence and on conviction shall be liable to a fine not exceeding three million shillings.

Offences

42.-(1) Any person who contravenes or fails to comply with the provisions of this Act, commits an offence and is liable on conviction to a fine not exceeding three million shillings or imprisonment for a term not exceeding two years or to both.

(2) Notwithstanding subsection (1), where an offence is committed by a body corporate, it shall be liable to a fine not exceeding five million.

(3) Any person, who suffers loss or damage as a result of an offence against this Act, may recover by compensation for such loss or damage from the person who committed that offence whether or not that person has been convicted of an offence.

(4) A partner of a firm shall be jointly and severally liable for the acts or omissions of any other partner of the same firm done or omitted to be done in the course of the firm's business.

(5) For the purposes of the provisions of this section, a penalty for non compliance of an order of the Authority shall be a fine which shall be equal to a civil debt.

Compounding
of offences

43.-(1) Notwithstanding the provision of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Director General may, at any time prior to the commencement of the hearing by a court of competent jurisdiction, compound such offence and order such person to pay sum of money not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under sub section (1).

(3) Where the person fails to comply with the notification issued under this section within the prescribed period, the Director General-

- (a) shall, in addition to sum ordered, require the person to pay an interest at the rate prescribed in the Regulations; and
- (b) may enforce the notification in the same manner as a decree of a court for the payment of the amount stated in the notification.

Restriction on
execution
against
property of
Authority

44. Notwithstanding any provision to the contrary in any written law, where a judgement or order has been obtained against the Authority, no execution or attachment or process in the nature thereof shall be issued against the Authority, or against the property or assets of the Authority but the Authority shall cause to be paid out of the revenue of the Authority such amounts as may, by the judgement or order, be awarded against the Authority to the person entitled thereto.

Regulations

45.-(1) The Minister may, in consultation with the Minister responsible for regulated sector, make regulations for the better carrying out of provisions of

this Act.

(2) Without prejudice to subsection (1), the Minister may make regulations prescribing-

- (a) standards of regulated goods and services;
- (b) terms and conditions of supply of regulated goods and services;
- (c) levies and fees payable to the Authority;
- (d) safety for goods and services in the regulated sectors;
- (e) review and appeal procedure;
- (f) procedure for conducting inquiry;
- (g) handling and transportation of dangerous goods;
- (h) the circumstances in which, and the terms and conditions on which, a supplier or intending supplier of regulated goods or services shall be able to gain access to facilities owned or controlled by another person; and
- (i) for any matter which, in the opinion of the Authority, is necessary for the efficient performance of its functions.

Inconsistency
with sector
legislation

46. Where, there is any inconsistency between the provisions of this Act and the provisions of sector legislation, this Act shall prevail.

PART XI

REPEAL AND TRANSITIONAL PROVISIONS

Repeal and
savings

47.-(1) The Surface and Marine Transport Regulatory Authority Act, is hereby repealed.

(2) Notwithstanding the repeal of Surface and Marine Transport Regulatory Authority Act, any contract, document, licence, order, permit or resolution made, granted or approved prior to the commencement of this Act in relation to the production, distribution or supply of regulated goods or services in the said sectors shall remain in operation until they are revoked, annulled or otherwise replaced.

(3) Any subsidiary legislation and all exemptions

made or given under the provisions of the repealed Act or any other written laws, which were in force immediately before the commencement of this Act shall, so far as it is not inconsistent with the provisions of this Act, until revoked, replaced or rescinded remain in force as if they were made under this Act.

(4) This Act shall not operate so as to affect in a prejudicial way the rights of any person under a licence or permit granted prior to the commencement of this Act or any contract entered into prior to the commencement of this Act.

(5) Unless the context requires otherwise, any reference in any written law to the Surface and Marine Transport Regulatory Authority Act shall be construed as reference to this Act.

Continuation
of business
after
operation of
Act

48. Any person who immediately before the commencement of this Act, was a holder of a licence authorizing him to carry on the services regulated under this Act, shall continue carrying on such services.

Rights of
employee

49.(1) The service of any employee or staff of the former Surface and Marine Transport Regulatory Authority shall be deemed to be continuous with the Authority.

(2) The terms and conditions of employment of any employee or staff from the Surface and Marine Transport Regulatory Authority who joins the Authority shall not be less favourable than those enjoyed by that employee immediately prior to the date on which he joined the services of the Authority.

(3) An employee or staff of the Surface and Marine Transport Regulatory Authority whose service does not continue with the authority and where such employee or staff is a member of any statutory, voluntary pension or other superannuate benefit or scheme prior to such termination, such employee or staff shall be paid terminal benefits in accordance with the laws and regulations governing such scheme immediately before

such termination.

Assets and liabilities

50.-(1) All assets, interests, rights, privileges, liabilities or obligations vested in the Surface and Marine Transport Regulatory Authority not related to maritime transport shall be transferred to and be vested to LATRA without further assurance.

(2) Where any question arises as to whether any particular property, or any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in accordance with provisions of subsection (1), a certificate under the hand of the Minister shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

Transition period

51.-(1) There shall be a transition period of six months commencing from the date of commencement of this Act.

(2) Subject to this Act and not later than the expiration of the transition period, all legal and other necessary measures shall be taken to facilitate the winding up of the affairs and business of the Surface and Marine Transport Regulatory Authority and the effectual transfer and vesting in the Authority of its assets and liabilities.

(3) Notwithstanding subsection (1), the Minister may extend the transition period for a further period as may be required.

Continuation and completion of proceedings

52.-(1) Where on the commencement of this Act, any disciplinary proceeding was pending against any employee of the Surface and Marine Transport Regulatory Authority related to surface transport sector, such proceeding shall be carried on and completed by the LATRA and, where on the commencement date any matter was in the course of being heard or investigated or had been heard or investigated by Surface and Marine Transport Regulatory Authority related to surface

transport sector but no order or decision had been rendered, LATRA shall complete the hearing or investigation and such order, ruling or directives as it could have been made by LATRA under which the proceedings or matter were or was vested before the commencement date.

(2) For the purpose of this Part, “commencement date” means the date on which this Act comes into operation.

PART XII

CONSEQUENTIAL AMENDMENTS

Sub-Part I

Amendment of the Railways Act (Act No.10 of 2017)

Construction
Act No.
10 of 2017

53. This Sub-Part shall be read as one with the Railways Act hereinafter referred to as the “principal Act”.

Amendment
of section 59

54. The principal Act is amended in section 59 by deleting the phrase “provided for under section 6 of the Surface and Marine Regulatory Authority” and substituting for it the phrases “provided for under the Land Transport Regulatory Authority Act in its acronym “LATRA”.

Sub-Part II

Amendment of the Transport Licensing Act (Cap.317)

Construction
Cap. 317

55. This Sub-Part shall be read as one with the Transport Licensing Act hereinafter referred to as the “principal Act”.

Addition of
section 5A

56. The principal Act is amended by adding immediately after section 5 the following-

Transfer of
powers and

5A.-(1) Notwithstanding

functions anything contained in this Act, all the regulatory powers and functions vested in the Minister and in the licensing authority are hereby transferred to the regulatory Authority.

(2) For the purposes of this section, “regulatory authority” means the Land Transport Regulatory Authority established under section 3 of the Land Transport Regulatory Authority Act.”

Amendment
of section 11

- 57.** The principal Act is amended in section 11-
- (a) in subsection (1), by deleting paragraph (b) and substituting for it the following:
 - “(b) use for hire or reward a public service vehicle for the conveyance of any person.
 - (b) in subsection (5) by-
 - (i) deleting paragraphs (f) and (h) and;
 - (ii) renaming paragraphs (g) and (i) as paragraphs (f) and (g) respectively.

 SCHEDULE

(Made under section 7(5))

PROCEEDINGS OF THE BOARD

 Election of
Deputy
Chairman

1. The Board shall elect one of its members to be Deputy Chairman for a term of one year and shall be eligible for re-election.

 Tenure of
appointment

2.-(1) The tenure of first members of the Board shall be as follows:
 (a) Chairman - four years;
 (b) two members - three years;
 (c) two members - four years; and
 (d) one member - five years;
 (2) Members of the Board shall be eligible for reappointment for one more term but shall not be eligible for reappointment.
 (3) Any member, may at any time resign by giving notice in writing to the appointing authority and from the date specified in the notice or if no date so specified, from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.

 Co option of
members

3. The Board may co-opt any person whose presence is in its opinion desirable to attend and to participate in the deliberation of meeting of the Board and such person shall have no right to vote.

 Meetings of
Board

4.-(1) The Board shall meet at least four times a year.
 (2) An ordinary meeting of the Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence.
 (3) Where the Chairman is unable to act by any reason, the Deputy Chairman shall convene the meeting.
 (4) The Chairman or, in his absence, the Deputy Chairman, may, if requested in writing in that behalf by at least half the members, convene a special meeting of the Board.
 (5) The Board may review its own decision made under this Act.

 Cessation of
membership

5.- A member of the Board may cease to be a member where he-
 (a) is declared bankrupt;
 (b) is convicted of a criminal offence;
 (c) fails to declare conflict of interest;
 (d) fails to perform his duties because of ill health or physical or mental impairment;
 (e) has breached a code of conduct;
 (f) fails to attend at least two thirds of all meetings of the Authority for twelve months consecutively without reasonable excuse.

Appointment of temporary member	6. Where any member is by reason of illness, infirmity or absence from the United Republic unable to attend any meeting of the Board, the Minister may appoint a temporary member in his place and any such temporary member shall cease to hold office on the resumption of office of the substantive member.
Quorum	7. The quorum at any meeting of the Board shall be more than half of the members in the Board.
Decision of Board	8. Decision of the Board shall be decided by majority of the vote of the members present and in the event of the equality of the vote the Chairman shall have a casting vote.
Minutes of meetings	9. Minutes in proper form of each meeting of the Board shall be kept and shall be confirmed by the Board at its next meeting.
Official seal	10. -(1) The official seal of the Authority shall be of such shape, size and form as the Board may determine. (2) The official seal of the Authority shall be duly affixed if witnessed under hand by the Chairman, the Director General or the Secretary of the Authority and any other person dully authorized in that behalf.
Proceedings not invalidated by irregularity	11. Proceedings of the Board 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.
Absence from three consecutive meeting	12. Where any member absents himself from three consecutive meetings of the Board without sufficient cause, the Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of the member and appoint another member in his place.
Board may regulate its own proceedings	13. Subject to this Act, the Board shall have power to regulate its procedure in relation to its meetings and the transaction of its meetings.

