

*Transport Licensing (Motor cycles and Tricycles)*

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THE TRANSPORT LICENSING (MOTOR CYCLES AND  
TRICYCLES) REGULATIONS, 2010

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THE TRANSPORT LICENSING ACT  
(CAP. 317)

REGULATIONS

(Made under section 45)

THE TRANSPORT LICENSING (MOTOR CYCLES AND TRICYCLES)  
REGULATIONS, 2010

PART I

PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Transport Licensing (Motor Cycles and Tricycles) Regulations, 2010.
- Application 2. These Regulations shall apply to licensed motor cycles and Tricycles.
- Interpretation 3. In these Regulations, unless the context otherwise requires:—
- Cap. 317 “act” means the Transport Licensing Act;
- “agent” means a Local Government Authority, Company, Association, person or any government institution appointed by the Authority to do any act on behalf of the Authority;
- “approved area of operation” is the area on which the motor cycle or tricycle has been licensed to operate for the purpose of carrying passengers;
- Cap. 413 “authority” means the Surface and Marine Transport Regulatory Authority established under section 4;
- “baggage” includes cases, bags, boxes carried by a passenger;
- “chart” means a document displaying charges of designated area approved by the Authority;
- “designated area” means an area identified by a Local Government Authority for parking and operating tricycles and motorcycles;

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- “director General” means the Director General of the Authority appointed under section 13 of Surface and Marine Transport Regulatory Authority Act; Cap. 413
- “driver” means a person who acts as steersman of a licensed motor cycle or tricycle who own a valid driving licence;
- “driver’s licence” means in case of motor cycle a class “A” driving licence and in case of tricycle a class “A” and “3C” driving licences issued under the Road Traffic Act; Cap. 168
- “driving” means the skill of controlling or operating a motorcycle or tricycle in motion and includes, controlling a motor cycle or tricycle paused at traffic lights, stop points or in traffic jam;
- “hire or reward” means payment or charge negotiated for a particular destination;
- “interactive communication function” includes sending or receiving oral or written messages;
- “licenced motorcycle or tricycle” means a motor cycle or a tricycle authorized to be used and a licenced under the provisions of the Act;
- “licensee” means any person or company or association licenced by the Authority to provide public transport services by a motor cycle and tricycle;
- “local government authority” means and includes city, municipal, town or district councils;
- “Minister” means Minister responsible for the Authority;
- “motor cycle” means two wheel motor driven vehicle intended or adopted for use of roads;
- “motor vehicle” means a mechanically propelled motor vehicle intended or adopted for use on roads and it includes motorcycles and tricycles;
- “motor tricycle” means motor vehicle with four wheels;
- “motor vehicle inspection report” means a report of motor vehicle roadworthiness issued under the Road Traffic Act and includes motorcycles and tricycles;
- “motor vehicle registration certificate” means a motor vehicle certificate issued under the Road Traffic Act; Cap. 168

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- Cap. 95 "narcotic drugs" has the meaning assigned to that expression in the Drugs and Prevention of Illicit Traffic in Drug Act;
- "officer of the Authority" means Director General, Director, Manager, or any other authorized officer of the Authority and includes the officer of the agent;
- Cap. 168 "owner" means a person appearing as owner of the motor cycle or tricycle in the motor vehicle Register kept under the Road Traffic Act, and includes the person in lawful possession of the motor cycle or tricycle under hire purchase agreement or any other agreement;
- "motor cycle or tricycle" means a motor cycle or tricycle that is constructed or adopted solely for the carriage of passengers under the Regulations;
- "passenger" means any person who is traveling on a ~~licensed~~ motor cycle or tricycle;
- "registered association" means a voluntary grouping of licensees which is organized locally and registered by a local government authority for the purpose of operating motor cycle or tricycle as a public transport;
- "road service licence" means a licence granted under the Act in respect of public service motor cycle or tricycle;
- "standards" for the purposes of these Regulations means a set of norms for safety and quality of services;
- "SUMATRA" has the meaning ascribed to it by the Surface and Marine Transport Act;
- Cap. 413 "urban area" means city, municipality or town or any area declared to be an urban area by a relevant authority;
- Cap. 168 "vehicle inspector" means a person appointed to be an inspector of vehicle under the Road Traffic Act.

PART II

APPLICATION FOR A ROAD SERVICE LICENCE

Applica-  
tion for a  
road  
service  
licence

4.-(1) No person shall operate for hire or reward a motor cycle or tricycle without a valid road service licence.

