

SUBSIDIARY LEGISLATION

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THE TRANSPORT LICENSING ACT
(CAP. 317)

REGULATIONS

(Made under section 45)

THE TRANSPORT LICENCING (GOODS CARRYING VEHICLES)
(AMENDMENT) REGULATIONS, 2017

ARRANGEMENT OF REGULATIONS

Regulation Title

1. Citation.
2. Amendment of regulation 29.
3. Amendment of regulation 32.
4. Addition of new regulations 33, 34, 35, 36 and 37.
5. Addition of new Third, Fourth and Fifth Schedules.

SCHEDULES

THE TRANSPORT LICENSING ACT
(CAP. 317)

REGULATIONS

(Made under section 45)

THE TRANSPORT LICENCING (GOODS CARRYING VEHICLES)
(AMENDMENT) REGULATIONS, 2017

Citation
GN. No. 390 of
2012

1. These Regulations may be cited as the Transport Licensing (Goods Carrying Vehicles) (Amendment) Regulations, 2017 and shall be read as one with the Transport Licensing (Goods Carrying Vehicles) Regulations, 2012 hereinafter referred to as the “principal Regulations”.

Amendment of
regulation 29

2. Regulation 29 of the principal Regulations is amended by deleting sub-regulation (6) and substitution for it the following:

GN. No.15 of
2008

“(6) The applicant who is aggrieved by the decision of the Authority under these Regulations may, within fourteen days from the date of the decision, apply to the Authority for review, in accordance with the SUMATRA (Complaints and Review Procedure) Rules”

Amendment of
regulation 32

3. The principal Regulations are amended by deleting Regulation 32 and substituting for it the following:

“Power to
compound offences

32.-(1)
Notwithstanding
regulation 31, where a

person admits in writing that he has committed an offence under these Regulations, an authorized officer of the Authority 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) Subject to sub-regulation (1), where an offence is compounded 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-regulation (1).”

Addition of new regulations 33, 34, 35, 36 and 37

4. The principal Regulations are amended by adding immediately after Regulation 32 the following new regulations:

Transport Licencing (Goods Carrying Vehicles) (Amendment)

GN. No. 420 (contd.)

“ Offences to be compounded

33.-(1) The Authority may compound offences as specified in the Third Schedule to these Regulations.

(2)

Notwithstanding sub-regulation (1), compounding amount of offences under these Regulations, shall be as provided in the Third Schedule of these Regulations.”

Notification of offences

34.-(1) The Authority shall, after identifying the offence contravening these Regulations, notify the offender electronically or manually in the Notification Form prescribed in the Fourth Schedule to these Regulation on the:

- (a) offence committed;
- (b) penalty under the relevant provision of these Regulations;
- (c) amount to be compounded as stated in these Regulations;

(d) the date and manner in which such money shall be paid to the Authority; and

(e) any other information as the Authority may deem relevant.

(2) The offender may admit or refuse to have committed the offence to be compounded by signing the Notification Form as prescribed under the Fourth Schedule of these Regulations.

Mode of payment and defaults

35.-(1) Where the person admits the offence to be compounded, he shall pay the compounded amount within fourteen days to the Authority's bank account physically or electronically and submits the evidence of payment to the Authority Headquarters or Authority Regional Offices.

(2) Upon submission of the payment evidence, the Authority shall issue an official receipt to the licensee in respect of

Transport Licencing (Goods Carrying Vehicles) (Amendment)

GN. No. 420 (contd.)

payment received under sub regulation (1).

(3) Where the licensee fails to pay the compounded amount within the specified time, the Authority shall charge interest of five per centum and five per centum of the accrued amount after every thirty days.

Failure to pay compounded amount

36. Where a licensee fails to comply with the order to pay the compounded amount, the Authority may enforce the order in the same manner as a decree of a Court for the payment of the amount stated in the order.

Failure to sign Notification Form

37.-(1) Where a licensee does not agree with the offence alleged to have been committed, he shall, within seven days from the date of commission of such offence submit duly filled Notification Form to the Authority for court appearance.

(2) Where a licensee under sub-regulation (1) fails to appear at the Authority within the prescribed time he shall be deemed to

Transport Licencing (Goods Carrying Vehicles) (Amendment)

GN. No. 420 (contd.)

have admitted the offence and shall be required to pay the penalty as stipulated in these Regulations.”