Passed by the National Assembly on the 30th January, 2019.

STEPHEN KAGAIGAI
Clerk of the National Assembly



THE UNITED REPUBLIC OF TANZANIA

MINISTRY OF TRANSPORT

LAND TRANSPORT REGULATORY
AUTHORITY



PROPOSED AMENDMENTS

THE LAND TRANSPORT LICENCING ACT CHAPTER 317

PROPOSED AMENDMENTS FOR TRANSPORT LICENCING ACT CAP. 317

SN	SHORT TITLE	CURRENT POSITION	PROPOSED AMENDMENT	JUSTIFICATION
1.	Section 3(1) interpretation	The definition of the term “appointing authority” means, in the case of the Central Licensing Authority, the Minister and in the case of a Regional Licensing Authority, the Regional Commissioner of	To delete the definition of the term appointing Authority	In current position of the laws of Land Transport Regulatory Authority appointing authority with regard to Central and Regional licensing authority does not exist.

		the region for which the Authority is established;		
		By adding the definition in the appropriate order of a term the words “authorised agent”	“Authorised agent” means a person, government institution, company or cooperative society engaged by the licensing authority to issue, renew licence or to perform such other functions vested by the licensing authority	To introduce and recognize the authorised agent under this Act, to facilitate the implementation of the functions of the licensing authority.
		“Central Licensing Authority” means the Central Transport Licensing Authority established bySection 4;	To delete the definition of Central Licensing Authority.	The application of Central licensing authority is no longer applicable in current position of the law, the Land Transport Regulatory Authority is the regulator and licensing authority of land transport matters.
		In the current position the term “licensing authority” means licensing authority	The definition of the term “licensing authority” is proposed to be amended by deleting and	In the current position of the laws Land Transport Regulatory Authority is the regulator and responsible for

		<p>established under section 4 and, unless the context otherwise requires, any person to whom powers have been delegated under section 6 and in relation to an application form, or an objection to, or a grant of, or refusal to grant, a licence references in this Act to a licensing authority shall be construed as a reference to the licensing authority having jurisdiction under section 18 or section 19 to entertain such application or objection and to any person or authority to whom such jurisdiction has been delegated;</p>	<p>substituting to it with the following: “licensing authority” means the Land Transport Regulatory Authority established under Section 4 of the Land Transport Regulatory Authority Act.</p>	<p>issuance, renewal, suspension and cancellation of licence.</p>
		<p>“member”</p>	<p>To delete the definition of the term “member”</p>	<p>The application of the term member is no longer applicable in current position of the law, as the referred membership applied by the then</p>

				Central and Regional licensing authority does not exist.
		“Minister” means the Minister responsible for communications	To amend the term “Minister” by deleting the word “Communication” and substituting to it with the “Transport”	Reason is due to the change of Minister responsible for Transport.
		Regional Licencing Authority Means Regional Transport Licencing Authority established by section 4.	The amendment is proposed to amend by deletion of the term “Regional Licencing Authority”	The application of the term Regional licensing authority is no longer applicable in current position of the law, as the referred Regional licensing authority does not exist
		“Urban area” means any area declared to be an urban area for the purpose of this Act by the Minister	The amendment is proposed to amend by deletion of the term “Urban area”	The term has been covered by other sectorial laws governing urban planning and the term has the ordinary meaning as used by other laws.
2.		Section 3(2)	To delete subsection 2	Since the terms “appointing authority” has been deleted, hence the provision of this subsection is not relevant.

3.	Section 3(1)	NIL	<p>“hire” means a circumstance where a regulated service provider provides for regulated services to a consumer at an agreed payment;</p>	<p>To differentiate different commercial vehicle purposes and to create common understanding of the terms as used in the Act.</p>
<p>“reward” means to obtain commercial vehicles service without an agreed payment rather facilitation of the licensee’s other businesses ;</p>	<p>Clarity and consistence of this Act and Land Transport Regulatory Authority Act since the terms has been used.</p>			
<p>“regulated services” has the meaning as ascribed under the Land Transport Regulatory Authority</p>		<p>“regulated service providers” has the meaning as ascribed under the Land Transport Regulatory Authority</p>		

4.			Designating section 3(1) as section 3.	section 3(2) has been deleted.
5.		General amendments	The amendment is proposed by deleting the terms “uneconomic competition” wherever they appears in this Act and substituting for them with the words “unfair competition”	in aligning with the Authority’s duty of promoting fair competition and preventing any act relating to unfair competition related to other modes of transport
6.	Section 4	NIL	<p>This section is proposed to be repealed and replaced with the following:</p> <p>4(1) For the purpose of this Act, the licensing authority shall be the Land Transport Regulatory Authority established under the Land Transport Regulatory Authority Act. (Cap 413)</p> <p>(2) the Licensing Authority shall be responsible for issuance, renewal, cancelation and suspension of licences or permit.</p> <p>(3) the procedure for issuance, renewal, suspension and cancelation of licence or permit shall be prescribed in the</p>	The application of Central and Regional licensing authority is no longer applicable in current position of the law, the Land Transport Regulatory Authority is the regulator and licensing authority of land transport matters

			Regulations.	
7.	Section 5	NIL	This section is proposed to be repealed and replaced with the following: 5. Licencing authority may engage an authorised agent to issue and renew licence or permit and to perform such other functions vested by the licensing authority.	
8.	Section 5A, 6, 6A, 7, 8, 9 and 10.	Section 5A, 6, 6A, 7, 8, 9 and 10.	The provisions are proposed to be amended by repealing section 5A, 6, 6A, 7, 8, 9 and 10.	
9.	Section 18, 19, 20, and 21	Section 18, 19, 20, and 21	The provisions are proposed to be amended by repealing section 18, 19, 20, and 21,	The Land Transport Regulatory Authority is the regulator of land transport services mandated to issue, renew and cancel licences or permits under the Land Transport Regulatory Authority Act, No. 3 of 2019.

				Also the procedures on application for licences have been provided by the Minister under Section 45 of the LATRA Act.
10.	Section 26	Section 26(3)	The amendment is proposed to amend subsection (3) by deleting the word “ten thousand” and substituting to it with “five hundred thousand”	To align with current economic situation and penalties provided by the Authority.
11.	Section 28	Section 28 (3)	The amendment is proposed to amend by deleting the word “two thousands shillings” and substituting to it with “one hundred thousand shillings”	To align with current economic situation and penalties provided by the Authority.
12.	Section 34	Section 34	The provisions are proposed to be amended by repealing section 34	The provision is redundant as the Minister no longer has such powers, these powers have been vested to the licencing authority
13.	Section 36, 37, 38 and 39	Section 36,37, 38 and 39	The provisions are proposed to be amended by repealing section 36, 37, 38 and 39	(a) The procedure for opposing certain applications or variations of licence is not practicable in the current situation; (b) The procedure for complaint

				handling and appeal is prescribed in the Land Transport Regulatory Authority Act.
14.	Section 40	Section 40	The provisions are proposed to be amended by repealing Section 40	The procedure for issuance of licence equally applies to all service providers as provided under the Land Transport Regulatory Authority Act.
15.	Section 41	Section 41	<p>This section 41 is proposed to be repealed and replaced with the following:</p> <p style="padding-left: 40px;">41. A person who contravenes any provisions of this Act where a specific penalty is not provided, commits an offence and on conviction shall be liable to a fine of not less than five hundred thousand shillings and not exceeding three million shillings or to imprisonment of a term not less than six months and not exceeding one years or to both.</p>	Some of the offences provided in the previous section were already covered in the Penal Code

16.	Section 42	Section 42	The provisions are proposed to be amended by repealing section 42	The offence falls under the general penalties and procedures for charging fares and penalties are provided under the Land Transport Regulatory Authority Act and the regulations made there under
17.	Section 43 and 44	Section 43 and 44	The provisions are proposed to be amended by repealing section 43 and 44	Financial provisions is covered by the Land Transport Regulatory Authority Act
18.	Section 45 (h)	Section 45 (h)	The provisions of paragraph (h) are proposed to be amended by deleting paragraph (h)	Land Transport Regulatory Authority is responsible for all matters relating to licencing and assessors' participation is no longer applicable.
19.	Section 46	Section 46	This section 46 is proposed to be repealed and replaced with the following: 46. A police officer or a member of a licensing authority may search any vehicle, and for this purpose may stop the vehicle in motion, with a view to ascertain whether or not the provision of this Act or of any regulation made hereunder are being complied with, and may demand the	Administrative officers are not involved in the implementation of this Act.

			production of any document or record of any description which may, under the provision of this Act or of any regulation made hereunder, be required to be carried on the vehicle , and may require the driver or any other person travelling on a vehicle to give the information as the police officer or member of the Licensing authority may reasonably request in order to ascertain whether or not the provision of this Act or such regulations are being complied with.	
20.	Section 48	Section 48	The provisions are proposed to be amended by repealing section 48	The procedure for complaint handling and appeal is prescribed in the Land Transport Regulatory Authority Act.
21.	Section 4	Section 49	The provisions are proposed to be amended by repealing section 49	This provision is deleted since it contravenes the Land Transport Regulatory Authority duty to promote the availability of regulated services and hinders the growth of the regulated sector

THE TRANSPORT LICENSING ACT, 1973

ARRANGEMENT OF SECTIONS

Section

Title

PART I

PRELIMINARY

1. Short title and commencement.
2. Minister may suspend operation of provision of this Act.
3. Interpretation.

PART II

LICENSING AUTHORITY

4. Establishment of licensing authorities.
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THE UNITED REPUBLIC OF TANZANIA



No. 1 OF 1973

I ASSENT

Julius K. Nyerere
President

8TH MARCH, 1973

An Act to repeal and replace the Transport Licensing Ordinance

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Transport Licensing Act, 1973 and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title
and
commence-
ment

2. The Minister may, if he considers it expedient or desirable so to do, from time to time, by order in the *Gazette* suspend the operation of any or all of the provisions of this Act either as to Tanganyika as a whole or as to any area or areas of Tanganyika.