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(2) Any person who intends to operate for hire or reward a motor cycle or tricycle shall, prior to such operation make application for a road service licence to the local government authority or any other agent appointed by the Authority.

(3) Any person who contravenes the provisions of sub-regulation (1) commits an offence and shall, on conviction, be liable to a fine of not less than fifty thousand shillings but not exceeding one thousand shillings or to imprisonment for not less than six months and not exceeding one year or to both.

5. An application for a road service licence shall be made in a prescribed form set out in the First Schedule to these Regulations together with:

Procedure  
for  
applica-  
tion of a  
road  
service  
licence

- (a) Original motor cycle or tricycle Registration Certificate;
- (b) original valid insurance policy with the minimum requirements of third party liability which corresponds with the number of passengers as indicated on the motor cycle or tricycle Registration Certificate;
- (c) original and certified copy of a Motor Vehicle Inspection Report for roadworthiness from a vehicle inspector;
- (d) A copy of membership card and an introduction letter from the registered association;
- (e) in case of a company; association or cooperation, a copy or certificate of incorporation;
- (f) the proposed area in which the applicant seeks to operate;
- (g) a certified copy of the driver's licence and recent photograph;
- (h) a copy of employment contract between the owner and driver of the motor cycle or tricycle.

(2) Without prejudice to provisions of sub-regulation (1), in application for a renewal of a road service licence, the applicant shall attach the expired road service licence, a copy of membership card and an introduction letter from the registered association.

**PART III**  
**ISSUANCE OF THE ROAD SERVICE LICENCE**

Date of  
issuance  
of the  
road  
service  
licence

6.-(1) An application for a road service licence shall be made in between the months of May and June of the calendar year. *Revised*

(2) The local government authority or any other agent approved by the Authority may issue a road service licence upon being satisfied that the applicant has in compliance with the conditions stipulated under regulation 5.

(3) The road service licence shall be issued during the months of July or August of each calendar year.

(4) An applicant for a road service licence after the month of June shall be issued with a licence for the period ending 30<sup>th</sup> June of the following year and shall pay licence fee for the period equivalent to twelve months.

(5) The Local Government Authority shall issue a road service licence to the owner of a passenger motor cycle or tricycle which is:

- (a) new, or mechanically certified to be roadworthy; and
- (b) meets the standards stipulated by Tanzania Bureau of Standards.

Particu-  
lars of the  
road  
service  
licence

7. The road service licence of the motor cycle or tricycle shall bear the following particulars.

- (a) name and address of the licensee;
- (b) registration number of the motor cycle or tricycle;
- (c) duration of the road service licence;
- (d) authorized number of passengers for carriage;
- (e) statutory conditions of a road service licence;
- (f) approved area of operation;
- (g) area identification mark.



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8. No road service licence shall be issued to a person who is under the age of eighteen years.

Limit to age of issuing road service licence

9.-(1) An application for renewal of a road licence shall be lodged four weeks prior to the expiry date of the licence and shall be determined in accordance to provisions of regulations 6.

Renewed of a road service licence

(2) Any application submitted after the expiry of the road service licence shall be surcharged fifty per centum of the road service licence fee.

(3) No road service licence shall be renewed unless the applicant is a member of a registered association.

10.-(1) An applicant of a road service licence shall pay fees, fines and other charges to SUMATRA through local Government Authority in respect of a road service licence as prescribed in the Second Schedule to these Regulations.

Road service licence fee and any other charges

(2) All fees or any others payable under sub-regulation (1) shall be paid into the Authority's account and a receipt shall be issued in respect of each payment.

11. Where a licensee intends to change the approved area of operation in respect of which a road service licence was issued, he shall submit a new road service licence.

Change of area of operation

12. Where an application for a road service licence is rejected the applicant shall be notified within seven days from the date of such rejection stating reasons for rejection together with any other instructions the Authority may issue.

