

CHAPTER 168
THE ROAD TRAFFIC ACT

[PRINCIPAL LEGISLATION]

ARRANGEMENT OF SECTIONS

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SCHEDULES

**CHAPTER 168
THE ROAD TRAFFIC ACT**

An Act to provide for the control and regulation of road traffic.

[13th January, 1974]
[G.N. No. 20 of 1974]

Acts Nos.
30 of 1973
41 of 1974
12 of 1979

15 of 1980
25 of 1980
12 of 1981
22 of 1982
4 of 1990
3 of 1993
16 of 1994
16 of 1996

PART I PRELIMINARY PROVISIONS (ss 1-7)

1. Short title

This Act may be cited as the Road Traffic Act.

2. Interpretation

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

"bicycle" means any vehicle which has at least two wheels which is propelled by means of pedals or hand cranks solely by the physical energy of the person riding it;

"bridge" includes a culvert;

"carriage" means a wagon, cart, bicycle, tricycle and every description of a wheeled vehicle other than—

- (a) a motor vehicle;
- (b) a vehicle used on specially prepared ways such as a railway or tramway;
- (c) a trailer;
- (d) a baby carriage;
- (e) a wheel barrow;

"carriageway" means that part of a road normally used by vehicular traffic but does not include that part of a road which consists of a street refuge or central reservation whether within the limits of a pedestrian crossing or not;

"certified driving instructor" means a person certified by a competent institution to instruct another person learning to drive a vehicle;

"commercial vehicle" means any motor vehicle constructed or adapted for use and used for the conveyance of goods in the course of trade or agriculture or for the conveyance, in the

course of such employment, of persons who are in the employment of the owner;

"Competent institution" means an institution to be prescribed by the Minister by notice in the *Gazette* to certify a certified driving instructor;

"controlled intersection" means an intersection where traffic is controlled by a **"stop"** or a **"give way"** sign, automatic traffic signal or hand signal or by a police officer;

"dealer" means a person who trades in or repairs motor vehicles or trailers for financial reward or gain;

"driver"—

- (a) in relation to a motor vehicle or any other vehicle, means person who drives or attempts to drive or is in charge of the vehicle and includes an instructor of a learner driver;
- (b) in relation to animals, means a person who guides cattle, singly or in herds, or flocks, or draught, pack or saddle animals on a road; and
- (c) in relation to a towed vehicle, means a person who drives the towing vehicle;

"driving licence" means a licence issued under Part III of this Act;

"driving school" shall have the meaning assigned to that expression in the Motor Vehicles Driving Schools (Licensing) Act *(1);

"engineering plant" means movable plant or equipment being a self-propelled vehicle or trailer designed or constructed for special purposes of engineering operations which, when proceeding on a road, does not carry any load other than such load as is necessary for its propulsion or equipment;

"examining officer" means a person appointed as an examining officer under section 4;

"excess charge" means the amount additional to the initial charge for a vehicle left in a parking place for a time exceeding the standard period prescribed for the parking place as indicated on the parking meter;

"goods vehicle" means a motor vehicle constructed or adapted for use for the conveyance of goods or burden of any description;

"initial charge" means the amount of the charge for a vehicle left in a parking place for a time not exceeding the standard period prescribed for the parking place and as indicated on the parking meter;

"intersection" means any level cross road, junction or fork and it includes an open area founded by such cross road, junction or fork;

"laden weight" means the actual weight of a vehicle as loaded, with a driver and passengers on board;

"lane" means any one of the longitudinal strips into which the carriage-way is divisible, whether or not defined by a longitudinal road marking which is wide enough for one moving line of motor vehicles other than motor cycles;

"learner driver's licence" means a licence issued under this Act to a person to drive a motor vehicle or tractor under the personal supervision of a licensed instructor;

"level crossing" means any level intersection between a road and a railway;

"maximum permissible weight" means the maximum weight of the laden vehicle declared permissible by the competent authority of the state in which the vehicle is registered;

"medical practitioner" has the meaning assigned to that expression under the Medical Practitioners and Dentists Act *(2);

"Minister" means the Minister for the time being responsible for road traffic;

"moped" means any two-wheeled or three-wheeled vehicle which is fitted with an internal combustion engine having a cylinder capacity not exceeding fifty c.c. and of maximum design speed not exceeding fifty kilometres per hour;

"motorcycle" means a motor vehicle with less than four wheels, the unladen weight of which does not exceed four hundred kilogrammes;

"motor vehicle" means any self-propelled vehicle intended or adapted for use on the roads and includes an engineering plant;

"one-way street" means any road on which driving other than in one direction is prohibited at all times;

"owner"–

- (a) in the case of a vehicle which is for the time being registered under this Act and is not being used under a hiring agreement or a hire-purchase agreement, means the person appearing as the owner of the vehicle in the register kept by the Registrar under this Act;
- (b) in relation to a vehicle which is the subject of a hiring agreement or hire-purchase agreement, includes the person in possession of or having the use of the vehicle under that agreement; or
- (c) in relation to a vehicle not registered under this Act, includes the driver or the person in charge of the vehicle;

"parking meter" means an apparatus for use on or in the vicinity of a parking place for

indicating, as respects a space provided at that parking place for the leaving of vehicles, whether the initial charge has been paid and whether the period for which payment was made by the initial charge has expired;

"Partner States" means the United Republic of Tanzania the Republic of Uganda and the Republic of Kenya;

"passenger vehicle" means a vehicle that is constructed or adapted solely for the carriage of passengers and their effects;

"pedestrian crossing" means a crossing for foot passengers of the part of a road normally used by vehicular traffic established under this Act and indicated by traffic signs in accordance with the regulations having effect as respects that crossing;

"plying for hire", in relation to a vehicle, includes—

- (a) standing on any public taxi rank or stand;
- (b) being offered for hire by any notice, advertisement or announcement;
- (c) standing or travelling whilst exhibiting a "for hire" notice of any kind;

"points system" means a method whereby numerical values are assigned to driving offences in proportion to the seriousness of the offence;

"prescribed" means prescribed by regulations made under this Act;

"prescribed limit" has the meaning assigned to it by section 49 of this Act;

"private omnibus" means a passenger vehicle, not being a public service vehicle, having seating accommodation for more than seven passengers excluding the driver;

"public omnibus" means a public service vehicle that carries passengers for hire or reward;

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

"register" includes information stored in a computer and any other apparatus;

"Registrar" means the person appointed as Registrar of Motor Vehicles under subsection (1) of section 3 of this Act and includes a Deputy Registrar;

"rental vehicle" means a passenger vehicle which is a public service vehicle not employed to carry passengers at separate fares but which plies for hire at a licensed fixed place of business (not being a taxi rank or road) on daily, weekly or monthly basis or for a specific journey;

"road" means any road, highway, way, street, bridge, culvert, wharf, car park, footpath or

bridle path on which vehicles are capable of travelling and to which the public has access whether or not such access is restricted and whether subject to any condition, but does not include any road within the curtilage of a dwelling house;

"**semi-trailer**" means any trailer designed to be coupled to a motor vehicle in such a way that part of it rests on the motor vehicle and that a substantial part of its weight and of the weight of its load is borne by the motor vehicle;

"**street parking place**" and "**off-street parking place**" refer respectively to parking places on land which does, and on land which does not, form part of a road;

"**taxi-cab**" means a public service vehicle with seating accommodation for not more than six passengers exclusive of the driver;

"**tractor**" means a self-propelled road vehicle which is not itself constructed to carry a load other than such as is necessary for its propulsion and equipment but which is constructed or adapted for the purpose of drawing or propelling a vehicle;

"**traffic sign**" means any object, device or marks (whether fixed or portable and in the case of marks, whether painted or otherwise displayed) for conveying to traffic on the roads, or any specified description of traffic, warnings, information, requirements, restrictions, or prohibitions of any description specified by the Minister by regulations and any line or mark on a road for so conveying such warnings, information, requirements, restrictions or prohibitions;

"**trailer**" means any vehicle designed to be drawn or propelled by a motor vehicle but does not include—

- (a) an integral sidecar, integral forecar or integral trailer attached to a motorcycle (which shall be regarded as forming part of the vehicle to which it is attached);
- (b) engineering plant;

"**unladen weight**" means the weight of a vehicle without any driver, passengers or load, but with a full supply of fuel, oil, grease, a spare wheel and with the tools which the vehicle normally carries;

"**vehicle**" means a vehicle of any description whatsoever, and includes a machine or implement of any kind drawn or propelled along roads whether by animal, mechanical, electrical or any other motive power;

"**vehicle inspector**" means a person appointed as a vehicle inspector under section 4.