Minister
may suspend
operation
of provision
of this Act

3.—(1) In this Act, unless the context otherwise requires—

Interpre-
tation

“appointing authority” means, in the case of the Central Licensing Authority, the Minister and in the case of a Regional Licensing Authority, the Regional Commissioner of the region for which the Authority is established;

“authorized vehicle” means a vehicle authorized to be used under a licence issued under the provisions of this Act;

“carriage of goods” includes the haulage of goods;

“carrier’s licence” means a licence granted under this Act in respect of a goods vehicle;

“Central Licensing Authority” means the Central Transport Licensing Authority established by section 4;

“driver” in relation to a trailer means the driver of the vehicle by which the trailer is drawn, and where a separate person acts as steersman of a motor vehicle includes that person as well as any other person engaged in the driving of the vehicle, and the expression “drive” shall be construed accordingly;

“fares” includes sums payable in respect of a contract ticket or a season ticket;

“goods” includes goods or burden of any description;

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

“licence” means a licence granted under this Act;

“licensing authority” means a licensing authority established under section 4 and, unless the context otherwise requires, any person to whom powers have been delegated under section 5; and in relation to an application for, or an objection to, or a grant of, or refusal to grant, a licence references in this Act to a licensing authority shall be construed as a reference to the licensing authority having jurisdiction under section 16 or section 17 to entertain such application or objection and to any person or authority to whom such jurisdiction has been delegated;

“member” when used in relation to a licensing authority, includes the chairman and deputy chairman;

“Minister” means the Minister for the time being responsible for communications;

“motor vehicle” means a mechanically propelled vehicle intended or adapted for use on roads;

“officer in charge of police” has the meaning assigned to it in section 2 of the Police Force Ordinance;

Cap. 322

“owner” in relation to a vehicle which is the subject of hiring agreement or hire purchase agreement means the person in lawful possession of the vehicle under that agreement;

“public interest” means the interest and convenience of the people of the United Republic resident in Tanganyika;

“public service vehicle” means a motor vehicle which carries or is intended to carry passengers for hire or reward, whether used or constructed solely for that purpose or not;

“Regional Director” means the Regional Director (Tanzania), East African Posts and Telecommunications Corporation;

“Regional Licensing Authority” means a Regional Transport Licensing Authority established by section 4;

“road” means the carriageway or portion of any road to which the public has right of access for vehicular traffic being that portion commonly in use for vehicular traffic, and includes the portion of any bridge used for that purpose;

“road authority” means the officer or body of persons or the duly authorized representative of such officer or body of persons in whom the responsibility for the maintenance of any particular road or roads is vested;

“road service licence” means a licence granted under this Act in respect of a public service vehicle;

“trailer” means a vehicle drawn by a motor vehicle;

“urban area” means any area declared to be an urban area for the purpose of this Act by the Minister.

(2) Nothing in this Act shall be construed as conferring upon an appointing authority the right to exercise his functions under this Act in relation to any licensing authority other than the licensing authority in respect of which he is the appointing authority.

PART II

LICENSING AUTHORITY

4.—(1) There shall be established a Central Transport Licensing Authority and also, for every region in Tanganyika, a Regional Transport Licensing Authority. Establishment of licensing authorities

(2) Every licensing authority shall consist of a chairman, a deputy chairman and one other member who shall act as the secretary.

(3) The members of the Central Licensing Authority shall be appointed by the Minister. The members of a Regional Licensing Authority shall be appointed by the Regional Commissioner of the region for which the Authority is established.

(4) Each member of a licensing authority who is appointed under subsection (3) shall, unless the appointing authority otherwise directs, be required to devote the whole of his time to the duties of his office and shall hold office for such term as the appointing authority may determine at the time of his appointment and shall be eligible for re-appointment from time to time on the expiration of his term of office.

(5) Where a member of a licensing authority is absent from Tanganyika or is unable to perform his duties for any reason, the appointing authority may appoint another person to be a temporary member of the licensing authority to perform and discharge the functions of such person for the period during which such person is so absent or disabled from acting.

(6) Subject to such exceptions as the Minister may allow, no person holding a carrier's licence or road service licence or having an interest in any company, firm, partnership, association or any other body or concern holding such a licence shall be eligible for appointment under this section as a member of a licensing authority.

(7) Every licensing authority shall sit on such occasions and at such places as it may in its discretion determine.

(8) The business of a licensing authority shall be conducted in such manner as may be prescribed:

Provided that until such procedure has been prescribed a licensing authority shall conduct its business in such manner as it shall determine.

(9) The appointing authority may authorize the appointment of such staff as from time to time shall appear to him to be necessary for the discharge of the functions of the licensing authority in respect of which he is the appointing authority.

(10) Two members of a licensing authority appointed in accordance with this section shall form a quorum, and where in any provision of this Act any duty is imposed, or any power given, to a licensing authority, such duty shall be deemed to be discharged and such power shall be deemed to be exercised in accordance with such provision when discharged or exercised by any two such members and any act or omission of any two such members shall be deemed to be the act or omission of the licensing authority.

Powers of licensing authority may be exercised by delegate

5.—(1) Where in the opinion of the appointing authority it is desirable so to do, the appointing authority may direct that the power of the licensing authority under section 12 to grant a short term licence for the purpose of the execution of a particular piece of work may be exercised in any area by the the Area Commissioner having jurisdiction over such area, or by such other licensing authority or public officer or other authority as the appointing authority may appoint in that behalf.

(2) Where a direction under subsection (1) is given the Area Commissioner, the authority or the public officer appointed by the appointing authority, as the case may be, shall be deemed to be the licensing authority for the purposes of granting a short term licence for the execution of a particular piece of work.

(3) Notwithstanding the provisions of section 11, where a short term licence is granted by any person authorized to do so by this section, such licence shall expire on the completion of the work specified therein and no person or authority authorized by this section to grant such licence shall, without the approval of the appointing authority, grant such licence in respect of the same vehicle more than once in any month.

Licensing authority may sit with assessors in certain cases

6.—(1) A licensing authority may, in its discretion, when considering an application for a licence sit with such number of assessors as it may deem expedient. Such assessors shall be chosen from a panel of assessors to be kept by the licensing authority.

(2) Where the licensing authority sits with assessors, it shall not be bound by the opinion of the assessors but if the licensing authority disagrees with the opinion of an assessor it shall record the opinion of that assessor.

(3) Subject to such exceptions as the Minister may allow no person holding a carrier's licence or a road service licence or having an interest in any company, firm, partnership, association or any other body or concern holding such a licence shall be eligible to sit as an assessor.

Licensing to be under hand of licensing authority

7. All licences granted under this Act shall be under the hand of one of the members of the licensing authority granting the same.

Licensing authority to submit report

8. Every licensing authority shall submit to the Minister an annual report of the proceedings transacted by it.

Liability for proceedings of licensing authority Acts 1970 No. 7

9. Without prejudice to the provisions of section 284A of the Penal Code or the Specified Officers (Recovery of Debts) Act, 1970, neither a licensing authority nor any member, officer or servant of a licensing authority shall be personally liable for any act or default which is done or omitted to be done in good faith in the course of the proceedings of the licensing authority under the provisions of this Act.

PART III

LICENCES

10.—(1) Subject to the provisions of subsection (6), no person shall, ^{Licensing of transport} except under and in accordance with the terms of a licence—

- (a) use a goods vehicle or a public service vehicle for the carriage of goods for hire or reward or for or in connection with any trade or business carried on by him;
- (b) use any motor vehicle designed or intended for carrying more than four persons and the driver of such vehicle for the conveyance of any person for hire or reward.

(2) When a goods vehicle is being used on a road for the carriage of goods or a motor vehicle is being used for the carriage of persons, the driver of the vehicle, if it belongs to him or is in his possession under an agreement for hire, hire purchase or loan, and, in any other case, the person in whose ownership or possession the vehicle is, shall for the purposes of this Act be deemed to be the person by whom the vehicle is being used.

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

(4) For the purposes of this Act, where a carrier's licence prohibits the carriage of any goods for hire or reward—

- (a) the delivery or collection by a person of goods sold, used or let on hire purchase in the course of a trade or business carried on by him;
- (b) the delivery or collection 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 by him;
- (c) the carriage by a person engaged in agriculture in any locality of goods for or in connection with the business of agriculture carried on by another person in that locality, so long as the goods are carried on a vehicle which the person carrying them is authorized by a licence to use for the carriage of goods for or in connection with his agricultural business;
- (d) the carriage of goods in a vehicle by manufacturer, agent or dealer, whilst the vehicle is being used by him for demonstration purposes,

shall be deemed not to constitute a carrying of goods for hire or reward.

(5) It is hereby declared that, for the purposes of this Act, the performance by a local authority of its functions shall be deemed to be the carrying on of a business.

(6) This section shall not apply—

- (a) to the use of a vehicle for the purpose of funerals;
- (b) to the use of a vehicle for ambulance purposes;

- (c) to the use by a local authority or a person acting in pursuance of a contract with a local authority, of a vehicle for road cleansing, road watering or the collection or disposal of refuse, night soil or the contents of cesspits;
- (d) the use of a vehicle for towing a disabled motor vehicle or for removing goods from a disabled vehicle to a place of safety;
- (e) to the use of any vehicle owned by or in the possession of the Government, the Community or a Corporation within the Community;
- (f) to the use of a vehicle with a tare weight not exceeding fifteen hundredweight by the owner of such vehicle for the carriage of goods owned by him;
- (g) to the use of any vehicle or class of vehicle exempted by the Minister by notice in the *Gazette* or to the use of a vehicle for any purpose so exempted.

(7) If any person uses a motor vehicle in contravention of this section he shall be guilty of an offence and shall be liable on conviction, in the case of a first offence, to a fine not exceeding ten thousand shillings, and in the case of a second or subsequent offence to a fine not exceeding fifty thousand shillings, and in addition thereto, the court may, in the case of a third or subsequent offence, order the forfeiture of the vehicle in relation to which the offence is committed, whether or not the previous offences were committed in relation to the same vehicle.

Classes of
licences

11.—(1) The following classes of licences may be granted under the provisions of this Act—

- (a) in respect of a goods vehicle, a carrier's licence;
- (b) in respect of a public service vehicle, a road service licence.

(2) A carrier's licence shall, subject to any conditions attached to the licence, entitle the holder to use the authorized vehicle either for the carriage of goods for hire or reward or for the carriage of goods for or in connection with any trade or business carried on by him.

(3) A road service licence shall entitle the holder thereof to use the authorized vehicle for the carriage for hire or reward of passengers and their baggage:

Provided that a licensing authority may, in its discretion and subject to such conditions as it may impose in a road service licence, permit the holder of such licence to carry goods.

- (4) The vehicles authorized to be used under a licence shall be—
 - (a) such motor vehicles, being vehicles belonging to the holder of the licence or in his possession under a hire purchase agreement, as are specified in the licence;
 - (b) motor vehicles from time to time in the possession of the holder of the licence under an agreement for hire or loan not exceeding at any time such maximum number as is specified in the licence;

(c) trailers from time to time belonging to the holder of the licence or in his possession under an agreement for hire purchase, hire or loan, not exceeding at any time such maximum number as is specified in the licence for vehicles or trailers of such type.