Refusal to issue a road service licence

PART IV

CONDITIONS FOR THE ROAD SERVICE LICENCE

Condi-  
tions for  
the road  
service  
licence

13. The licensee shall ensure compliance with the following conditions:
- (a) motorcycle or tricycle conform to the standards set by the Tanzania Bureau of Standards;
  - (b) the motorcycle or tricycle shall be parked and operated in areas designated by the local government authority;
  - (c) motorcycle or tricycle operated for hire or reward shall bear a black registration number on a white number plate;
  - (d) the driver of a motorcycle does not carry more than one passengers;
  - (e) tricycle does not carry more than three passengers and the driver;
  - (f) the driver shall be in a clean and neat uniform with identity card visible to any person;
  - (g) the driver shall when driving observe speed limits as prescribed by the road signs and shall not exceed a speed of fifty kilometer per hour;
  - (h) the driver of a tricycle does not carry passenger in excess of maximum number stated in road service licence;
  - (i) the driver while driving shall wear a crash helmet printed with area identification mark;
  - (j) a passenger carried on a motor cycle shall wear a crash helmet at all the time;
  - (k) the driver while driving shall not use a hand-held mobile telephone or use any equipment with interactive communication functions;
  - (l) where the owner is not a driver, he shall enter into employment contract with a qualified driver to operate the passenger motorcycle or tricycle; and

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(m) a licenced tricycle is fitted with safety belts for each passenger and door or barriers on both sides of the passenger's compartment.

14.-(1) A child of the apparent age of nine years of age or under shall not be carried on a motor cycle.

Restriction on children

(2) A child of the apparent age of nine years of age or under shall not be carried on a tricycle as a passenger unless he is accompanied by an adult.

15.-(1) A licensee or a driver, while on duty, shall not demonstrate the following behaviour:-

Prohibited Conduct

- (a) using hostile and or abusive language to a passenger;
- (b) blocking or obstructing intentionally other services providers;
- (c) driving above the maximum speed limits in competition of passengers pick up;
- (d) terminating journey before reaching final destination;
- (e) driving under the influence of alcohol or any other narcotic drugs at any amount;
- (f) driving in a careless or reckless manner or in a manner contrary to the provisions of Roads Traffic Act and other laws; and
- (g) mistreating or harassing passengers and other road users.

(2) A licensee or a driver who fails to comply with the provisions of sub-regulation (1) commits an offence and shall, on conviction, be liable to a fine of not less than fifty thousand shillings and not more than one hundred thousand shillings or to imprisonment of not less than one year and not exceeding two years or to both fine and imprisonment.

PART V  
LOCAL GOVERNMENT AUTHORITY

Respon-  
sibilities  
of local  
govern-  
ment  
authority

16.—(1) The Local Government Authority shall be responsible for:—

- (a) issuing of a road service licence;
- (b) demarcation of boundaries of designated area;
- (c) provision of parking area outside the road reserve area;
- (d) managing maintenance of parking area;
- (e) monitoring operation of motorcycle and tricycle in their respective areas;
- (f) keep and maintain a register of all licensees and their area of operation; and
- (g) ensure each parking area maintains a register of licensees of their respective parking areas.

Charges  
and  
issuance  
of  
receipts

17.—(1) The Authority in collaboration with the local government authority may approve the transport chart of charges of designated area.

(2) The licensee shall issue a printed receipt which contains the registration number of the motor cycle or tricycle, approved area of operation, date of travel, serial number of the receipt, name and address of the licensee.

Require-  
ment for  
operating  
in a  
desig-  
nated area

18. A licenced motorcycle or tricycle shall park and operate on a designated area as identified by the local government authorities in consultation with the Authority.

PART VI

PROCEDURE, SUSPENSION AND REVOCATION OF A ROAD SERVICE LICENCE

Procedure  
for  
serving a  
default  
notice

19.—(1) Where a licensee contravenes the terms and conditions of which a road service licence was issued, the Authority shall serve on the licensee a default notice in writing specifying the nature of default.

(2) Upon receipt of default notice, the licensee shall make representation in writing to the Authority within seven days from the date of notice regarding a remedy or rectification of the default.

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20. Where the licensee fails to remedy or rectify the default within the time specified in the default notice or fails to make a satisfactory representation, the Authority shall suspend or revoke the road service licence.

Failure to  
remedy  
or rectify  
the  
default

21.—(1) Where the Authority suspends or revokes a licence it shall provide reasons for such revocation or suspension to the licensee.

Suspension or  
revocation of a  
road  
service  
licence

(2) Where a road service licence is revoked or suspended under these Regulations, the licensee after being served with the notice of revocation or suspension as the case may be shall, immediately cease transport operations and immediately surrender the road service licence to the Authority.