(2) References in this Act to the Chief Medical Officer and the Engineer in Chief shall be construed as references to persons for the time being holding those posts, however so designated, in the Ministries for the time being responsible for health and works, respectively.

(a) Administration (ss 3-4)

3. Registrar of Motor Vehicles

(1) Subject to the provisions of any written law relating to the appointment of persons to the public service, the Minister for the time being responsible for finance may, by notice in the *Gazette*, appoint a Registrar of Motor Vehicles.

(2) The Minister for the time being responsible for finance may, by notice in the *Gazette*, appoint Deputy Registrars of Motor Vehicles for such parts of Tanzania as may be specified in the notice.

4. Other traffic officers

The Minister shall, by notice in the *Gazette*, appoint—

- (a) vehicle inspectors; and
- (b) examining officers,

and may, by notice in the *Gazette*, appoint such other officers as may be necessary for the better carrying out of the purposes and provisions Act.

(b) Records (ss 5-7)

5. Registers

(1) The Registrar shall keep in the prescribed form—

- (a) registers of all motor vehicles and trailers registered under this Act; and
- (b) registers of all driving licences, issued under this Act,

and shall cause every Deputy Registrar to keep registers of all motor vehicles, trailers and engineering plant registered by him and of driving licences issued by him.

(2) All registers shall be open for inspection on demand by a police officer who shall be entitled to copy any entry in a register.

6. Searches

All registers in the custody of the Registrar shall be open for inspection by members of the public during prescribed hours upon payment of the prescribed fee.

6A.-6E. Repealed

[Repealed by Act No. 16 of 1994.]

7. Certified copies

(1) The Registrar shall, upon payment of the prescribed fee, furnish to an applicant a certified

copy of any entry in any register.

(2) The copy of any entry in a register which is certified under the hand of the Registrar shall be deemed to be a correct copy and shall be *prima facie* evidence of all statements contained therein in all court proceedings.

PART II

REGISTRATION OF MOTOR VEHICLES, ETC. (ss 8-18)

8. Use of motor vehicles, etc., without registration prohibited

(1) No person shall use on any road a motor vehicle or trailer, other than a motor vehicle or trailer exempted from the provisions of this Act, unless such motor vehicle or trailer is registered under the provisions of this Act.

(2) If any motor vehicle or trailer is used in contravention of the provisions of subsection (1), the owner of the motor vehicle, or as the case may be, the trailer as well as the driver of the motor vehicle shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifty thousand shillings or imprisonment for a term not exceeding five years or to both such fine and such imprisonment and, in addition thereto, the court may order the forfeiture to the Government of the motor vehicle or the trailer, as the case may be.

9. Classification of motor vehicles, etc.

(1) For the purposes of registration under this Act, motor vehicles and trailers shall be divided into such classes as may be prescribed by regulations made by the Minister for the time being responsible for finance.

(2) A vehicle designed to be supported on a cushion of air hereinafter referred to as a "hover vehicle" shall, for the purposes of this Act, be deemed to be a motor vehicle, whether or not it is adapted or intended for use on roads but, subject to the provisions of subsection (3) of this section, shall be treated as not being a motor vehicle of any of the classes or description prescribed under this Act.

(3) The Minister may by regulations provide—

- (a) that any provision of this Act which would otherwise apply to hover vehicles shall not apply to them, or shall apply to them subject to such modifications as may be specified in the regulations; or
- (b) that any such provisions of this Act which would not otherwise apply to hover vehicles shall apply to them subject to such modifications, if any, as may be specified in the regulations.

10. Application for registration of motor vehicles

(1) An application for the registration of a motor vehicle or trailer shall be made in the

prescribed form by the owner of the motor vehicle or trailer to the Registrar and shall be accompanied by the prescribed fee.

(2) No person under the age of eighteen years shall be registered as the owner of a motor vehicle or trailer:

Provided that a person who has attained the apparent age of fourteen years may be registered as the owner of a motorcycle.

(3) No person adjudged under any law to be of unsound mind shall be registered as the owner of a motor vehicle or trailer:

Provided that any person authorised to act as the trustee of such person of unsound mind may be registered as the owner in his capacity as a trustee.

(4) For the purposes of this section "prescribed" means prescribed by regulations made by the Minister for the time being responsible for finance.

11. Registration of motor vehicle, etc.

(1) The Registrar shall, prior to the registration of a motor vehicle or trailer verify the particulars in the application for registration and shall satisfy himself that—

- (a) the motor vehicle or trailer is in a fit and proper condition for the purposes for which it is intended to be used and he may for that purpose send the motor vehicle to an inspector for examination;
- (b) the motor vehicle or trailer has been lawfully exported from its country of origin or the country in which it was last registered;
- (c) the motor vehicle or trailer has been lawfully imported into Tanzania; and
- (d) any tax or duty due in respect of the motor vehicle or trailer under any written law has been paid.

(2) The Registrar shall, when satisfied as to the particulars of a motor vehicle or trailer contained in an application for registration, enter particulars thereof in his register and shall assign the motor vehicle or trailer identification marks to be shown on the registration plates to be affixed to the motor vehicle or trailer in the prescribed manner and shall issue to the applicant a certificate of registration in the prescribed form for the motor vehicle or trailer.

(3) Where a motor vehicle or trailer is owned by two or more persons, the registration shall be effected in the name of all the owners; and in no circumstances shall registration of a motor vehicle or trailer be effected under a business name (whether registered or unregistered) or under the name of any unincorporated body:

Provided that where the owner is a society registered under the Societies Act *(3), the

society may be registered as such owner.

(4) Any person who, without lawful authority or excuse—

- (a) fraudulently or knowingly alters or defaces any identification marks assigned in respect of any motor vehicle or trailer; or
- (b) fraudulently uses, lends or permits to be used any such identification marks,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

12. General registration in case of dealer

(1) If any person being a dealer makes, in the prescribed manner, an application in that behalf to the Registrar that he may be entitled, in lieu of registering each motor vehicle or trailer kept by him, to take out a general certificate of registration in respect of all such vehicles used by him, the Registrar may, subject to any prescribed conditions and the payment of the prescribed fee, issue to him a general certificate of registration in respect of all vehicles used by him for such purposes as may be prescribed:

Provided that—

- (a) the holder of any general certificate of registration issued under this section shall not be entitled by virtue of that certificate to use more than one vehicle at any one time, except in the case of a vehicle drawing a trailer and used for the prescribed purposes, in which case both the motor vehicle and the trailer may be so used, or to use any vehicle in breach of any of the prescribed conditions or for any purpose other than a prescribed purpose; and
- (b) nothing in this section shall operate to prevent a person entitled to take out a general certificate of registration from holding two or more such certificates.

(2) Provision may be made by regulations for assigning general identification marks to a person holding any certificate of registration issued under this section.

(3) Any person who, being the holder of a general certificate of registration issued under this section, uses at any time a greater number of vehicles than he is authorised to use by virtue of such certificate or certificates shall be guilty of an offence and shall be liable to the penalties provided for under section 8 of this Act.

13. Certificate of registration to be carried in the vehicle

(1) Every person driving or being in charge of any motor vehicle or trailer shall carry with him the original certificate of registration or duplicate copy thereof duly authorised by the registrar, issued in respect of such motor vehicle or trailer and shall produce it for inspection by any police

officer or vehicle inspector who may demand an inspection of the certificate.

(2) Any person who fails to comply with any of the requirements of subsection (1) shall be guilty of an offence and shall be liable, on conviction, to a fine not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment.

14. Identification marks

(1) If the identification marks or any of them required to be fixed on a motor vehicle or a trailer in pursuance of this Part are not fixed, or if being so fixed, any of them are in any way obscured or rendered or allowed to become not easily distinguishable, the owner as well as the driver of the vehicle shall be severally guilty of an offence:

Provided that—

- (a) a person charged under this section with obscuring a mark or rendering or allowing it to become not easily distinguishable shall not be liable to be convicted on the charge if he proves to the satisfaction of the court that he took all steps reasonably practicable to prevent the marks from being obscured or rendered not easily distinguishable;
- (b) should the marks be temporarily obscured or rendered not easily distinguishable through the action or default of the driver of the vehicle, the driver and not the owner shall be guilty of an offence.