(5) For the purpose of paragraph (b) or paragraph (c) or subsection (4), different types of motor vehicles or different types of trailers, as the case may be, may be distinguished in a licence and a maximum number may be specified in the licence for vehicles or trailers of such type.

(6) A motor vehicle specified in the licence shall not, while it remains so specified, be eligible of being effectively specified in any other licence under this Act.

(7) A person may be the holder of two or more licences whether of the same class or of different classes.

12.—(1) Subject to the provisions of subsection (2), licences shall, unless previously revoked, remain in force for—

Duration of
licences

(a) in the case of a carrier's licence, a period of two years from the date of issue;

(b) in the case of a road service licence, a period of two years from the date of issue.

(2) With view to enabling goods vehicles or public service vehicles to be used temporarily—

(a) for the purpose of a seasonal business;

(b) for the purpose of the execution of a particular piece of work; or

(c) for any other purpose of limited duration,

a licence of any class may be granted for a period not exceeding three months.

(3) If, on the date of the expiration of a licence, other than a short term licence, or a licence granted under the provisions of subsection (4), proceedings are pending before a licensing authority on an application by the holder of that licence for the grant to him of a new licence, the existing licence shall continue in force until the application is disposed of, without prejudice, however, to the exercise in the meantime of the powers of suspension and revocation conferred by this Act.

(4) If on an application for a carrier's licence the applicant satisfies the licensing authority that any of the authorized vehicles will be used exclusively for the purpose of a contract entered into by the applicant with a person carrying on a trade or business (not being the business of carrying or arranging for the carrying of goods) for the carriage of goods for or in connection with that trade or business during any continuous period of less than one year but more than three months, the licensing authority may, in its discretion grant the application so far as regards those vehicles, subject to conditions for securing that such vehicles shall be used exclusively for the purposes of the contract and shall, on the termination of the contract, cease to be authorized vehicles unless the licensing authority, on an application made to it with respect thereto, otherwise directs.

(5) In this Act "a short term licence" means a licence granted under subsection (2) or (4).

Licence not transferable without consent in writing of licensing authority

13. No licence shall be transferable except with the written consent of the licensing authority issuing the same or, in the case of an exclusive licence issued under the provisions of section 23, with the written consent of the Minister endorsed on such licence. Such consent shall only be given where the licensing authority or the Minister, as the case may be, is satisfied that the licence which it is desired to transfer has been fully utilized during the period of three months immediately preceding the date of the proposed transfer.

Protection of public interest

14.—(1) It is hereby declared that nothing in this Act 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 Act, or from a licence, or from any condition attached to a licence.

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

Licensing authority may obtain opinion of road authority

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

PART IV

PROCEDURE ON APPLICATION FOR LICENCES

A. Jurisdiction of Licensing Authorities

Regional Licensing Authority

16.—(1) Every Regional Licensing Authority shall have exclusive jurisdiction to entertain, consider and determine applications for, and grant or refuse to grant—

- (a) a carrier's licence or a road service licence for the carriage of goods or passengers within the region in respect of a vehicle operating only within the region;
- (b) subject to the provisions of subsections (2) and (3) a carrier's licence or a road service licence for the carriage of goods or passengers from a place or places within the region to a place or places within a contiguous region.

(2) A Regional Licensing Authority shall have no jurisdiction to entertain, consider or determine applications for, or grant, a licence for the carriage of goods or passengers between the region for which such Authority is established and any contiguous region—

- (a) where the greater portion of the proposed route runs along the main highway or the trunk road connecting the two regions;
- (b) where the distance which the vehicle will cover in such contiguous region exceeds the distance which it will cover in the region for which the Authority is established; or
- (c) where neither the vehicle is based nor the applicant ordinarily resides within the region for which the Regional Licensing Authority is established.

(3) A Regional Licensing Authority shall have no jurisdiction to licence the same vehicle to operate between the region for which it is established and two or more contiguous regions.

(4) A grant of licence in contravention of the provisions of subsection (2) or (3) shall be valid and effective if such grant is subsequently confirmed by the Central Licensing Authority.

(5) Nothing in this section shall be construed as precluding a Regional Licensing Authority from exercising any of the functions of the Central Licensing Authority where such function has been lawfully delegated to such Regional Licensing Authority.

17. The jurisdiction to entertain, consider and determine, and grant or refuse to grant any licence under this Act other than a licence to which subsection (1) of section 16 applies shall vest in the Central Licensing Authority.

18. The Minister may, after consultation with the President, and by order in the *Gazette*, delegate to a Regional Licensing Authority the jurisdiction of the Central Licensing Authority or any other Regional Licensing Authority to entertain, consider and determine, and grant or refuse to grant any particular application for a licence or applications for any category of licences specified in such order.

B. Goods Vehicles Licences

19.—(1) In the case of goods vehicles, a person applying for a licence shall submit to the appropriate licensing authority a statement in the prescribed form—

- (a) containing, such particulars as may be prescribed, in respect of motor vehicles proposed to be used under the licence and which belong to the applicant or are in his possession under a hire purchase agreement or which, if the application is granted, he intends to acquire or obtain possession of under such an agreement;
- (b) specifying the number and type of hired motor vehicles and of trailers proposed to be so used; and
- (c) giving details of the facilities for the transport of goods intended to be provided by him under the licence for other persons, including particulars of the area within which, or the places between which, it is intended that the authorized vehicles will normally be used for the purpose of carrying goods and in the case where such goods are intended to be carried for hire or reward, the rates proposed to be charged therefor.

(2) A separate application shall be made in respect of each permanent base or centre from which it is intended that the authorized vehicles will normally be used:

Provided that, where applications are made by a person for a carrier's licence in respect of two or more bases or centres, the licensing authority may, if it thinks fit, grant a single licence in respect of those applications or any of them.

Discretion of licensing authority to grant or refuse an application for a goods vehicle licence

20. A licensing authority shall, subject to the provisions of this Act have full power in its discretion either to grant or to refuse an application for a goods vehicle licence, to grant a licence subject to such conditions as it may impose under this Act, or to grant a licence in respect of motor vehicles other than those of which particulars were contained in the application, or in respect of motor vehicles or trailers less in number than, or differing in type from, those for the use of which the application is made.

C. Road Service Licences

Procedure

21. Every person applying for a road service licence shall submit to the licensing authority—

- (a) particulars of the type or types of vehicle to be used; and
- (b) in the case of regular services, the time tables and fare tables of the services which it is proposed to provide under the licence; and
- (c) in any other case, such particulars as to the fares to be charged, the frequency of the services and the times expected to be taken on the journeys included in these services as the licensing authority may require; and
- (d) where he wishes the licensing authority to exercise the discretion conferred on it by the proviso to subsection (3) of section 11, the particulars required under paragraph (c) of subsection (1) of section 19.

Discretion of licensing authority to grant or refuse an application for a road service licence
Cap. 168

22.—(1) A licensing authority shall, subject to the provisions of this Act, have full power in its discretion either to grant or to refuse an application for a road service licence in respect of all or any routes within Tanganyika and subject to such conditions as it may in its discretion impose but it shall not grant such licence if it appears from the particulars furnished in pursuance of section 21 of this Act that any of the provisions of the Traffic Ordinance are likely to be contravened.

(2) It is hereby expressly declared without prejudice to the generality of subsection (1) that a licensing authority, when granting an application for a road service licence, may attach as a condition of such licence that any vehicle authorized for use under the licence shall, when so used, carry an emergency supply of food and drink to an extent to be specified in the licence.

Exclusive licences

23.—(1) Notwithstanding any other provisions of this Act a licensing authority may, with the approval of the Minister and subject to such conditions as it may impose, grant to any person an exclusive licence authorizing such person to operate vehicles for the carriage of passengers in any urban area or part thereof over such routes or between such places therein and for such period as the Minister may decide, and the provisions of this Act regarding applications for and reasons opposing the grant of a licence shall apply to an application for and grant of any exclusive licence under this section.

(2) Where a licensing authority intends, subject to the approval of the Minister, to grant an exclusive licence under the provisions of subsection (1) it shall, by notice in the *Gazette*, give notice of its intention to grant such licence, and no such licence shall be granted until a period of three months after the date of the publication of such notice has elapsed.

(3) Where a licensing authority has granted an exclusive licence under this section it shall publish notice of such grant in the *Gazette* and thereafter if any person other than the grantee operates, uses or causes or permits to be used, without the prior written permission of the grantee, any vehicle (other than a vehicle which is designed or intended for carrying less than four persons excluding the driver of such vehicle, or a vehicle which is licensed only for use on a whole-hire basis and which is designed or intended for carrying less than seven persons excluding the driver of such vehicle) for the purpose of carrying passengers and their goods for hire or reward on any route or between any places within any area for which the said exclusive licence has been granted he shall be guilty of an offence and shall on conviction therefor be liable to a fine not exceeding ten thousand shillings for a first offence and to a fine not exceeding twenty thousand shillings or imprisonment for a period not exceeding six months or to both such fine and such imprisonment for a second or subsequent offence.

D. General

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

25.—(1) A person applying for a licence shall, in addition to the particulars which he is required under the provisions of this Part to furnish with his application, give to the licensing authority any information which the authority may reasonably require for the discharging of its duties in relation to the application and in particular, shall, if required by the licensing authority, submit to it such particulars as it may require with respect to any business as a carrier of passengers or goods for hire or reward carried on by the applicant at any time before the making of the application and of the rates charged or proposed to be charged by the applicant.

(2) A licensing authority may hold such inquiries as it thinks necessary for the proper exercise of its functions under this Act including inquiries into an applicant's reliability, financial stability and the facilities at his disposal for carrying out mechanical repairs.

(3) The licensing authority holding an inquiry under this Act may by order require any person to attend as a witness and give evidence or to produce any document in his possession or power which relate to any matter at the inquiry and are such as would be subject to production in a court of law, and any person who fails without reasonable excuse to comply with the provisions of any such order shall be guilty of an offence and shall, on conviction be liable to a fine not exceeding two thousand shillings.

Minister
may give
directions

26. The Minister may give to a licensing authority directions of a general or specific character as to the exercise and performance by the authority of its functions under this Act and the authority shall give effect to such directions.