(3) In case of suspension the Authority shall return the road service licence to the licensee after expiry of suspension period and fulfillment of other requirements as shall be stipulated in the suspension notice period.

PART VII  
GENERAL PROVISIONS

22. Where a motorcycle or tricycle experiences mechanical break down and cannot proceed with the journey, the licensee or driver shall refund the hire or charge of the remaining portion of the journey.

Mechanical  
break-  
down of  
passenger's  
vehicle

23.—(1) An officer of the Authority, local government authority, a Police officer or agent may stop and search a motorcycle or tricycle with a view to ascertaining whether or not these Regulations are being complied with and may demand for inspection, production of any road service licence or document of any description which may be required to be carried on such motor cycle or tricycle.

Power to  
stop and  
inspect a  
motor-  
cycle or  
tricycle

(2) Any person who obstructs an officer of the Authority, local government authority, a police officer or agent in the exercise of the powers as provided under sub-regulation (1), commits an offence and shall upon conviction be liable to a fine of not less than fifty thousand shillings but not exceeding one hundred thousand shillings or imprisonment of not less than six months and not exceeding one year or to both fine and imprisonment.

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- Disposal of motor-cycle and tricycle
24. Where a licensee disposes of a licenced motorcycle or tricycle or otherwise ceases to be the owner of that motorcycle or tricycle, he shall within seven days notify and return the road service licence together with any other document to the Authority.
- Transitional period
25. A motor cycle and tricycle which does not qualify for a road service licence in accordance with technical safety standards prescribed by Tanzania Bureau of Standards shall not be licenced.
- Death or incapacity of licences
- 26.—(1) Upon the death, incapacity, bankruptcy or liquidation of a licensee, any person carrying on the business of the licensee in that behalf, shall deemed to be the licensee:—
- (a) within fourteen days after the death, incapacity, bankruptcy and liquidation of the licensee, a notice that the licensee has ceased to be the owner of the motorcycle or tricycle and the reason thereof, and the name of the person by whom the business is being carried on, is reported to the Authority or agent; and
  - (b) within one month after notifying the Authority, an application for a new road service licence is duly made.
- (2) The period during which such person shall be deemed to be the licensee shall in no case extend beyond the date on which the road service licence would have expired but for the occurrence of the said event and shall terminate immediately the application is disposed of.
- Appeals
27. Any person who is aggrieved by the decision of the Authority made under these Regulations may appeal to the Fair Competition Tribunal.

PART VIII  
OFFENCES AND PENALTIES

- Offences and penalties
- 28.—(1) Any person who:—
- (a) operates a motor cycle or tricycle for carrying passenger for hire or reward without a valid road service licence;
  - (b) in relation to any application for a road service licence makes any statement which is false in any material particular;

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- (c) carries excess passenger;
- (d) parks a licenced motorcycle or tricycle on an undesignated area;
- (e) operates a licenced motorcycle or tricycle with passengers on board on any area not specified in a road service licence;
- (f) furnishes to the Authority record, statement, declaration, written information or explanation containing any particulars which to his knowledge are false or incorrect;
- (g) fails to exhibit as required a road service licence to him under the Act;
- (h) fails to produce or surrender a road service licence upon being required to do so;
- (i) hinders or obstructs an officer of the Authority, a police officer or agent in the performance of his duties under the Act and these Regulations;
- (j) makes, or has in possession of any document, plate, or mark so closely resembling to a road service licence, or any such document plate or mark, which is intended to deceive or forges or alters an entry in a record made under these Regulations;
- (k) fails to comply with any condition of a road service licence;
- (l) with intent to evade the payment of a fee willfully does or omits to do any act or thing,

commits an offence and shall upon conviction, be liable to a fine of not less than fifty thousand shillings but exceeding one hundred thousand shillings or to imprisonment of not less than six months and not exceeding one year or to both fine and imprisonment.

(2) A person who knowingly makes any false statement:-

- (a) for the purpose of obtaining a road service licence for himself or for another person; or
- (b) for the purpose of preventing the grant of a road service licence or of procuring the imposition of any condition or limitation in relation to a road service licence,

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commits an offence and shall upon conviction, be liable to a fine of not less than fifty thousand shillings and not more than one hundred thousand shillings or to imprisonment of not less than six months and not exceeding one year or to both.

(3) Any person who contravenes or fails to comply with the provisions of these regulations, commits an offence and shall upon conviction be liable to fine of not less than fifty thousand shillings but not exceeding one hundred thousand shillings.