(2) No identification marks other than those prescribed under this Act or by or under any other written law shall be fixed to any motor vehicle or trailer.

(3) If any registered motor vehicle or trailer is broken up or destroyed, the registered owner shall, within thirty days of such occurrence, notify such fact in writing to the Registrar with whom the vehicle is registered and shall return the registration certificate relating to the vehicle to the Registrar.

(4) If any registered motor vehicle or trailer is being sent permanently out of Tanzania the registered owner shall, prior to such happening, notify the Registrar with whom the vehicle is registered and shall return the registration certificate relating to the vehicle to the Registrar.

(5) Any person who contravenes or fails to comply with any of the provisions of this section shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months or to both such fine and imprisonment.

15. Presumption of ownership

The person in whose name a motor vehicle or trailer is registered shall, unless the contrary is proved, be presumed to be the owner of the vehicle.

16. Notice of change of ownership

(1) Within seven days after the sale or other disposition of any kind whatsoever of any registered motor vehicle or trailer the person selling or otherwise disposing of it shall—

- (a) notify the Registrar, in the prescribed form accompanied by the prescribed fee, of the sale or disposition, the name and address of the new owner, the mileage recorded on the mileage recorder (if any) of the motor vehicle and of such further particulars as may be prescribed; and
- (b) deliver the registration certificate of the vehicle to the Registrar.

(2) Subsection (1) of this section shall not apply to a change of possession consequent on a contract of hiring where the period of hiring does not exceed three months or where the registered owner continues to employ and pay the driver of the motor vehicle or trailer, as the case may be.

(3) Where a motor vehicle or trailer which is subject to a hire purchase agreement is lawfully repossessed under the terms of that agreement, the provisions of subsection (1) shall apply as if the registered owner had sold or otherwise disposed of the motor vehicle or trailer to the person entitled to repossess it:

Provided that in any such case subsection (1) shall apply as if references therein to the seller were references to the person so repossessing the vehicle.

(4) The Registrar shall, in registering the change of ownership of a motor vehicle or trailer, make an entry thereof in the appropriate register and shall amend the certificate of registration accordingly or issue a new certificate of registration and deliver the amended certificate or the new certificate, as the case may be, to the new registered owner of the motor vehicle or trailer.

17. Exemption from registration, licensing, etc.

The Minister may, by order published in the *Gazette*, provide for the exemption, either wholly or partially, and either conditionally or unconditionally, of persons or of their motor vehicles or trailers or of any class of persons or of motor vehicles or trailers, from all or any of the requirements of this Part or of the regulations.

18. Offences and penalties

Any person who—

- (a) uses or permits to be used a vehicle required to be registered under this Part without the identification marks assigned thereto affixed thereon in the manner prescribed;
- (b) affixes on any vehicle required to be registered under this Part identification marks not assigned to that vehicle or fixes the identification marks so assigned in a manner other than the manner prescribed; or

- (c) gives false information or makes an incorrect statement—
 - (i) when effecting or changing the registration of a motor vehicle or trailer; or
 - (ii) when applying for a certificate of registration or duplicate of a certificate of registration in respect of any vehicle; or
 - (iii) to the Registrar or a prospective buyer, as to the mileage recorded on the mileage recorder (if any) of a motor vehicle; or
 - (iv) when effecting the change of ownership of a motor vehicle or trailer; or
 - (v) when applying for a dealer's vehicle licence; or
- (d) alters the mileage recorder (if any) on a motor vehicle so as to reduce the mileage recorded; or
- (e) obtains, uses or permits to be used dealer's identification marks otherwise than in accordance with the provisions of this Part or of regulations made in that behalf; or
- (f) fails to surrender his certificate of registration for alteration, cancellation or inspection when required so to do by the Registrar or a police officer; or
- (g) fails to comply with the provisions of subsection (1) of section 16,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

PART III DRIVING LICENCES (ss 19-38)

19. Driving without a valid driving licence prohibited

(1) No person shall drive any class of motor vehicle on a road unless he is the holder of a valid driving licence or a valid learner driver's licence issued to him in respect of such class of motor vehicle.

(2) No person who owns or who has charge of a motor vehicle or trailer of any category shall allow or permit any person to drive such motor vehicle unless such person is the holder of a valid driving licence or a valid learner driver's licence issued to him in respect of that class of motor vehicle or trailer.

20. Classification of motor vehicles, etc., for driving licences

(1) For the purpose of issuing driving licences, motor vehicles shall be classified in such manner as may be prescribed.

(2) Regulations may provide that a person licensed to drive any one class of motor vehicles

shall be entitled to drive any of the other classes of motor vehicles and may also provide that before a person applies for a licence to drive any specified class of motor vehicles he shall be required to hold a valid driving licence in respect of any other class of motor vehicles.

21. Learner drivers' licences

(1) The Registrar may, upon the application of a learner driver in the prescribed form accompanied by the prescribed fee and, in the case of an application for a licence to drive a motor vehicle other than a motor-cycle, upon being satisfied that he has attained the prescribed age and has made arrangements for receiving instructions in driving from a driving school or a certified driving instructor, issue the applicant with a learner driving licence in the prescribed form authorising him to drive while under the personal supervision of his instructor; but a motorcycle may be driven solo.

(2) A learner driver's licence shall be valid for three months and may, in the discretion of the Registrar, be renewed for periods of three months at a time upon payment of the prescribed fee, but no learner driver's licence shall be renewable after a period of fifteen months beginning with the date on which it was first issued unless the applicant has, within such period of fifteen months, submitted himself for at least one driving test.

22. Identification marks for vehicle used for driving lessons

When a motor vehicle is being used for the purposes of instructing a learner driver, it shall display such identification marks and in such manner as may be prescribed.

23. Driving tests

(1) A learner driver may at any time after one month from the date when a learner driver's licence was first issued to him present himself to the Registrar for a driving test.

(2) Driving tests shall be conducted, upon payment of the prescribed fee, by examining officers in such manner as may be prescribed or as the Minister may direct.

(3) Notwithstanding the provisions of subsection (1), where the Registrar is of the opinion that an applicant for a driving test is experienced in driving a motor vehicle he may accept the application for a test whether or not such applicant holds a learner driver's licence.

24. Certificate of competence

If the examining office is satisfied that—

- (a) the applicant is competent to drive a motor vehicle of the class of which he desires a driving licence; and
- (b) the applicant has a good knowledge of this Act, the Highway Code, the road signals and the road signs,

the examining officer shall, upon payment of the prescribed fee by the applicant, issue to the

applicant a certificate of competence in the prescribed form.

25. Driving licences

(1) An application for a driving licence or a learner driver's licence, except an application for renewal thereof, shall be made in person to the Registrar in the prescribed form, accompanied by the prescribed fee and the certificate of competence and the particulars required in such form and the licence shall be signed by the applicant in the presence of the Registrar.

(2) A driving licence shall be valid for three years from the date of issue but may, on application being made in the prescribed form and on payment of the prescribed fee, be renewed for further periods of three years at a time.

(3) Where a driving licence has for any reason not been renewed within a period of five years or more from the date of its issue or renewal (whichever date last occurs) the licence shall lapse and shall not be renewable.

(4) A driving licence shall not be issued to any person—

- (a) who is under the age of sixteen years;
- (b) who is under the age of eighteen years, except in respect of a moped;
- (c) except to a person who is over the age of eighteen years and in respect of any other type of vehicle apart from that specified under paragraph (d) of this subsection;
- (d) in respect of a bus or a heavy commercial vehicle unless that person is over twenty-one years and has acquired driving experience for a period of not less than three years.

(5) A person who holds a valid international driving licence or a foreign domestic licence issued in accordance with the 1949 Geneva Convention or with the 1968 Vienna Convention, shall have that licence recognised as being valid under this Part.

(6) Where the person holding an international driving licence recognised under subsection (5) extends the stay in the United Republic, after expiration of that licence or where that person extends the stay in the United Republic for more than six months, that licence shall be deemed not to be valid under this Part.

26. Conditional driving licences

Where the applicant for a driving licence is a person suffering from any bodily defect or incapacity, a driving licence issued may be issued conditionally upon observance of the conditions set out therein, including, where appropriate, a condition that the driving licence shall relate only to a specified class of motor vehicles especially constructed or adapted for the applicant's use.