Licensing
authority
shall have
regard to
certain
matters in
exercising its
discretion

27. In exercising its discretion a licensing 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 or interests of persons requiring, as well as those persons providing, facilities for transport;
- (b) the extent to which it is necessary in the public interest to prevent uneconomic competition with other systems of transport including transport by railway, steamer and air services or road transport operated by any public corporation;
- (c) the extent to which the needs of the areas or routes proposed to be served are already met by land, water or air transport services;
- (d) the applicant's reliability, financial stability and the facilities at his disposal for carrying out the proposed services;
- (e) 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 the vehicles proposed for use;
- (f) where the applicant is already the holder of an existing licence of the same class, the extent to which he is authorized to use goods vehicles thereunder for the carriage of goods for hire or reward;
- (g) the previous conduct and the antecedents of the applicant including, where the applicant is a body of persons, the previous conduct and antecedents of the members and officers of such body;
- (h) 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;
- (i) 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;
- (j) the provision of adequate, suitable and efficient services, the elimination of unnecessary services and unremunerative services and the co-ordination of all forms of passenger transport;
- (k) any representations or objections which may be made in the prescribed manner by persons already providing transport facilities along or near to the route or routes or any part thereof along which the proposed service will run, or by any local authority in whose area any such route or routes or part thereof is situated;
- (l) the desirability of encouraging increased participation by public corporations and citizens of the United Republic in the transport industry of Tanganyika;

- (m) 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;
- (n) any directions given by the Minister under section 26.

PART V

CONDITIONS, VARIATION, REVOCATION AND SUSPENSION OF LICENCES AND PENALTY FOR NON-COMPLIANCE WITH CONDITIONS OF LICENCES

28.—(1) It shall be a condition of every licence—

Conditions
of licences

- (a) that all authorized vehicles are maintained in a fit and serviceable condition;
 - (b) that the provisions of any law for the time being in force relating to limits of speed and weight, laden and unladen, the loading of goods vehicle, and the number of passengers to be carried, are complied with in relation to the authorized vehicles;
 - (c) that in relation to the authorized vehicles the provisions of any law for the time being in force with respect to the time for which the drivers of certain vehicles may remain continuously on duty and the hours which they are to have for rest are observed;
 - (d) that the provisions of this Act and of the regulations relating to the keeping of records are complied with.
- (2) A licensing authority may attach to any carrier's licence all or any of the following conditions:—
- (a) a condition that the authorized vehicles shall or shall not be used in a specified area or over specified routes;
 - (b) a condition that certain classes or descriptions of goods shall or shall not be carried;
 - (c) a condition specifying the charges or the maximum or minimum charges to be made for the carriage of goods;
 - (d) a condition that the holder of the licence shall if so required by the licensing authority on the request of the Regional Director carry mail in his authorized vehicles at a rate to be agreed between the holder of the licence and the Regional Director and, in the event of failure so to agree, at a rate to be fixed by the licensing authority;
 - (e) such other conditions as may be prescribed in the public interest or with a view to preventing uneconomic competition.

(3) A licensing authority may attach to a road service licence such conditions as it may think fit with regard to the matters to which it is required to have regard under this Act and, in particular, for securing that—

- (a) the fares shall not be unreasonable;
- (b) where desirable in the public interest, the fares shall be so fixed as to prevent wasteful competition with alternative forms of transport, if any, along the routes or any part thereof, or in proximity thereto;

- (c) the vehicles shall be operated in accordance with time tables approved by the licensing authority and that copies of the time tables and fares tables shall be carried and be available for inspection in every vehicle used on the service;
- (d) the holder of the licence reports to the licensing authority in the event of any vehicle specified in the licence not being used on the service for any period exceeding one month;
- (e) passengers shall not be taken up or shall not be set down except at specified points,

and generally for securing the safety and convenience of the public.

(4) The licensing authority may, from time to time, on the application of the holder of the licence and subject to the provisions of section 29 and section 30 cancel or vary any of the conditions attached to a licence under the provisions of this Act.

(5) The Minister may, by order, attach to a road service licence such conditions as he may consider necessary in the public interest and, in particular, may direct—

- (a) that the holder of the licence shall make such refund as the Minister may prescribe of the fare in the event of the holder being unable to carry a passenger for the whole or any part of the journey contracted for;
- (b) that every passenger shall be entitled to carry free of charge such quantity of personal baggage as may be prescribed;
- (c) for payment by a passenger of charges in respect of carriage of personal baggage in excess of the quantity prescribed under paragraph (b) at such rates as the Minister may prescribe;
- (d) that the holder of the licence shall ensure that where a person has paid for his carriage to any destination in a vehicle which he has been given to understand will leave the embarkation point at certain time, there will be accommodation for such person in such vehicle.

(6) Any term in any contract entered into between the holder of a licence granted under this Act and his customer which is less favourable to the customer than the condition attached to such licence under this section, or any other provision of this Act, shall be null and void.

**Variation
of licences**

29.—(1) On the application of the holder of a licence other than a short term licence, the licensing authority may at any time during its validity vary the licence by directing that additional vehicles shall be specified therein, or that vehicles specified therein shall be removed therefrom, or that the maximum number of motor vehicles or of trailers specified in the licence shall be increased or reduced:

Provided that in the case of an exclusive licence no variation shall be made without the prior approval of the Minister.

(2) The foregoing provisions of this Act as to applications for licences, the grant or refusal of licences, and the attaching of conditions to licences, shall apply in relation to the variation of any such licence:

Provided that the licensing authority shall be bound to grant an application for a variation consisting only of the removal of a specified vehicle from the licence, or of a reduction in the maximum number

specified as aforesaid or of the inclusion in the same carrier's licence of a goods vehicle in substitution for a specified vehicle or a vehicle of the same or of a less weight unladen or of the inclusion in the case of a road service licence in substitution for a specified vehicle, of a vehicle of the same or of a less passenger carrying capacity.

(3) Where it comes to the knowledge of the licensing authority that a vehicle specified in a licence has ceased to be used under the licence for any reason other than fluctuation in business it may vary the licence by directing that the vehicle shall be removed therefrom.

30.—(1) A licence may be revoked or suspended by the licensing authority on the ground that any of the conditions of the licence has not been complied with:

*Revocation
or suspension
of licences
by licensing
authority*

Provided that in the case of an exclusive licence no such revocation or suspension shall be effected without the prior consent of the Minister.

(2) In any case where a licence is revoked or suspended the licensing authority shall, if requested by the licensee, state in writing the grounds for the revocation or suspension.

(3) A licensing authority may, in lieu of revoking or suspending a licence, direct that any one or more of the vehicles specified therein shall be removed therefrom, or that the maximum number of motor vehicles or of trailers specified in the licence shall be reduced, or that the licence shall cease to apply in respect of certain routes and references in this or any other section of this Act to the revocation or suspension of a licence shall be construed as including a reference to the giving of a direction under this subsection.

31.—(1) The Minister may, by order, revoke or suspend any licence granted under this Act where, in his opinion, it is necessary in the public interest so to do.

*The Minister
may revoke
or suspend
licences*

(2) Where the Minister has revoked or suspended a licence under subsection (1), no licensing authority shall, for so long as such revocation or suspension remains in force, proceed to consider any application by the holder of the licence which has been revoked or suspended for the renewal or grant of a licence under this Act save with the prior approval of the Minister.

32.—(1) Subject to the provisions of this section any person who fails to comply with any condition of a licence held by him shall be guilty of an offence and shall be liable in the case of first offence to a fine not exceeding ten thousand shillings and in the case of a second or any subsequent conviction for such or similar offence, to a fine not exceeding twenty thousand shillings, and in addition thereto, the court may, in the case of a third or subsequent conviction for such or similar offence, order the forfeiture of the vehicle in relation to which the offence is committed, whether or not the previous offences were committed in relation to the same vehicle.

*Penalty for
non-compliance
with
and exceptions
to the
conditions
of licences*

(2) In the case of a goods vehicle licence, and notwithstanding that a vehicle is an authorized vehicle, the conditions of the licence shall not apply while the vehicle is being used for any purpose for which it might lawfully be used without the authority of a licence.

PART VI

OBJECTIONS AND APPEALS

Reasons may
be advanced
opposing
certain
applications
or variations
of licences

33.—(1) A licensing authority shall, subject to the provisions of this section, publish in the prescribed manner notice of an application to which this section applies specifying the time within which and the manner in which reasons may be advanced opposing the grant of the application.

(2) It shall be the duty of the licensing authority, on an application to which this section applies, and on payment of the prescribed fee (if any), to take into consideration any reasons opposing the application which may be advanced by any local authority in whose area the routes intended to be served are situated, or by persons who are already providing facilities, whether by means of road transport or any other kind of transport for the carriage of goods or passengers for hire or reward in the area, or between the places which the applicant intends to serve, on the ground that suitable transport facilities in that area, or between those places already exist, or that if the application were granted such facilities would be, either generally or in respect of any particular type of vehicles, in excess of the requirements, or would be contrary to the public interest, or on the ground that any of the conditions of a licence held by the applicant has not been complied with.

(3) Except as provided in subsection (4), this section shall apply to every application for the grant of a carrier's licence or a road service licence, or for the variation of such a licence by a direction that additional vehicles shall be specified therein or that the maximum number of motor vehicles or of trailers specified in the licence shall be increased, or that the area specified in the licence within which, or the places so specified between which, the vehicles can be used for the carriage of goods or passengers for hire or reward shall be varied or extended, not being—

- (a) an application which the licensing authority is bound to grant; or
- (b) an application for a licence to expire not later than an existing licence under which the vehicles to which the application relates are authorized to be used for the purposes of a business which the applicant has acquired or intends to acquire; or
- (c) an application in respect of which the licensing authority is of the opinion that, having regard to its trivial character, it is not necessary that any opportunity should be given for reasons to be advanced opposing the application.

(4) Reasons advanced opposing the grant of a short term licence shall not be considered—

- (a) where such licence is granted by a person authorized to do so under section 5; or
- (b) where such licence is granted by the licensing authority in respect of a vehicle already licensed under this Act.

(5) Where, on an application for the grant of a carrier's licence, the licensing authority proposes to grant the application in respect of vehicles other than those of which particulars were contained in the application, it shall publish notice of its proposal as if that proposal were an application to which this section applies, and thereupon the provisions of this section with respect to the advancement and consideration of reasons opposing an application shall apply accordingly:

Provided that it shall not be necessary for the licensing authority to publish such a notice if it is satisfied that the variation, subject to which it proposes to grant the application, will not materially increase the total carrying capacity of the authorized vehicles.