Addition of new
Third, Fourth and
Fifth Schedules

5. The principal Regulations are amended by adding immediately after the Second Schedule the following new Schedules:

“THIRD SCHEDULE
(Made under regulation 33)

THE UNITED REPUBLIC OF TANZANIA

**S U M A T R A**

For Competitive, Efficient, Quality and Safe Transport Services

Surface and Marine Transport Regulatory Authority
Mamlaka ya Udhibiti Usafiri wa Nehi Kavuu na Majini

OFFENCES AND PENALTIES COMPOUNDED BY SUMATRA

No.	Nature of Offences	Regulation	Compounded Amount
1.	Operating a goods carrying vehicle without a valid Carriers Licence.	30(a)	250,000/=
2.	Failure to report accidents to the Authority within seven days from the date of an accident involving goods carrying vehicle.	21	100,000/=
3.	Failure to exhibit or produce or surrender a licence upon being required to do so by an officer of the Authority.	30(b)&(e)	100,000/=
4.	Hindrance or obstructing an officer of the authority or a police officer of the rank of inspector to perform his duties under the act and these regulations.	30 (f)	250,000/=
5.	Being in possession of any document, plate or mark so closely resembling to a licence or any such document, plate or mark which is intended to deceive, forges or alters any entry in a record made under these Regulations.	30(g)	250,000/=

FOURTH SCHEDULE

(Made under regulation 34)

THE UNITED REPUBLIC OF TANZANIA



Surface and Marine Transport Regulatory Authority
Mamlaka ya Udhhibiti Usafiri wa Nchi Kavu na Majini

NOTIFICATION AND COMPLIANCE FORM FOR DRIVERS

PARTICULARS OF OFFENCE

1. bearer of Driving Licence No. Class a driver of a public service vehicle with Reg. No you are charged with the offence(s) number(s)

Particulars of the offence:

That on the day of year.....
at (place)..... you (brief facts of the offence):

- (a)
(b)
(c)
(d)
....
2. If you DO NOT ADMIT to have committed the offence(s), complete part “A” of this Notification Form.
3. If you ADMIT commission of the offence(s), complete part “B” of this Notification Form.
4. The compounded amount SHALL be paid to the SUMATRA’s bank account number

PART A: INTENTION TO ANSWER CHARGES

I of (residential or business address) intend to answer in Court the charge for the commission of offence of contrary to regulation of the Transport Licencing (Goods Carrying Vehicles) Regulations, 2012.

Name:

Transport Licencing (Goods Carrying Vehicles) (Amendment)

GN. No. 420 (contd.)

Signature:

PART B: ADMISSION OF OFFENCE

I of (residential or business address)
..... plea guilty to the offence of
..... contrary to regulation
of the Transport Licencing (Goods Carrying Vehicles) Regulations, 2012.

I request the offence(s) be compounded as per regulation of the Transport Licencing (Goods Carrying Vehicles) Regulations, 2012.

I shall pay a fine of Tshs.....within fourteen (14) days from the date of this notification being the compounded amount of the offence(s).

Name:

Signature:

Identity No.

Issued by:

Region:

Witnessed by:

FIFTH SCHEDULE

(Made under regulation 34)

THE UNITED REPUBLIC OF TANZANIA



For Competitive, Efficient, Quality and Safe Transport Services

Surface and Marine Transport Regulatory Authority
Mamlaka ya Udhubiti Usafiri wa Nchi Kavu na Majini

NOTIFICATION AND COMPLIANCE FORM FOR LICENSEE

SECTION I: PARTICULARS OF OFFENCE

To:

Address:

1. You are charged with the offence of.....

Particulars of the offence(s) number(s):

That on the day of year.....

At (place)..... you (brief facts of the offence):

(a)

(b)

(c)

(d)

2. If you DO NOT ADMIT to have committed the offence(s), complete Section III “A” of this Notification Form.

3. If you ADMIT commission of the offence(s), complete Section III “B” of this Notification Form.

4. The compounded amount SHALL be paid to the SUMATRA’s bank account number

SECTION II: PARTICULARS OF A DRIVER

I bearer of Driving Licence
No. Class a driver of a public service vehicle with Reg. No
..... trading as hereby acknowledge receipt of Notification No.
for the offence No.and I undertake to submit the notification to the licensee of
the above mentioned vehicle.

Signature Date

Transport Licencing (Goods Carrying Vehicles) (Amendment)

GN. No. 420 (contd.)

Witness's Name Signature
Date Region:

SECTION III: PARTICULARS OF A LICENSEE

A: INTENTION TO ANSWER CHARGES

I, a licensee of public service vehicle with Reg. No.
..... of (residential or business address)
..... admit receipt of this notification and intend to answer in Court the charge for the commission of offence of
..... contrary to regulation
of the Transport Licencing (Goods Carrying Vehicles) Regulations, 2012.

Name:
.....
Signature:
.....

B: ADMISSION OF OFFENCE

I, a licensee of public service vehicle with Reg. No.
..... of (residential or business address)
..... admit receipt of this notification and
plea guilty to the offence of
contrary to regulation of the Transport Licencing (Goods Carrying
Vehicles) Regulations, 2012.

I request the offence(s) be compounded as per regulation of the Transport
Licencing (Goods Carrying Vehicles) Regulations, 2012.

I shall pay a fine of Tshs.....within fourteen days (14) days from the date
of this notification being the compounded amount of the offence(s).

Name:
Signature:
Identity
No.

Issued by:

Dodoma,
26th September, 2017

MAKAME M. MBARAWA
Minister for Works, Transport and Communications