27. Mandatory cancellation or suspension of driving licence

- (1) Any court before which a person is convicted of—
- (a) a first offence under section 40, 41, 42 or 44 or paragraph (c) of section 52 shall cancel such person's driving licence for a period of not less than three years and shall declare that person to be disqualified from obtaining a driving licence of any type during such period;
 - (b) a first offence under section 50 or under paragraph (d) of section 52 shall suspend such person's driving licence for a period of not less than three months but not exceeding one year and shall declare that person to be disqualified from obtaining a driving licence of any type during the period of suspension;
 - (c) a first offence under paragraph (a) or (b) of section 52 shall disqualify such person from driving or cancel such person's driving licence, as the case may be, for a period of not less than one year and not less than six years, respectively, and shall declare that person to be disqualified from obtaining a driving licence of any type during such period;
 - (d) a second or subsequent offence under section 40, 41, 42 or 44 shall cancel such person's driving licence for a period of not less than six years and shall declare that person to be disqualified from obtaining a driving licence of any type for such period;
 - (e) an offence under section 57 shall suspend such person's driving licence for a period of not less than twelve months and shall declare that person to be disqualified from obtaining a driving licence of any type during the period of suspension;
 - (f) a second or subsequent offence under section 43 or 50 or under paragraph (d) of section 52 shall suspend such person's driving licence for a period of not less than twelve months but not exceeding three years and shall declare that person to be disqualified from obtaining a driving licence of any type during the period of suspension;
 - (g) a second or subsequent offence under paragraph (a) or (b) of section 52 shall declare that person to be further disqualified from obtaining a driving licence for six years or ten years, respectively;
 - (h) an offence under section 45—
 - (i) if the proportion of alcohol in his blood exceeded the prescribed limit but did not exceed one hundred and fifty milligrammes of alcohol in one hundred millilitres of blood at the time he provided the specimen, shall, on the first conviction, suspend such person's driving licence for a period of not less than six months but not exceeding one year and shall declare that person to be disqualified from obtaining a driving licence of any type during the period of suspension;

- (ii) if the proportion of alcohol in his blood exceeded the prescribed limit but did not exceed one hundred and fifty milligrammes of alcohol in one hundred millilitres of blood at the time he provided the specimen, shall, on a second conviction, suspend such person's driving licence for a period of not less than two years but not exceeding three years and shall declare that person to be disqualified from obtaining a driving licence of any type during the period of suspension;
- (iii) if the proportion of alcohol in his blood exceeded the prescribed limit but did not exceed one hundred and fifty milligrammes of alcohol in one hundred millilitres of blood at the time he provided the specimen, shall, on a third or subsequent conviction, cancel such person's driving licence for a period of not less than three years and shall declare that person to be disqualified from obtaining a driving licence of any type during such period;
- (iv) if the proportion of alcohol in his blood exceeded one hundred and fifty milligrammes of alcohol in one hundred millilitres of blood at the time he provided the specimen, shall, on first conviction, cancel such person's driving licence for a period of not less than three years and shall declare that person to be disqualified from obtaining a driving licence of any type during such period; or
- (v) if the proportion of alcohol in his blood exceeded one hundred and fifty milligrammes of alcohol in one hundred millilitres of blood at the time he provided the specimen, shall, on a second or subsequent conviction, cancel such person's driving licence for a period of not less than six years and shall declare that person to be disqualified from obtaining a driving licence of any type for the stated period;
- (vi) if it appears that the person holding a driving licence is likely to be a source of danger to the public while driving on a public road, the court may suspend or cancel that licence or in the case of an international driving licence, enter in the space provided for the purpose, an endorsement to the effect that the licence is not valid in Mainland Tanzania,

unless the court for special reasons thinks fit to order a shorter period of cancellation or suspension of that person's driving licence and to order him to be disqualified from obtaining a driving licence for a shorter period or not to order him to be disqualified.

(2) The court shall, if the person convicted of any of the offences referred to in subsection (1) holds a driving licence, endorse the particulars of the conviction thereon.

28. Discretionary powers of cancellation or suspension

(1) Any court before which a person is convicted of—

- (a) an offence under section 43 or section 51 may, in its discretion, cancel or suspend such person's driving licence for a period not exceeding six months and declare that person to be disqualified from obtaining a driving licence of any type during the period

of cancellation;

- (b) an offence under section 51 when such person has already been convicted of an offence under section 40, 41, 42, 44, 45, 50 or 52 may, in its discretion, cancel or suspend such person's driving licence for a period not exceeding two years and declare that person to be disqualified from obtaining a driving licence of any type during the period of cancellation or suspension;
- (c) any offence under this Act while his driving licence is endorsed, may, in its discretion, cancel or suspend such person's driving licence for a period not exceeding one year and declare that person to be disqualified from obtaining a driving licence of any type during the period of cancellation or suspension.

(2) Where—

- (a) the court suspends a person's driving licence under subsection (1) of this section and after a period of suspension.
- (b) that person continues to contravene the provisions of sections 43, 52(d) and 59 despite the endorsement under sections 29 and 32,

a police officer of, or above, the rank of Assistant Superintendent may suspend that person's driving licence for six months.

(3) Notwithstanding subsection (2) of this section, any police officer of or above the rank of Assistant Superintendent, shall suspend a driving licence pending the decision of a court, where the person holding that driving licence is prosecuted by reason that the person holding that driving licence—

- (a) while driving a motor vehicle, has caused the death of another person;
- (b) was driving a motor vehicle when under the influence of any intoxicating beverage, drug or substance; or
- (c) has left the scene of an accident in which any other person was killed or injured, without rendering assistance in accordance with the provisions of this Act.

(4) A police officer of, or above, the rank of Assistant Superintendent may—

- (a) issue a warning to a person who contravenes the provisions of section 8, 18(a), (b) or (c), 44, 50, 56 or 57 and endorse the contravention and warning on the driving licence of that person;
- (b) where a person has been warned in accordance with subparagraph (a) of this subsection continues to contravene the same provisions for which the warning was issued, suspend the driving licence of that person for a period not exceeding six months.

(5) A person whose driving licence is suspended under subsections (2), (3) or (4)–

- (a) may appeal to a court but immediately after the suspension order shall not drive a motor vehicle or any other vehicle pending the determination of the appeal;
- (b) if he does not appeal or appeals but his appeal fails he shall not drive a motor vehicle or any other vehicle until on the expiry of the suspension period.

(6) A person who applies for a driving licence after a period of suspension of his former driving licence shall first undergo a driving test in accordance with section 23 of this Act.

(7) For the purposes of this section an appeal from a suspension by a police officer shall lie to the subordinate court, and an appeal from a suspension by a subordinate court shall lie to the High Court.

(8) The court shall endorse the particulars of the conviction of any of the offences referred to in this section on the driving licence of the person convicted.

29. Endorsements

(1) A court before which a person is convicted of any offence under this Act, other than an offence under Part VI of this Act, may endorse the particulars of the conviction on the convicted person's driving licence.

(2) An endorsement on a driving licence shall be for such period not exceeding two years as the court shall specify.

30. Appeals

An appeal shall lie against an order made by the court under section 27, 28 or 29 of this Act in the same manner as an appeal against a conviction and, if an appeal is lodged, the court making the order or the court to which the appeal lies may suspend the operation of the order pending the determination of the appeal.

31. Issue of duplicate driving licences

(1) If a driving licence or learner driver's licence is lost, defaced or mutilated, the Registrar shall, on payment of the prescribed fee, issue to the holder thereof a duplicate driving licence, or a duplicate learner driver's licence, as the case may be.

(2) Where any driving licence or learner driver's licence which has been lost is subsequently found, the holder thereof shall forthwith deliver up to the Registrar any duplicate issued under subsection (1) of this section.

(3) On the issue of a duplicate driving licence to any person, the Registrar shall enter on that driving licence the particulars endorsed on any previous driving licence held by him unless the holder has previously become entitled under this Act to the issue of a driving licence free from

endorsement.

(4) A person whose driving licence is endorsed by a court under section 29 of this Act (who has not previously become entitled under this Act to have a driving licence issued to him free from endorsement) who applies for or obtains a driving licence shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding two years and any driving licence so obtained shall be declared invalid by the court.