34.—(1) Any person who—

Appeals

- (a) being an applicant for the grant or variation of a licence, is aggrieved by the decision of the licensing authority on the application; or
- (b) having duly advanced reasons opposing any such application as aforesaid, being reasons which the licensing authority is bound to take into consideration, is aggrieved by the decision of the licensing authority thereon; or
- (c) being a holder of a licence, is aggrieved by the revocation or suspension thereof,

may, within the time and in the manner prescribed, appeal—

- (i) in the case of an appeal against a decision of the Central Licensing Authority, to the Minister;
- (ii) in the case of an appeal against a decision of a Regional Licensing Authority, to the Regional Commissioner of the region for which the Authority is established.

(2) On any appeal made under this section the Minister or, as the case may be, the Regional Commissioner may affirm, reverse or vary the decision of the licensing authority or may make such other order including an order for costs as may appear to him necessary and just.

35.—(1) The Minister or, as the case may be, a Regional Commissioner, Procedure sitting as appellate authority to decide any appeal under section 34 on appeal shall sit with two assessors selected from a panel of assessors maintained for that purpose.

(2) The decision of any assessor on any appeal shall not be binding upon the Minister or as the case may be, the Regional Commissioner.

(3) The proceedings on any appeal shall not, if the decision on the appeal is the decision of the Minister or, as the case may be the Regional Commissioner, be invalid by reason only of no assessor having been nominated or of the absence of any one or both of the assessors during the whole or any part of the proceeding or any other irregularity or defect in the proceedings.

36. The decision of the Minister or, as the case may be, of a Decision Regional Commissioner on an appeal under section 34 shall be final on appeal to and conclusive and shall not be subject to review by any court. be final

PART VII

LICENCES TO CO-OPERATIVE SOCIETIES

Licences
to be issued
to co-operative
societies
Acts 1968
No. 27

37.—(1) Notwithstanding anything in this Act contained, the Registrar of Co-operative Societies appointed under the Co-operative Societies Act, 1968 may, subject to the provisions of subsection (2), in writing and after consultation with the licensing authority, designate in accordance with the provisions of this section a co-operative society registered under that Act as being a society suitable to be granted a public carrier's licence or a road service licence under this Act.

(2) The Registrar shall not designate a co-operative society under subsection (1) unless he is satisfied that the society will, on the grant of a licence to it under subsection (4), be capable of complying with the provisions of this Act and with any conditions attached to the licence.

(3) When designating a co-operative society under subsection (1) the Registrar shall specify—

- (a) the vehicles authorized to be used under the licence;
- (b) the routes in respect of which the licence shall be effective; and
- (c) the conditions which shall be attached to the licence.

(4) Where a co-operative society is designated under subsection (1) the licensing authority shall, unless it is satisfied that the service proposed to be operated by the co-operative society is not necessary or desirable in the public interest, including the interest or interests of persons requiring facilities for transport, grant to the co-operative society a carrier's licence or a road service licence, as the case may be.

(5) Where a licensing authority grants to a co-operative society a licence pursuant to the provisions of subsection (4) such grant shall be in accordance with the matters and conditions specified by the Registrar of Co-operatives under subsection (3):

Provided that the licensing authority may, where it considers desirable and after consultation with the Registrar, modify any of such matters or conditions.

PART VIII

OFFENCES AND PROSECUTIONS

Forgery of
licences, etc.
Cap. 16

38.—(1) If, with intent to deceive or mislead, any person—

- (a) forges, within the meaning of Chapter XXXIV of the Penal Code, or alters or uses or lends to or allows to be used by any other person a licence or any document, plate or mark by which the subject of the licence is to be identified as being licensed under this Act; or
- (b) makes or has in his possession any document, plate or mark so closely resembling a licence, or any such document, plate or mark as aforesaid, as to be calculated to deceive; or

(c) alters an entry in a record made under any provision of this Act, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or to imprisonment for a period not exceeding five years or to both such fine and imprisonment.

(2) If any person, for the purpose of obtaining the grant of a licence to himself or any other person, or the variation of a licence, or for the purpose of preventing the grant or variation of any licence or of procuring the imposition of any condition or limitation in relation to a licence, knowingly makes any false statement, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to imprisonment for a period not exceeding two years or to both such fine and imprisonment.

39.—(1) Where a licensing authority has, in a road service licence, fixed the fare for any journey, no person shall be required to pay more than such fare for such journey nor shall he be required to pay any fee or commission to any person for arranging such journey.

Charging more than prescribed fare prohibited

(2) Where a licensing authority has in a road service licence fixed the fare for any journey any person who obtains from any person other than the licensee under the licence any fee or commission for arranging for any person to perform such journey shall be guilty of an offence and shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a period not exceeding two years or to both such fine and such imprisonment.

PART IX

MISCELLANEOUS PROVISIONS

40. All fees payable under this Act or any regulations made here- under shall be paid into the general revenue of the United Republic.

Financial provisions

41. The Minister may prescribe fees payable in respect of the lodging of any objection under section 33, the grant or variation of licences, and in respect of appeals under section 34.

Fees

42. The Minister may make regulations for any purpose for which regulations may be made under this Act and generally for the purpose of carrying this Act into effect and, in particular but without prejudice to the generality of the foregoing provisions, may make regulations with respect to any of the following matters:—

General power of making regulations

- (a) the forms to be used and the particulars to be furnished for any of the purposes of this Act;
- (b) the procedure on application for and the determination of questions in connection with the grant, variation, suspension and revocation of licences;
- (c) the preferential treatment to be accorded to applications for licences by public corporations and their subsidiary companies established for the provision of transport facilities;
- (d) the grant of licences, and the grant of copies of licences in the case of licences lost or destroyed;
- (e) the means by which vehicles are to be identified, whether by plates, marks or otherwise, as being authorized for use under this Act;

- (f) the custody of licences, the production, return and cancellation of licences on expiration, suspension or revocation, and the custody, production and return of documents and plates;
- (g) the notification to the licensing authority of vehicles which have ceased to be used under a licence;
- (h) the persons to serve as assessors on the licensing authority, and on appeals and reimbursement of their expenses;
- (i) the keeping of such records and the making of such returns by the licensing authority or by licensees as he may deem necessary;
- (j) the temporary use of any vehicle in substitution for an authorized vehicle which is not fit for normal use;
- (k) prescribing anything which, under this Act, may be prescribed;
- (l) providing for any matter which, in the opinion of the Minister, is necessary or desirable to provide in the interest of the transport industry in Tanganyika.

Power to stop and inspect vehicles

43.—(1) A police officer, a member of a licensing authority or any administrative officer may search any vehicle, and for this purpose may stop such vehicle, if in motion, with a view to ascertain whether or not the provisions of this Act or of any regulations made hereunder are being complied with, and may demand for inspection the production of any licence, certificate, document or record of any description whatsoever which may, under the provisions of this Act or of any regulations made hereunder, be required to be carried on such vehicle, and may require the driver or any other person travelling on such vehicle to give such information as such police officer, member or administrative officer may reasonably request in order to ascertain whether or not the provisions of this Act or regulations are being complied with.

(2) Any person who obstructs any police officer, member or administrative officer in the exercise of the powers conferred by this section, or fails to comply with any lawful order given by such police officer, member or administrative officer, or refuses to give any information when requested so to do by such police officer, member or administrative officer shall be guilty of an offence and shall be liable to a fine of ten thousand shillings or to imprisonment for one year or to both such fine and such imprisonment.

(3) Any police officer of or above the rank of Assistant Superintendent or any officer in charge of police having reasonable grounds for believing that any person has committed an offence against this Act and that such person will not attend the court in answer to any process which may be issued against him, may arrest such person without a warrant.

Power to detain vehicles

44.—(1) Where any police officer of or above the rank of Assistant Superintendent or any officer in charge of police has reasonable grounds for believing that any vehicle which is registered outside Tanganyika is being used in contravention of the provisions of this Act he may take such vehicle into his custody and for this purpose may, if it is in motion, stop such vehicle.

(2) Where a vehicle is taken into custody under subsection (1) it may be detained at a police station or other place of safety until inquiries to ascertain whether the vehicle was being used in contravention of

this Act have been completed and until the identity of the person who is the user of the vehicle within the meaning of this Act has been established, and, in the event of proceedings being instituted against such person for a contravention of any provision of this Act the vehicle may be further detained until his conviction, acquittal or discharge in such proceedings.

45. No advocate or legal practitioner shall be entitled to appear or act for any party in any proceedings under this Act before a licensing authority, and, save with the permission of the Minister or, as the case may be, the Regional Commissioner, no advocate or legal practitioner may appear or act for any party in any proceedings on an appeal under section 34.

Appearance
by advocates

46. Notwithstanding anything in this Act contained, where an application has been or is made by any person for a licence under the provisions of this Act and has been refused, and if an appeal is made such appeal has been dismissed, no subsequent application made by the same person for a similar licence shall, except with the consent of the licensing authority which shall not be unreasonably withheld, be entertained or adjudicated upon by the licensing authority until a period of twelve months from the date of such application has expired.

Subsequent
application
after refusal
of licensing
authority
to grant
licence

47. The provisions of section 32 of the Traffic Ordinance shall not apply to any vehicle to which the Act applies.

Certain
provisions
of Traffic
Ordinance
not to apply
Cap. 168

48.—(1) The Transport Licensing Ordinance is repealed.

Repeal
and savings
Cap. 373

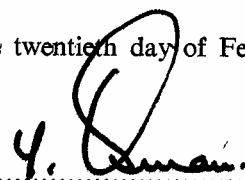
(2) For the avoidance of doubts it is hereby declared that the provisions of section 14 and of section 15 of the Interpretation of Laws and General Clauses Act, 1972 shall apply in respect of the repeal of the Transport Licensing Ordinance and its re-enactment by this Act.

Acts 1972
No. 30

(3) All licences, certificates and authorities granted under the Transport Licensing Ordinance and which are valid immediately before the commencement of this Act shall remain valid and continue in effect as if the same had been granted under this Act notwithstanding the repeal of this Ordinance.

(4) At any time within twelve months of the enactment of this Act the Minister may, by order in the *Gazette*, make such further transitional and consequential provisions as he may deem necessary upon the repeal and re-enactment of the Transport Licensing Ordinance by this Act.

Passed in the National Assembly on the twentieth day of February, 1973.


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Clerk of the National Assembly

PROPOSED AMENDMENT FOR LAND TRANSPORT REGULATORY AUTHORITY REGULATIONS.

