

SUBSIDIARY LEGISLATION

to the Gazette of the United Republic of Tanzania No. 40 Vol. 98 dated 06th October, 2017
Printed by the Government Printer Dar es Salaam by Order of Government

GOVERNMENT NOTICE NO. 419 published on 06/10/2017

THE TRANSPORT LICENSING ACT
(CAP.317)

REGULATIONS

(Made under section 45)

THE TRANSPORT LICENSING (MOTORCYCLES AND TRICYCLES)
(AMENDMENT) REGULATIONS, 2017

ARRANGEMENT OF REGULATIONS

Regulation Title

1. Citation.
2. Amendment of regulation 5.
3. Amendment of regulation 6.
4. Amendment of regulation 13.
5. Amendment of regulation 27.
6. Amendment of regulation 29.
7. Addition of new regulation 30, 31, 32, 33, 34.
8. Addition of new Third, Fourth and Fifth Schedules.

SCHEDULES

THE TRANSPORT LICENSING ACT
(CAP.317)

REGULATIONS

(Made under section 45)

THE TRANSPORT LICENCING (MOTORCYCLES AND
TRICYCLES) (AMENDMENT) REGULATIONS, 2017

Citation
GN. No. 144 of
2010

1. These Regulations may be cited as the Transport Licensing (Motorcycles and Tricycles) (Amendment) Regulations, 2017 and shall be read as one with the Transport Licensing (Motorcycles and Tricycles) Regulations, 2010 hereinafter referred to as the “principal Regulations”.

Amendment of
regulation 5

2. Regulation 5 of the principal Regulations is amended by deleting paragraphs (b), (d), (g) and (h).

Amendment of
regulation 6

3. The principal Regulations are amended by deleting regulation 6 and substituting for it the following:

“Issuance of a
road service
licence

6. A local government authority or any other agent approved by the Authority may issue a road service licence upon being satisfied that the applicant:

- (a) has complied with the conditions stipulated under regulation 5; and

(b) has paid the fees prescribed in the Second Schedule to these Regulations.”

Amendment of regulation 13

4. Regulation 13 is amended by deleting paragraphs (l) and (m) and substituting for them the following:

- “(l) the motorcycle or tricycle has original valid insurance policy with the minimum requirement of third party liability which corresponds with the number of passengers as indicated in the motorcycle or tricycle registration card; and
(m) the driver has a valid driving licence with the appropriate class.”

Amendment of regulation 27

5. The principal Regulations are amended by deleting regulation 27 and substituting for it the following:

“Review
GN. No. 15 of 2008

27. A person 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 29

6. The principal Regulations are amended by deleting regulation 29 and substituting for it the following:

Transport Licencing (Motorcycles and Tricycles) (Amendment)

GN. No. 419 (contd.)

“Compounding of offences

29.-(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.”

Addition of new regulations 30, 31, 32,33 and 34

7. The principal Regulations are amended by adding immediately after regulation 29 the following new regulations:

“Notification of offences

30.-(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 and Fifth 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 and Fifth Schedule of these Regulations.

Mode of payment and default

31.-(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's Headquarters or Regional Offices.

(2) Upon submission of the evidence of payment, the

Authority shall issue an official receipt to the licensee in respect of 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

32. 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

33.-(1) Where a licensee does not admit the offence alleged to have been committed, he shall, within seven days from the date of commission of such offence submit to the Authority a duly filled Notification Form, as set out in the Fourth Schedule to these Regulations.

Transport Licencing (Motorcycles and Tricycles) (Amendment)

GN. No. 419 (contd.)

(2) Where a licensee fails to appear at the Authority within the prescribed time he shall be deemed to have admitted the offence and shall be required to pay the penalty as stipulated in these Regulations.

Impounding of motorcycles and tricycles

34.-(1) Where the licensee fails to pay the penalty in regulation 33, the Authority may after thirty days impound and dispose of the motorcycle or tricycle with a view to recovering its fine.

(2) Where the motorcycle or tricycle has been impounded, the operator shall bear any towing and storage costs as well as the costs incurred in the process of impounding the motorcycle.”

Addition of new Third, Fourth and Fifth Schedules

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

“THIRD SCHEDULES

(Made under regulation 29(1))

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 Udhhibiti Usafiri wa Nchi Kavu na Majini

OFFENCES AND PENALTIES COMPOUNDED BY SUMATRA

No.	Nature of Offences	Regulation	Compounde d Amount
1.	Operating motor cycle or tricycle without a valid road service licence.	28 (1) (a)	50,000/=
2.	Parking a motor cycle or tricycle on undesignated area.	28(1) (d)	50,000/=
3.	Failure to comply with any condition of road service licence.	28(1) (k)	50,000/=
4.	Intentionally providing false records, statement, and declaration written information of explanation containing any particulars.	28(1) (f)	50,000/=
5.	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.	28 (1) (h)	50,000/=
6.	Making or 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, forge or alters any entry in a record made by the Authority.	28(1)(j)	50,000/=

FOURTH SCHEDULE

(Made under regulation 30)

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 motor cycle or tricycle 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 (Motorcycles and
Tricycles) Regulations, 2010.

Transport Licencing (Motorcycles and Tricycles) (Amendment)

GN. No. 419 (contd.)

Name:

Signature:

PART B: ADMISSION OF OFFENCE

I of (residential or business address) plea guilty to the offence of contrary to regulation of the Transport Licensing (Motorcycles and Tricycles) Regulations, 2010.

I request the offence(s) be compounded as per regulation of the Transport Licensing (Motorcycles and Tricycles) Regulations, 2010.

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 30)

THE UNITED REPUBLIC OF TANZANIA



Surface and Marine Transport Regulatory Authority
Mamlaka ya Udhhibiti Usafiri wa Nchi Kavuu 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 amotor cycle or tricycle 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

Witness's Name Signature

Date Region:

SECTION III: PARTICULARS OF A LICENSEE

A: INTENTION TO ANSWER CHARGES

I, a licensee of a motor cycle or tricycle with Reg. No. of (residential or business address)

Transport Licencing (Motorcycles and Tricycles) (Amendment)

GN. No. 419 (contd.)

..... 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 (Motorcycles and Tricycles) Regulations, 2010.

Name:
Signatur
e:

B: ADMISSION OF OFFENCE

I, a licensee of a motor cycle or tricycle 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 (Motorcycles and Tricycles) Regulations, 2010.

I request the offence(s) be compounded as per regulation of the Transport Licencing (Motorcycles and Tricycles) Regulations, 2010.

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