(5) When a person whose driving licence is endorsed by a court under section 29 of this Act has had, during a continuous period of three years or more from the day when the endorsement was entered on his driving licence, no other endorsement entered on his driving licence, he shall, on application, be entitled at any time, subject to the payment of the prescribed fee and on surrendering any subsisting driving licence, to have a new driving licence issued to him free from endorsement.

(6) In reckoning the period of three years for the purposes of subsection (5), any period during which the applicant's driving licence was suspended by an order of a court and the period, if any during which the applicant was disqualified from holding or obtaining a driving licence shall be excluded.

32. Production of driving licence for cancellation or endorsement

Every person whose driving licence is suspended or cancelled or whose driving licence is required for endorsement under the provisions of section 27, 28 or 29 shall forthwith surrender the driving licence to the court for particulars of the conviction to be endorsed thereon.

33. Custody of driving licence while cancelled, etc.

Where the court cancels or suspends a driving licence or orders a driving licence to be endorsed under the provisions of section 27, 28 or 29, the court shall send notice thereof to the Registrar and shall, in every case where a person's driving licence is cancelled or suspended, forward the driving licence to the Registrar.

34. Application for driving licence after cancellation

A person who applies for a driving licence after a period of cancellation of his licence after his previous driving licence has expired shall in all respects be treated as if he were applying for a driving licence for the first time.

35. Removal of disqualification

(1) A person who, by virtue of a conviction for an offence or an order made under this Act, is disqualified from holding or obtaining a driving licence may, at any time after the expiration of twelve months from the date of such conviction or order, apply to the High Court to remove such disqualification and the High Court may, if it thinks fit, and having regard to—

- (a) the character of such person;
- (b) his conduct subsequent to such conviction or order;
- (c) the nature of the offence; and
- (d) any other circumstance of the case,

either, by order, remove the disqualification from such date as may be specified by the High Court or refuse such application.

(2) Where an application under subsection (1) of this section has been refused, a further application thereunder shall not be entertained within six months after the date of the refusal of the application.

(3) If, under this section, the High Court orders a disqualification to be removed, it shall cause particulars of the order to be endorsed on the driving licence, if any, previously held by the applicant and may, in any case, order the applicant to pay the whole or any part of the costs of the application.

36. Automatic disqualification

Any person who—

- (a) is disqualified from obtaining a driving licence; or
- (b) has had his driving licence cancelled; or
- (c) is in any way prohibited from driving any class of motor vehicles,

in Kenya or Uganda shall be subject to the same disqualification, cancellation or prohibition in Tanzania as if such disqualification, cancellation or prohibition had been imposed by a court in Tanzania.

37. Offences

Any person who—

- (a) owns a motor vehicle (other than a motorcycle) which is used on a road for the purpose of instructing a person to drive the motor vehicle, when at the time the motor vehicle is being so used for instruction there is no person in the motor vehicle holding a valid driving licence issued under this Part for driving such motor vehicle; or
- (b) instructs any person to drive a motor vehicle on a road when he is not in possession of a valid driving licence issued under this Part for driving the vehicle for the driving of which he gives such instruction; or
- (c) while in possession of a learner driver's licence drives a motor vehicle without a person holding a valid driving licence in respect of such vehicle being in or on the motor

vehicle at the time; or

- (d) while in possession of a learner driver's licence, drives a motor vehicle which is not at the time displaying the prescribed identification marks in the prescribed manner; or
- (e) makes a false statement or gives false information when applying for any licence under this Part,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

38. Offences of applying for, or obtaining, driving licence or driving while disqualified

(1) Every person who is disqualified under this Act from obtaining a driving licence and who applies for or obtains a driving licence while he is so disqualified shall be guilty of an offence and any driving licence so obtained shall be of no effect.

(2) A police officer may arrest, without warrant, any person who he finds driving a motor vehicle while he is disqualified from holding or obtaining a driving licence under this Act, whether or not by an order of a court, or if the disqualification is limited to the driving of a motor vehicle of a particular class or description, a motor vehicle of that group or description, while he is so disqualified.

PART IV USE OF MOTOR VEHICLES (ss 39-63)

39. Condition of motor vehicle, etc., for use on road

(1) No motor vehicle or trailer shall be used on a road or in any other public place unless the motor vehicle or trailer and all parts thereof and its equipment, including its chassis, engine, gear system, brake system, bodywork or any part thereof, tyres and lights—

- (a) are in good repair and in efficient working order, and are in such condition that the driving of the vehicle on the road either in the daytime or at night is not likely to be a danger to the persons travelling on the motor vehicle or trailer or to other users of the road;
- (b) fully comply with any requirements or specifications prescribed in respect thereof by the regulations.

(2) No motor vehicle or trailer shall be used on a road with a load greater than the load capacity declared by the manufacturers of the chassis of the motor vehicle or trailer or greater than the load capacity determined under the provisions of this Act.

(3) No motor vehicle or trailer shall be used on a road if the distribution, packing and adjustment of the load carried is such as to make it a danger to persons travelling on the motor

vehicle or trailer or to other users of the road.

(4) For the purposes of subsections (2) and (3) of this section, persons travelling on a motor vehicle or trailer shall be deemed to be part of the load:

Provided that—

- (a) a child who is under the apparent age of three years and who does not occupy a seat shall not be deemed to be a passenger; and
- (b) any two children, each of whom is over the apparent age of three years and under the apparent age of twelve years, shall be deemed to be one passenger;
- (c) in the case of a vehicle licensed under the Transport Licensing Act *(4), the provisions of subsections (2) and (3) shall be deemed to have been contravened if any provisions of that Act or any condition of the licence issued under that Act in regard to the weight of the load or the number of passengers is not complied with.

(5) Any person who uses on a road a motor vehicle or trailer in contravention of the provisions of subsections (1), (2) or (3) shall be guilty of an offence and shall be liable, on first conviction, to a fine not exceeding twenty thousand shillings and on a second conviction, to a fine not exceeding thirty thousand shillings and on a third or subsequent conviction, to a fine not exceeding fifty thousand shillings or, in each case, to a term of imprisonment not exceeding three years or to both such fine and such imprisonment.

(6) For the purposes of this section—

- (a) any person who causes or permits a motor vehicle or a trailer to be used in contravention of any of the provisions of this section;
- (b) in the case of a contravention of subsection (1) of this section, any person who is shown to the satisfaction of the court to be responsible for the maintenance of the motor vehicle or trailer; and
- (c) in the case of a contravention of subsection (2) or (3) of this section, any person who is shown to the satisfaction of the court to have been responsible for the maintenance of the motor vehicle or trailer,

shall be guilty of the like offence and shall be liable to the penalties provided for by this section.

(7) For the purposes of paragraph (a) of subsection (6) and without prejudice to paragraph (b) or (c) of that subsection, where the person using a vehicle in contravention of any of the provisions of this section is an employee of the owner, the employer shall be deemed to have permitted the vehicle to be used in contravention of such provision of this section unless he can satisfy the court that at the relevant time the vehicle was not being used by the employee in the course of or in connection with his employment or that he the employer, took all reasonable

steps necessary to ensure that such contravention would not occur.

(8) Where a person is convicted of an offence under the provisions of subsection (1), (2) or (3) of this section in respect of the same motor vehicle or trailer two or more times within a period of twelve months, the court may order the Registrar to suspend the registration of such vehicle or trailer for a period not exceeding twelve months, and in that event the owner of the vehicle shall surrender the certificate of registration issued in respect of the vehicle to the Registrar, who shall retain it in his custody until after the expiration of the period of suspension when he shall return it to the owner.

(9) When the registration of a motor vehicle or trailer has been suspended under subsection (8) of this section, no refund of registration fee shall be made.

(10) Where the registration of a motor vehicle is suspended under this section or any other provisions of this Act, and the Registrar is satisfied that the ownership of the vehicle has passed to some other person by a *bona fide* sale or disposition or by operation of law, and that the vehicle no longer contravenes any of the provisions of subsection (1), he may register the new owner as the owner and release the certificate of registration to the new owner.

(11) No person shall drive a motor vehicle or any other vehicle unless that person and any front-seat passenger in that motor vehicle is securely wearing a safety belt.

(12) No person shall drive a two-wheeled or three-wheeled motorcycle unless he is wearing a helmet; but the Minister may exempt any person from the requirement to wear a helmet while so driving.

(13) Subsections (11) and (12) shall come into operation on such date as the Minister may by notice published in the *Gazette* appoint.