TRANSPORT LICENCING (PUBLIC SERVICE VEHICLES) REGULATIONS, 2020				
S/N	REGULATION	CURRENT PROVISION	PROPOSED AMENDMENT	JUSTIFICATION
1.	Regulation 3	“staff bus” means a passenger service vehicle intended to provide transport services to employees or students;	To delete definition of the terms Staff bus and School bus	Staff bus and School bus will be regulated under Private Hire Regulations
			Amending the definition of the term “Crew” by deleting the words “or school bus” appearing between the words “vehicle” and “while”	
		Addition of new definition.	“authorized agent” means a person, government institution, company or cooperative society appointed by the Authority or granted a licence to issue, renew licence or to	

			perform such other functions on behalf of the Authority as may be determined by the Authority;	
2.	Regulation 4(3),(4) and (5)	<p>4(3) The Authority may issue a licence to an individual applicant to operate on a specific route.</p> <p>4(4) The Authority shall not, after coming into operations of these Regulations, issue a licence to an individual unless that person</p> <p>4(5) The Authority shall issue a cross boarder permit to a licensee who intends to carry passenger across any tripartite member state</p>	Adding the word “or Authorized agent” immediately after the word Authority	To improve service delivery.
3.	Regulation 4(6)	Subject to sub regulation (1) a licensee shall be registered and issued with the transport certificate of registration by the Authority.	Subject to sub regulation (1) a licensee shall be registered and issued with the transport certificate of registration by the Authority which shall be renewed after a period of two years.	To set time for renew

4.	Regulation 6	<p>6.-(1) The Authority may from time to time issue a licence to a day care centre, school, individual or company to operate a school bus for a specified period of time.</p> <p>(2) Subject to subregulation (1), the Authority may prescribe the requirements for issuance of a day care centre and school bus licence based on carrying capacity as it may consider appropriate.</p>	To delete the provisions of regulation 6	The contents of this provision have been transferred to Private Hire Regulations
5.	Regulation 7	<p>7.-(1) A person who intends to operate a school bus shall submit an application for a licence to the Authority manually or electronically.</p> <p>(2) The application under this regulation shall be accompanied with-</p> <p>(a) a copy of motor vehicle registration card;</p> <p>(b) a vehicle inspection report;</p> <p>(c) proof of payment of application fees as set out in</p>	To delete the provisions of regulation 7	The contents of this provision have been transferred to Private Hire Regulations

		the Second Schedule to these Regulations; and (d) any other documents as the Authority may at any time require.		
6.	Regulation 10	Amended by adding sub regulation 10(3)	10(3) notwithstanding provisions of sub regulation (2) a regular road licence may be granted for a term of three years subject to conditions set by the Authority.	To promote efficient suppliers.
7.	Regulation 23 (c)	Subject to the basic conditions provided under this Part, a licensee of an urban public service vehicle shall ensure that- (c) a vehicle is painted with a colour code and in the manner to be determined by the Authority	(c) a vehicle is painted with a colour code line as determined by the Authority and font size as prescribed under Seventh Schedule. Adding new paragraph (d) after sub regulation (c) and renumbering sub regulation (d) to be (e) Regulation 23(d) a vehicle is painted with a colour code by the	There is a need for commuters buses to have standards and maintain uniformity with regard to length and width of color code line, font size route naming. This is to allow other entities to be authorized to paint buses with colour code including VETA

			approved person or entity in the manner to be determined by the Authority	
8.	Regulation 24 (c)	<p>Subject to the basic conditions provided under this Part, the licensee of an inter-city or inter-national public service vehicle shall ensure that</p> <p>(c) a vehicle is fitted with a vehicle tracking device authorized by the Authority;</p> <p>As per amendment of 2021 this regulation is referred as Reg. 24 (c)</p>	24 (c) a vehicle traveling to a distance exceeding one hundred kilometers is fitted with a vehicle tracking device authorized by the Authority.	There should be a requirement for all trips exceeding 100KM the Vehicle must be fitted with the VTD
9.	Regulation 26	<p>26.- A licensee of a school bus service shall ensure that:</p> <p>(a) he meets the standards, Terms and Conditions for Provision of Public Transport Services stipulated by the Authority;</p> <p>(b) the driver is not below the age of thirty five and not above the age of sixty;</p> <p>(c) the school bus is painted in yellow colour code Rgb (255,255,0) and printed</p>	To delete the provisions of regulation 26	The contents of this provisions have been transferred to Private Hire Regulations

		with words “School Bus” or “Basi la Shule”; and (d) a vehicle is fitted with a first aid kit at a conspicuous place which contains specified medicine and other medical requirements; and as specified by relevant Authority.		
10.	regulation 39	(a) tag a passenger’s luggage and provide the passenger with a luggage identity tag bearing the name of the passenger and the final destination;	Improve regulation 39(a) ensure identity tags bearing the name of passenger and their final destination are available for crew to tag passengers luggage.	To make both licensee and crew responsible
11.	Regulation 43	Powers to compound offences	amending by delete and substitute with the following: the Authority may compound offences in a manner prescribed in Land Transport Regulatory Authority (Compounding of Offences) Regulations, GN No.19 of 2024.	To implement the Land Transport Regulatory Authority (Compounding of Offences) Regulations, 2024

12.	Regulation 44	Compounded offences.	The Authority may compound offences listed in the Fifth Schedule to these Regulations.	To implement the Land Transport Regulatory Authority (Compounding of Offences) Regulations, 2024
13.	Regulation 45, 46 and 47	Procedures for compounding of offences	To delete regulation 45, 46 and 47	The procedures are stipulated in the provisions of GN No.19 of 2024.
14.	Regulation 48	Non admission of offence	48(a) Amend by adding the words “provided under Sixth Schedule” between the words “form” and “to”	To identify a specific form to be filled.
15.	Regulation 52	52. The Authority may- (a) restrict certain types of public service vehicles to operate in any route or central business district of any city, municipality or town; and (b) determine the central business district of a city, municipality or town from time to time for the purpose of provision of transport services as provided under these regulations	Introducing new paragraph (b) Restrict individual operators to operate in any route as may be determined by the Authority renumbering paragraph (b) as (c) and add full stop (.) at the end of paragraph (c)	Some of the routes require Companies operations with capacity to improve service.

16.	First schedule	C. PARTICULARS OF SERVICE FOR WHICH A LICENCE IS SOUGHT	To remove words staff bus, school bus, private hire and tour bus from the first schedule	It has been shifted to Private Hire services regulations
17.	Second Schedule	Public service licensing fees	Review of licensing fees	To improve efficiency.
18.	Third Schedule	Maximum bus length is 12.5m	Maximum bus length is 15m	Improvement of the bus length to comply with EAC, COMESA and SADC standards
19.	Fifth Schedule		Is omitted and substituted	For improvement

TRANSPORT LICENSING (GOODS CARRYING VEHICLE) REGULATIONS, 2020

1	Regulation 2	“goods carrying vehicle” meaning. means a motor vehicle constructed or adapted for hire or reward for the carriage of goods or trailer so constructed or adapted, whether used or constructed or adapted solely for that purpose or not;	Amending the term “goods carrying vehicle” by inserting the words “or electric” between the words “motor” and “vehicle”	To include electrical vehicles
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		Addition of new definitions “authorized agent” and “electric vehicle”.	<p>“authorized agent” means a person, Government institution, company or cooperative society appointed by the Authority or granted a licence to issue, renew licence or to perform such other functions on behalf of the Authority as may be determined by the Authority;</p>	
			<p>“Electric Vehicle” means a vehicle which is powered by electricity stored in rechargeable batteries;</p>	To define electric vehicles.
2	Regulation 3,	<p>3.-(1) The Authority may issue a licence to an individual or a company to operate a goods carrying vehicle.</p> <p>(2) The Authority shall not, after coming into operations of these Regulations, issue a licence to an individual unless that person-</p> <p>(a) is a citizen of Tanzania or a company</p>	<p>Adding the word “or authorized agent” immediately after the word “Authority”</p>	To improve service delivery.

		<p>incorporated under the Tanzanian laws; and</p> <p>(b) meet the standards, terms and conditions for goods carrying services as may be prescribed.</p> <p>(3) Notwithstanding sub regulation (2) the Authority may issue a licence to an applicant based on any other condition as it deems relevant.</p>		
3	Regulation 23	Addition of new sub regulation (3)	(3) notwithstanding the provision of sub regulation (1), in case of motor tricycle goods carrying vehicle where it contravenes the provision of this regulation, commits an offence and on conviction shall be liable to a fine not less than fifty thousand shillings but not exceeding one hundred thousand shillings or to imprisonment for a term not exceeding six months or to both;	To accommodate offence and penalty for motor tricycles goods carrying vehicles.
4	Regulation 24	Powers to compound offences	amending by designation the contents of regulation	To implement the Land Transport Regulatory Authority

			24 as regulation 24(1) and adding sub regulation (2): (2) the Authority may compound offences in a manner prescribed in Land Transport Regulatory Authority (Compounding of Offences) Regulations, GN No.19 of 2024.	(Compounding of Offences) Regulations, 2024
5	Regulation 25, 26 and 27	Procedures for compounding of offences	To delete regulation 25, 26 and 27	The procedures are stipulated in the provisions of GN No.19 of 2024.
6	Regulation 28	Non admission of offence	28(a) Amend by adding the words “provided under Fourth Schedule” between the words “form” and “to”	To identify a specific form to be filled.
7	Second schedule	The second schedule is omitted and replaced		Reviewing the current fees in order to charge fee basing on carrying capacity
8	Third schedule	Third schedule offense	Third schedule is amended by adding item 6 immediately after item 5	To accommodate review of motor tricycle penalty

THE LAND TRANSPORT REGULATORY AUTHORITY (PRIVATE HIRE SERVICES) REGULATIONS, 2020

1.	Regulation 2 and its amendment of 2021	These regulations shall apply in relation to public hire vehicle with carrying capacity of not more than thirty passengers and shall include motor cycles and tricycles.	These Regulations shall apply to special hire vehicle, tour vehicle, staff bus, shuttle vehicle, school bus, rental vehicle and any other vehicle in relation to public hire vehicles with carrying capacity not exceeding thirty passengers and shall include motor cycles and motor tricycles.	To include other types of vehicles which provide transport services without having a specific license category in relation to private hire service.
2.	Regulation 3	Add interpretation “staff bus” “shuttle” “Tour Vehicle” “Vehicle rental” “School bus”	Staff Bus means a passenger service vehicle intended to provide transport services to employees. Shuttle vehicle Means the vehicle which operates in short distance frequently between two points. Tour Vehicle	To include interpretation of other types of vehicles which provide transport services without having a specific license category in relation to private hire services.