Power to  
com-  
pound  
offence

29.—(1) Notwithstanding the provisions of these Regulations relating to penalty, where a person has committed any offence under these Regulations, the Authority may, at any time prior to the commencement of the hearing by any court in relation thereto, compound such offence and order such person to pay such sum of money, not exceeding one half of the amount of the fine to which such person would otherwise have been liable if he had been convicted of such offence.

(2) The Authority shall not exercise its powers under this regulation unless the person concerned admits in writing that he has committed such offence and requests that it be compounded.

(3) Where the Authority compounds an offence under this regulation, the order referred to in sub-regulation (1)—

- (a) shall be reduced into writing and attached to it, the written admission and request referred to in the proviso to the said sub-regulation;
- (b) shall specify the offence committed, the sum of money ordered to be paid and the date or dates on which payment is to be settled;
- (c) shall be final and shall not be subject to the provisions of sub-regulation (3) or to any appeal to any court;
- (d) may be enforced in the same manner as a decree of a court for the payment of the amount stated in the order.

(4) Without prejudice to the provisions of sub-regulation (3), there shall be no compounding for any subsequent offence.



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FIRST SCHEDULE

(Made under regulation 5)

APPLICATION FOR ROAD SERVICE LICENCE FOR MOTOR CYCLE  
OR TRICYCLE

Nature of  New  Renewal  Change of  Replacement

Application:    Operating area

Period applied for:  One  
 year

A. PARTICULARS OF APPLICANT

1. Business Name in full  
.....  
(Company/Partners/Sole Trader-in BLOCK LETTERS)
2. Postal address..... Physical Address.....  
Tel: ..... Fax ..... E-mail .....
3. Do you hold or previously held a road service licence?  
..... Yes/No. If yes, state a road  
service licence number ..... and date  
of expiry ..... and where issued  
.....
4. Have you had a previous application refused/suspended or revoked?  
..... Yes/No.

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If Yes, state when and where previous application for a road service licence was refused, suspended or revoked.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....  
.....and date  
.....

**B. PARTICULARS OF MOTOR CYCLE OR TRICYCLE FOR WHICH LICENCE IS SOUGHT**

i. Reg. No:  ii. Make:

iii. Model:  iv. Town where Vehicle Based:

vi. Carrying capacity: Maximum Number of Passengers allowed.....  
.....

**C. Area in which it is desired to operate**.....  
.....  
.....  
.....  
.....

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**D. PARTICULARS/DOCUMENTS TO BE PROVIDED WITH THE APPLICATION**

This application must be accompanied by the items listed below. The licensing Authority may require more particulars:

- Previous road service licence
- Valid Insurance Certificate
- Proposed area of operation
- Vehicle Registration Card
- Vehicle inspection Report
- Proposed parking area

I/We hereby declare that to the best of my/our knowledge and belief all the information provided in this application is true.

Name in full: ..... Signature: .....

Date: .....

**FOR OFFICIAL USE ONLY**

Amount paid:	Receipt No.	Date:
.....	.....	Signature:
.....	.....	.....

Verification and Recommendation

Comments:

Start Date:..... Expiry Date.....

Officer's name in full:

Designation:

Signature: ..... Date: .....

Approval

Comments:

Start Date:..... Expiry Date.....

Officer's name in full:

Designation:

Signature: ..... Date: .....

Operator's File Number	Licence Number	Area ID
.....	.....	.....

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Caution

Knowingly making a false statement for the purpose of obtaining the grant of a road service is an offence under these Regulations.

FIRST SCHEDULE

*(Made under regulation 5)*

FEES

A: MOTOR CYCLE

Annual Fee	1. Annual fee for a motor cycle	20,000/=
Application fee	2. Fees for lodging an application of a road service licence	2,000/=
Fees for duplicate copy	3. Fee for duplicate copy or authorization of a lost, destroyed or defective road service licence.	5,000/=

B: MOTOR CYCLE

Annual Fee	4. Annual fee for a motor tricycle shall be	30,000/=
Application fee	6. Fees for lodging an application of a road service licence	2,000/=
Fees for duplicate copy	7. For duplicate copy or authorization of a lost, destroyed or defaced road service licence.	5,000/=

Dar es Salaam,  
12<sup>th</sup> March, 2010

SHUKURU J. KAWAMBWA (MP),  
*Minister for Infrastructure Development*