(14) Every driver of a vehicle shall drive a vehicle in such a way as to avoid undue noise, unnecessary emission of smoke, steam or gas from the vehicle when leaving or refuelling that vehicle.

(15) Every driver of a vehicle shall when driving through a residential area ensure that the driver causes no disturbance to another person near that residential area and that driver shall adjust the route, speed and the manner of driving in order to avoid unnecessary disturbance to residents in that residential area.

(16) Any person who contravenes the provisions of this section is guilty of an offence.

39A. Permissible weight

(1) Where a permissible maximum weight for a vehicle is prescribed, the laden weight of that vehicle shall not exceed that permissible maximum weight.

(2) Every load on a vehicle shall be arranged and secured to prevent that load from—

- (a) endangering persons or causing damage to public or private property and from trailing or falling on the road;
- (b) obstructing the driver's view or impairing the stability of driving of the vehicle;
- (c) causing noise, raising dust or creating any other nuisance which can be avoided;
- (d) concealing lights, including the prescribed lights and direction indicators, reflectors, registration number plates and the distinguishing sign of the state of registration of the vehicle or from concealing any signal given by hand.

(3) Every driver of a vehicle shall ensure that all accessories such as cables, chains and sheets used to secure or protect the load are drawn tight and firmly fastened around the load.

(4) A driver of a vehicle shall in all cases where there is a load projection which is not likely to be noticed by a driver of any other vehicle, ensure that any load projecting beyond the front, rear or side of the vehicle, is clearly marked in the manner prescribed under the provisions of this Act.

(5) A driver of a vehicle which has been constructed or designed solely for the carriage of goods may, under special conditions to be prescribed under this Act, carry passengers in the space reserved only for goods.

39B. Use of signals

(1) Where a driver of a vehicle thinks that it is necessary to prevent or to avoid any danger that driver of a vehicle shall give a warning using an audible or luminar signal or shall use any other expedient means in order to attract the attention of any other road user.

(2) A driver of a vehicle shall not use a warning signal for any purpose other than that specified under subsection (1) of this section or shall not signal or prolong the audible signal for a longer period than it is reasonable in the circumstances.

(3) Where a driver of a vehicle intends to move off from the side of a road, make an about turn, change lanes or intends in any other way to make a significant change in the lateral position of the vehicle which that driver is driving, that driver of a vehicle shall for the guidance of other road users signal with direction indicator lights if such lights are prescribed for that vehicle or if not, the driver of a vehicle shall signal by stretching out his arm horizontally to the side in which that driver intends to move or manoeuvre.

(4) Where a driver of a vehicle intends to stop or to slow down abruptly, that driver of a vehicle shall inform other road users by signalling with stop lights where such lights are prescribed for that vehicle or if not prescribed that driver of a vehicle shall signal by raising the arm.

(5) A driver of a vehicle who intends to give any sign or signal under this section, shall give that sign or signal in enough time before beginning the intended manoeuvre, in a clearly visible

and unambiguous manner and such sign or signal shall cease as soon as the manoeuvre is completed.

(6) Nothing under this section shall exempt a driver of a vehicle from the obligation of observing other regulations relating to manoeuvre.

39C. Use of light

(1) For the purposes of "light" in this section, "night" means the period between sunset and sunrise and includes other times when visibility is low due to fog, rain, passage through a tunnel or due to any other reasons.

(2) Every driver of a vehicle driven on a public road at night, other than a two-wheeled motor cycle without a side car, shall make use of the lights as prescribed for that vehicle but no driver of a vehicle shall make use of less than two white lights at the front and two red lights at the rear.

(3) Every driver of a vehicle or a combination of motor vehicles to which subsection (2) does not apply, shall, when driving that vehicle on the road, make use of at least one white light at the front and at least one red light at the rear.

(4) Where a motor vehicle is driven on a public road at night, the driver of that vehicle shall switch on the prescribed full beam or dipped headlights depending on the visibility.

(5) Dipped headlights shall be used—

- (a) on streets in built-up areas with street lighting;
- (b) where a driver of a vehicle is approaching an oncoming traffic so as not to cause undue dazzle or inconveniences to such traffic;
- (c) where the driver of a vehicle is about to overtake and pass another vehicle to prevent dazzle far enough and to enable the driver of the other vehicle to proceed without danger.

(6) Any person who contravenes the provisions of this section is guilty of an offence.

40. Causing bodily injury or death through dangerous driving, etc.

(1) Any person who causes bodily injury to, or the death of, any person by the driving of a motor vehicle or trailer recklessly or at a speed or in a manner which having regard to all the circumstances of the case, is dangerous to the public or to any other person shall be guilty of an offence.

(2) Any person who, while under the influence of drink or drugs to such an extent as to be incapable of having proper control of the vehicle, is in charge of a motor vehicle or trailer and by an act or omission in relation thereto causes bodily injury to, or the death of, any person shall be

guilty of an offence.

41. Causing bodily injury or death through carelessness

Any person who causes bodily injury to or the death of any person by carelessly using a motor vehicle or trailer shall be guilty of an offence.

42. Reckless or dangerous driving

Any person who, on any road—

- (a) recklessly drives a motor vehicle or trailer; or
- (b) drives a motor vehicle or trailer at a speed which, having regard to all the circumstances of the case, is or might be dangerous to the public or to any person; or
- (c) drives a motor vehicle or trailer in a manner which, having regard to all the circumstances of the case, is or might be dangerous to the public or to any person,

shall be guilty of an offence.

43. Obstructing official motorcade

(1) Any person who drives any motor vehicle or trailer in such a way as to obstruct, hinder or impede the progress of an official motorcade, or who disobeys the instruction, conveyed orally, by signals or otherwise, of any police officer or other public officer in any vehicle escorting or forming part of the official motorcade, or of any police officer or other public officer on any road or other public place along which an official motorcade is passing or is about to pass, shall be guilty of an offence.

(2) For the purposes of this section, "an official motorcade" means a motorcade of two or more motor vehicles escorted by or carrying a police officer to ensure that such motorcade has a safe and unimpeded journey to its destination.

(3) Every driver of a motor vehicle shall upon approach or during the passing of an official motorcade on the road—

- (a) where the road is demarcated into one traffic lane for the direction of travel, draw the vehicle to a halt at the extreme left of the road;
- (b) where the road is demarcated into two traffic lanes for the direction of travel, draw the vehicle to a halt in a safe position at the extreme left of the road if the driver of the vehicle is in the left lane or adjacent to any vehicle which may be to the left if in the right lane;
- (c) where the road is demarcated into more than two traffic lanes for the direction of travel, draw the vehicle to a halt in a safe position which includes a lane reserved for other

persons using the road or other traffic turning right;

- (d) where the vehicle is stopped in any lane at a controlled intersection, remain stationary and only proceed when instructed to do so by means of the hand signals of a police officer or after the motorcade has passed;
- (e) where the road is not demarcated into traffic lanes for the direction of travel, draw the vehicle to a halt at the extreme left of the road.

(4) Any driver of a vehicle who contravenes the provisions of this section is guilty of an offence.

(5) In any proceedings for an offence under this section, a certificate in writing signed by a police officer of or above the rank of Senior Superintendent of Police that a motorcade was an official motorcade, shall be conclusive evidence of the facts stated.

44. Driving a motor vehicle while under the influence of drink or drugs

Any person who, while under the influence of drink or drugs to such an extent as to be incapable of having proper control of a motor vehicle or trailer, drives or attempts to drive or is in charge of a motor vehicle or trailer on any road or other public place shall be guilty of an offence.

45. Driving of a motor vehicle with blood-alcohol concentration above prescribed limit

(1) Any person who drives or attempts to drive, or is in charge of, a motor vehicle or trailer on a road or in any other public place, having consumed alcohol in such quantity that the proportion thereof in his blood, as ascertained from a laboratory test, breath-test or evidential breath-test analyser instrument for which he subsequently provides a specimen under section 46 of this Act, exceeds the prescribed limit at the time he provides the specimen, shall be guilty of an offence.

(2) A person shall not be convicted under this section of being in charge of a motor vehicle or trailer if he proves that at the material time the circumstances were such that there was no likelihood of his driving it so long as there was any probability of his having alcohol in his blood in a proportion exceeding the prescribed limit.