			<p>A chauffer driven passenger vehicle for the principle purposes of sight-seeing tours</p> <p>Vehicle Rental Means a vehicle rent to the public for short period.</p> <p>School bus means a passenger service vehicle, whether owned or operated by a registered day care centre, school or privately owned or operated under contract with such school, which is intended to provide transport services to pupils to or from school, or for any other school related activity, when they are in a group.</p>	
3	Regulation 3	authorized agent definition means a person, government institution, company or cooperative society appointed by the	means a person, government institution, company or cooperative society appointed by the Authority or granted a	To widen scope of authorized agents”

		Authority to issue, renew licence or to perform such other functions on behalf of the Authority as may be determined by the Authority;	licence to issue, renew licence or to perform such other functions on behalf of the Authority as may be determined by the Authority;	
4		Addition of regulation 4A	<p>Application for an authorized agent</p> <p>4A (1). A person wishes to operate as an authorized agent, shall make online application for a licence to the Authority upon payment of fifty thousand shillings.</p> <p>(2) an application for a licence to operate as an authorized agent shall be accompanied by the following:</p> <ul style="list-style-type: none"> (a) Business licence (b) Proof of office ownership or lease agreement (c) tax identification number (d) a copy of national identification card 	

			<p>(e) certificate of incorporation for body corporate</p> <p>(3) a successful applicant shall pay annual licencing fee of two hundred thousand shillings to the Authority.</p> <p>(4) an authorized agent shall be eligible to receive a commission as determined by the Authority.</p> <p>Provided that a commission received by an authorized agent shall be determined basing on collected amount derived from performed functions.</p>	
5	Regulation 5	by adding 5(1) (e)	5(1) (e) proof of compliance with other relevant authorities as the case may be.	To comply with other relevant laws.
6	Regulation 6	To add new regulation 6A	6A.-(1) The Authority may from time to time issue a licence to a day care centre, school, individual or	The contents of this provision have been accommodated to these Regulations.

			<p>company to operate a school bus for a specified period of time.</p> <p>(2) Subject to subregulation (1), the Authority may prescribe the requirements for issuance of a day care centre and school bus licence based on carrying capacity as it may consider appropriate.</p>	
		To add new regulation 6B	<p>6B (1) A person who intends to operate a school bus shall submit an application for a licence to the Authority manually or electronically.</p> <p>(2) The application under this regulation shall be accompanied with-</p> <p>(a) a copy of motor vehicle registration card;</p> <p>(b) a vehicle inspection report;</p> <p>(c) proof of payment of application fees as set out in the Second Schedule to these Regulations; and</p>	The contents of this provision have been accommodated to these Regulations

			(d) any other documents as the Authority may at any time require.	
7	Regulation 16		<p>Regulation 16</p> <p>(e) to carry one passenger for motorcycle and three passengers for motor tricycle</p> <p>(f) a motorcycle not to carry a child below the age of nine years.</p> <p>(g) a motor tricycle carrying a child below the age of nine years is accompanied by a guardian.</p>	Maximum number of passengers for the motorcycle and tricycle to restrict overloading
8	Regulation 20		To delete the paragraph (a) and renaming the paragraph (b) to (e) as paragraph (a) to (d) respectively	to remove repetition of conditions which are already provided under regulation 15
9	Regulation 20	Introduce new Reg. 20A, 20B, 20C and 20D	<p>20A conditions for staff bus licensee</p> <p>Staff Bus vehicle licensee shall ensure that:</p> <p>(a) The words staff bus are written at the front side of the body of the vehicle;</p>	

			<p>(b) Carries a group of people who are working in the same entity</p> <p>20B. conditions for shuttle vehicle licensee Shuttle vehicle licensee shall ensure that:</p> <p>(a) The words shuttle are written at the front side of the body of a vehicle;</p> <p>(b) Operates on set schedule to take passenger to and from airports terminals, nearby parking lot, hotels or other designated shorter routes</p> <p>20C. conditions for Tour Vehicle licensee Tour Vehicle licensee shall ensure that:</p> <p>(a) The words tour services are displayed at either</p>	
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			<p>side of the body of the vehicle;</p> <p>(b) only tourists are carried</p> <p>20D. conditions for Rental Vehicle licensee Vehicle Rental licensee shall:</p> <p>(a) Have in place a fleet of vehicles for hire either with driver or chauffer;</p> <p>(b) Have a contract with a customer for service.</p> <p>20E. conditions for Escort services Vehicle Escort services vehicle accompanying transportation of abnormal load shall be licensed by the Authority under special hire license</p>	
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			<p>20F. A licensee of a school bus service shall ensure that:</p> <p>(a) he meets the standards, Terms and Conditions for Provision of Public Transport Services stipulated by the Authority;</p>	
			<p>(b) the driver is not below the age of thirty and not above the age of sixty;</p>	
			<p>(c) the school bus is painted in yellow colour code Rgb (255,255,0) and printed with words "School Bus" or "Basi la Shule"; and</p>	
			<p>(d) a vehicle is fitted with a first aid kit at a conspicuous place which contains specified medicine and other medical requirements; and as specified by relevant Authority.</p>	

			(e) a school vehicle while en route shall have a female crew registered by the Authority.	The reason is to protect children against abuse
			(f) the driver is certified and registered by the Authority.	To comply with the requirement of the Land Transport regulatory Authority (certification of commercial vehicle drivers and registration of crew) Regulations, 2020)
			(g) the certified driver and registered crew carry their identification card issued by the Authority all the time while en route.	The reason is for identification purpose
			(h) the certified driver and registered crew wear neat and clean uniform provided by the school	For hygienic reasons and identification
			(i) a school vehicle does not carry student in excess of the maximum number stated in the vehicle registration card	For safety reasons

			(j) a vehicle is fitted with functioning seat belt on each seat	For safety reasons
			(k) driver and crew are responsible for safety and security of pupils and students while embarking on, onboard and disembarking off school bus	Drivers and crew are assigned duty to ensure safety and security of the pupils and student.
			(l) the entertainment provided in school bus while en route to be educative	The reason is to protect children against unethical behaviors.
			(m) job card is kept in the school bus	To ensure vehicle undergo planned and periodical maintenance
			(n) a school bus is not printed or fixed with anything which obstruct clear view from inside or from outside of the vehicle	For security purposes
			(o) a school bus shall undergo vehicle inspection twice a year.	For safety reasons
			(p) a school bus must install a minimum of four Closed Circuit Television in its	For security purposes

			acronyms cameras	"CCTV"	
10	Regulation 27	Adding new paragraph.	Adding paragraph (g) in case of school bus, be liable to a fine of not less than Tanzanian shillings two hundred thousand but not exceeding Tanzania shillings five hundred thousand or imprisonment for a term not exceeding six months or both.		To accommodate offence and penalty for school bus.
20.	Regulation 28	Powers to compound offences	amending by delete and substitute with the following: the Authority may compound offences in a manner prescribed in Land Transport Regulatory Authority (Compounding of Offences) Regulations, GN No.19 of 2024.		To implement the Land Transport Regulatory Authority (Compounding of Offences) Regulations, 2024
21.	Regulation 29	Compounded offences.	The Authority may compound offences listed in the Third Schedule to these Regulations.		To implement the Land Transport Regulatory Authority (Compounding of Offences) Regulations, 2024

22.	Regulation 31, 32 and 33	Procedures for compounding of offences	To delete regulation 31, 32 and 33	The procedures are stipulated in the provisions of GN No.19 of 2024.
23.	Regulation 34	Non admission of offence	34(a) Amend by adding the words “provided under Fifth Schedule” between the words “form” and “to”	To identify a specific form to be filled.
24.	Fifth Schedule		Is omitted and substituted	For improvement

**PROPOSED AMENDMENT FOR THE LAND TRANSPORT REGULATORY AUTHORITY
(TERMS AND CONDITIONS FOR PROVISION OF REGULATED SERVICES) RULES, 2024**

S/N	REGULATION	CURRENT PROVISION	PROPOSED AMENDMENT	JUSTIFICATION
1.	Rule 11 (1) and (2)	Requirement by service provider with more than six fleet to have technical staff possessing at least level six of a national technical award on logistics and Transport Management from a recognised institution.	To add between the words vehicle and shall the following “for public service or goods carrying services”	To identify service providers required to have a technical staff possessing at least level six of a national technical award on logistics and Transport Management from a recognised institution.
2.	Rule 12 (b)	Requirements to operate under transport company or cooperative society.	To add a proviso immediately after paragraph 12 (b) as follows:- “provided that a company or cooperative society provide proof of availability of fleet in case the number of its fleet is less than six by contracting with other companies or cooperative society operating in the same route to provide alternative transport during breakdown”	To promote companies or cooperative societies for provision of transport services.
3.	Rule 1	LAND TRANSPORT REGULATORY AUTHORITY	The name of the Rules should be	Reason being the Regulations have only covered for Road Transport Services but

		(TERMS AND CONDITIONS FOR PROVISION OF REGULATED SERVICES) RULES, 2024	LAND TRANSPORT REGULATORY AUTHORITY (TERMS AND CONDITIONS FOR PROVISION OF ROAD REGULATED SERVICES) RULES, 2024	the way the current name includes Railway Services as well.
THE LAND TRANSPORT REGULATORY AUTHORITY (COMPLAINT HANDLING PROCEDURES) RULES, 2024				
1.	Rule 6	Establishment of the Complaint Handling Committee	a) Rule 6 (2) is amended by adding between the words be and appointed the following word "five"	To identify the number of members for the Complaint Handling Committee.

			<p>b) Adding paragraph 6 (3), (4) and (5) as follows: “6 (3) the Committee Members will be appointed from the following departments: (i) One member from the Directorate of Economic Regulation as the Chairman; (ii) Head of Legal Services as a member; (iii) Legal Officer who will be the secretary; (iv) One member from the Directorate of Railway Regulation; and (v) One member from the Directorate of Road Transport Regulation”.</p>	<p>To identify the members and their responsibilities to the Committee.</p>
			<p>c) “6 (4) the Committee quorum for the meeting shall be half the number of members”; d) “6 (5) the decision of the Committee will be obtained by majority decision of the Committee Members”.</p>	<p>To clarify the quorum for Committee meeting and the modality of decision making.</p>

2.	Rule 8 (1)	Requirement to submit complaint to regulated supplier	To add between the words supplier and for the words "in writing"	To clarify the modality of submitting complaint to regulated supplier for evidence in future actions.