(3) In determining for the purpose of subsection (2), the likelihood of any person driving a motor vehicle or a trailer when he is injured or the vehicle is damaged, the court may disregard the fact that he had been injured or that the vehicle had been damaged.

(4) Notwithstanding the provisions of subsection (1), (2) or (3) of this section, any person who, when driving or in charge of, or during any period of duty in connection with the driving of, a motor vehicle licensed under the Transport Licensing Act *(5), drinks any intoxicating liquor shall be guilty of an offence and shall be liable on conviction to a fine not less than ten thousand shillings but not exceeding twenty thousand shillings or to a term of imprisonment of not less

than one year but not exceeding three years or to both such fine and imprisonment.

(5) Any person who gives any driver or any person in charge of a motor vehicle, licensed under the Transport Licensing Act *(6), any intoxicating liquor, whether for reward or not, shall be guilty of an offence and shall be liable to conviction to a fine not less than ten thousand shillings but not exceeding twenty thousand shillings or to imprisonment for a term not less than six months but not exceeding two years or to both such fine and imprisonment.

46. Blood tests for alcohol

(1) A police officer may require any person driving or attempting to drive or in charge of a motor vehicle or trailer on a road or in any other public place to accompany him to a police station or the surgery of a medical practitioner to provide a specimen of blood for a laboratory test there if the police officer has reasonable cause—

- (a) to suspect him of having alcohol in his body; or
- (b) to suspect him of having committed a traffic offence while the motor vehicle or trailer was in motion.

(2) If an accident occurs owing to the presence of a motor vehicle or trailer on a road or in any other public place, a police officer in uniform may require any person, who, he has reasonable cause to believe, was driving or attempting to drive or was in charge of the vehicle at the time of the accident to accompany him to a police station or the surgery of a medical practitioner to provide a specimen of blood for a laboratory test; but a person shall not be required to provide such a specimen of blood while at a hospital as a patient if the medical practitioner in charge of his case is not first notified of the proposal to make the requirement or objects to the provision of a specimen of blood on the ground that its provision or the requirement to provide it would be prejudicial to the proper care or treatment of the patient.

(3) If a person required by a police officer under subsection (1) or (2) of this section to provide a specimen of blood for a laboratory test fails to do so and the police officer has reasonable cause to suspect him of having alcohol in his body, the police officer may arrest him without warrant except while he is at a hospital as a patient.

(4) Any person required to provide a specimen of blood pursuant to the provisions of this section who refuses to provide such specimen shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings; and failure to provide a specimen of blood shall be taken by the court as *prima facie* evidence that the blood alcohol of the accused was, at the time when he was driving or was in charge of the vehicle, above the prescribed limit.

46A. Breath tests for alcohol

(1) A police officer may require any person driving or attempting to drive or in charge of a motor vehicle or trailer on a road or in any other public place to accompany him to a police station to undergo a breath test on a breath-test analyser instrument, if the police officer has the

reasonable cause—

- (a) to suspect him of having alcohol in his body; or
- (b) to suspect him of having committed a traffic offence while the motor vehicle or trailer was in motion.

(2) Breath-tests on an evidential breath-test analyser instrument shall be such as the Minister shall, by notice published in the *Gazette*, approve.

(3) The breath-test or evidential breath-test analyser instrument reading shall, unless the contrary is proved, be final proof of blood alcohol content in the body at the time of the test.

46B. Use of alcometer

(1) Where a police officer suspects a driver of a motor vehicle or of any other vehicle to have taken alcohol, that police officer may use an alcometer and require that person to undergo a breath test in order to ascertain the blood alcohol content in the body of that driver.

(2) If a person who is required to undergo a breath test pursuant to the provisions of this section refuses to undergo such test, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings and failure to undergo the breath test shall be taken by the court as *prima facie* evidence that the alcohol content in the blood alcohol of the accused was at the time he was driving motor vehicle or any other vehicle above the prescribed limit.

47. Persons authorised to withdraw and analyse blood

(1) When a person submits to a blood test at the request of a police officer made pursuant to the provisions of section 46 of this Act, only a medical practitioner or registered nurse may withdraw blood for the purpose of determining the alcoholic content therein.

(2) Chemical analysis of the person's blood shall be considered valid under this section if performed according to methods approved by the Chief Medical Officer, by a person possessing a valid permit issued by the Chief Medical Officer, for that purpose.

(3) The Chief Medical Officer may approve satisfactory techniques or methods to ascertain the qualifications and competence of individuals to conduct such analyses and issue permits which shall be subject to termination or revocation at his discretion.

(4) The person tested may have a medical practitioner or a qualified technician, chemist, registered nurse or other qualified person of his own choosing to administer a chemical test in addition to any test administered at the direction of the police officer, but failure or inability to obtain an additional test by such person shall not preclude the admission of evidence relating to a test taken at the direction of a police officer in accordance with the provisions of this section.

(5) Upon the request of the person who submits to a blood test pursuant to the provisions of

this section, full information concerning the test shall be made available to him or his advocate.

48. Detention of persons whilst affected by alcohol

Any person required to provide a specimen of blood for a laboratory test pursuant to the provisions of this Act may thereafter be detained at a police station until it appears to a police officer that the proportion of alcohol in the person's blood does not exceed the prescribed limit.

49. Definition of "prescribed limit"

For the purposes of this Act, the expression "prescribed limit" means eighty milligrams of alcohol in one hundred millilitres of blood.

50. Careless or inconsiderate use of motor vehicle

(1) Any person who uses, parks or stands a motor vehicle or trailer on any road carelessly or without reasonable consideration for other persons using the road shall be guilty of an offence.

(2) Every driver of a vehicle shall—

- (a) use a carriageway;
- (b) not drive on a pavement or foot path;
- (c) where there are separate carriageways for different types of vehicles, use the carriageway prescribed for the type of vehicle the driver is driving;
- (d) while driving a vehicle on a public road, keep the vehicle near the left edge of the carriageway;
- (e) on a two-way carriageway having three lanes, use the lane on the far left of the carriageway;
- (f) on a two-way carriageway with four or more lanes, not use the lanes situated entirely on the right hand half of the carriageway;
- (g) on a two-way carriageway with three or more lanes, use the left lane, unless overtaking or otherwise indicated by road signs or road markings;
- (h) on a motor way and its entry and exit ramps, legally operate a motor vehicle at a speed of more than forty kilometres per hour and a police officer may give access to other vehicles in particular cases.

(3) A driver of a vehicle—

- (a) shall overtake on the right side of the road;
- (b) may overtake on the left side of the road if the driver of a vehicle to be overtaken indicated the intention to turn to the right and where that other driver has moved the

vehicle over towards that side in order to turn into another road, to enter a property bordering on the road or to stay on that side of the road.

(4) Every driver of a vehicle shall, before overtaking, make sure that—

- (a) no other driver of a following vehicle has begun to overtake;
- (b) the driver of a vehicle ahead in the same lane has not indicated an intention to overtake any other driver of a vehicle;
- (c) a lane into which the driver of a vehicle is about to enter is clear far enough ahead, having regard to the difference between the speed of the vehicle while overtaking and that of the other road-users to be overtaken, not to endanger or impede oncoming traffic;
- (d) except where using a lane closed to oncoming traffic that driver of a vehicle shall be able, without inconvenience to the other road-users overtaken to resume the position in the flow and without disturbing the traffic.

(5) Where approaching the crest of a hill and if visibility is inadequate on the bends, a driver of a vehicle shall not overtake, unless the entire manoeuvre may be performed in a lane closed to oncoming traffic either physically or by a continuous lane.

(6) A driver of a vehicle shall, when overtaking, give the road-user being overtaken, a sufficiently wide berth.

(7) On carriageways with at least two lanes reserved for traffic moving in the direction in which he is proceeding, a driver of a vehicle who would be obliged to overtake again, immediately or shortly after moving back to the position prescribed in subsection (2) may in order to perform that manoeuvre and provided he makes sure he can do so without undue inconvenience to faster vehicles approaching from behind, and remain in the lane he has occupied for the first overtaking manoeuvre.

(8) Where the provisions of subsection (7) are applicable and the density of the traffic is such that motor vehicles do not only occupy the entire width of the carriageway reserved for the traffic taking the direction in which they are moving but can only move at a speed governed by that speed of the motor vehicle preceding them in that lane—

- (a) the movement of the vehicle in one lane at a higher speed than that of those in another lane shall not be deemed to constitute overtaking within the meaning of this section;
- (b) a driver not in the lane nearest to the edge of the carriageway appropriate to the direction of traffic may change lanes in order to prepare to turn right or left or to park.

(9) Where a driver of a vehicle is moving in lanes as described in subsections (7) and (8) of this section shall not, if the lanes are indicated on the carriageway by longitudinal markings,

straddle the markings.

(10) A driver of a vehicle who perceives that another driver of a following vehicle intends to overtake, shall keep to the far left side of the carriageway and refrain from accelerating.

(11) Where due to the narrowness, profile or conditions of the carriageway, in addition to the density of oncoming traffic, a driver of a vehicle which is slow or bulky or which is required to observe a certain speed limit cannot be easily and safely overtaken, a driver of that vehicle shall slow down and if necessary, pull aside as soon as possible in order to allow a driver of a following vehicle to overtake.

(12) A driver of a vehicle who intends to manoeuvre on a public road shall ensure that the manoeuvre can be performed without risk of endangering or impeding any other road-user travelling behind or ahead or who is about to pass having regard to the position, direction and speed of such road-user.

(13) Before a driver of a vehicle turns or performs a manoeuvre which involves a lateral move, that driver of a vehicle shall give a clear and sufficient warning of the intention by means of direction indicators or by giving an appropriate hand signal and shall keep on giving warning throughout the manoeuvre.

(14) In order to facilitate movement of public service motor vehicles which carry passengers in built up areas, a driver of any other vehicle shall slow down and where necessary, stop to give a public service motor vehicle priority to move off from a bus stop.

(15) No driver of a vehicle shall turn or reverse a vehicle on a motor way, or its entry or on an exit ramp.

(16) A driver of a vehicle shall not apply brakes suddenly unless it is necessary to do so for safety reasons.

(17) A driver of a vehicle intending to slow down or stop shall, except where such slow down or stop is in response to an imminent danger, make sure that he stops without danger or undue inconveniences to any other driver of a vehicle and shall give a clear and timely warning of the intention in accordance with section 64A of this Act.

(18) A driver of a vehicle approaching an intersection shall exercise such extra care as may be appropriate to local conditions and shall, in particular, drive at such speed as to be able to stop or allow a driver of another vehicle having the right of way, to pass.

(19) A driver of a vehicle on a public road shall give way at intersections other than at intersections specified under subsection (20), to vehicles approaching from the right side unless the entry into such intersection is regulated by a police officer or a road traffic sign.

(20) A driver of a vehicle emerging from a path or an earth track on to a public road other than from another path or another earth track, shall give way to drivers of vehicles travelling on

that public road.

(21) A driver of a vehicle emerging on to a road from property bordering on that road, shall give way to vehicles travelling on that road.

(22) Notwithstanding the fact that traffic signals authorise a driver of a vehicle to enter an intersection, where the density of traffic is such that that driver of a vehicle is likely to stop in the intersection and therefore obstruct or prevent the passage of crossing traffic, that driver of a vehicle shall not enter the intersection.

(23) A driver of a vehicle who enters an intersection where traffic is regulated by traffic light signals, may enter the intersection without waiting for the way to be opened in the direction on which that driver of a vehicle intends to proceed, unless that entering impedes the progress of any other road user moving in the open direction.

(24) A driver of a vehicle who intends to turn to the left shall keep as close as possible to the edge of the carriageway and shall make as tight a turn as possible.

(25) A driver of a vehicle who intends to turn to the right, shall—

- (a) move as close as possible to the centre lane of the carriageway if it is a two-way carriageway; or
- (b) move as close as possible to the right edge if it is one-way carriageway, and

make a turn so as to enter the carriageway on the left hand side of the two-way road that driver of a vehicle intends to enter upon.

(26) A driver of a vehicle intending to turn right while entering an intersection from the opposite direction shall drive that vehicle to the right of any other vehicle unless this can not be done without danger or inconvenience to other drivers or to other road-users.

(27) A driver of a vehicle may pass to the left or to the right of a traffic island, post or any other device set up on the carriageway on which that driver of a vehicle is travelling, except—

- (a) where the side on which the traffic island, post or that other device has to be passed is indicated by a traffic sign;
- (b) where the traffic island, post or that other device is on the centre-line of a two-way carriageway, the driver of a vehicle shall keep to the left of the island.

(28) Any driver of a vehicle who contravenes this section is guilty of an offence.

51. Speeding

(1) Any person who drives or who aids, abets, counsels or procures any other person to drive, a motor vehicle, whether with or without a trailer attached thereto, or trailer of any class or description on a road at a speed greater than the maximum speed limit prescribed for that class

of motor vehicles or trailers in respect of that road under the provisions of this Act, shall be guilty of an offence.

(2) Any person who drives, or who aids, abets, counsels or procures any other person to drive, a motor vehicle or trailer on any road or in any public place at a speed in excess of a speed limit lawfully imposed in relation to that road or public place shall be guilty of an offence.

(3) For the purposes of ascertaining the speed at which a person is driving, a police officer may use a speed radar or such other devices as may be prescribed by the Minister under section 114(1)(y) of this Act.

(4) The speed recorded by a speed radar or other device prescribed under subsection (1) shall be *prima facie* evidence of the speed at which a vehicle was being driven at the relevant time.

(5) No person shall drive a public service vehicle other than a taxi-cab on a public road, unless that vehicle is fitted with a speed governor or any other similar device designed to regulate and or record the speed of that vehicle.

(6) For the purposes of subsection (5) the Minister may, by notice in the *Gazette*, prescribe the speed limit for public service vehicles.

(7) A driver of a vehicle shall have the vehicle under control in all circumstances and shall adjust the speed in such a way that that driver of a vehicle can stop the vehicle within his range of forward vision and short of any foreseeable obstruction.

(8) Unless otherwise indicated by a traffic sign—

- (a) the speed of a vehicle shall not exceed fifty kilometres per hour in an in built-up area;
- (b) the speed of a vehicle outside a built-up area shall be regulated according to traffic signs and or road markings as may be determined and erected on the road by the Engineer in Chief;
- (c) a vehicle of more than three thousand five hundred kilogram maximum permissible weight, shall not exceed eighty kilometres per hour.

(9) A driver of a vehicle shall, where necessary, slow down and shall, where circumstances require, stop, when visibility is not good.

(10) A driver of a vehicle moving behind another vehicle shall keep at a sufficient distance from that other vehicle so as to avoid collision in case the vehicle in front of that other vehicle, suddenly slows down or stops.

(11) No person shall engage in any road race unless that person obtains approval to do so from the Inspector-General of Police or from any other officer authorised in writing by the Inspector-General of Police.

(12) The Inspector-General of Police may, in consultation with other relevant authorities or institutions, prescribe specific rules governing road races.

(13) Any person who contravenes this section is guilty of an offence.

52. Driving while disqualified or without driving licence

Every person who drives a motor vehicle, whether with or without a trailer on a road or in any public place—

- (a) while disqualified from driving, or while he is not in possession of a valid driving licence or is in possession of a learner driver's licence and is driving the vehicle while not accompanied by a person holding a valid driving licence in respect of that vehicle;
- (b) while disqualified from driving because his driving licence has been cancelled by a court;
- (c) while disqualified from driving because his driving licence has been suspended by a court;
- (d) while in possession of a valid driving licence which is capable of being renewed but has not been renewed,

shall be guilty of an offence.

53. Compliance with speed limit not a defence to other charges

It shall be no defence in any proceedings for an offence relating to the use of a motor vehicle or trailer on any road or in any public place other than the offence of exceeding any speed limit, that at the time of the alleged offence the motor vehicle or trailer was being driven at a speed not exceeding any limit of speed lawfully imposed in respect of that road or public place in relation to such motor vehicle or trailer.

54. Emergency motor vehicles

(1) Notwithstanding the provisions of this Act and subject to the provisions of this section, the driver of an authorised emergency motor vehicle or trailer may, where the observance of the provisions of this Act would be likely to hinder the use of an authorised emergency motor vehicle or trailer for the purpose for which it is being used—

- (a) park or stand in any place on a road, whether or not such place is a parking place;
- (b) after slowing down, as may be necessary for safe operation, proceed past a stop sign;
- (c) exceed the prescribed speed limit, so long as he does not endanger life or property; or
- (d) disregard any regulation governing direction of movement or turning in a specified direction.

(2) The exemption granted by this section to an authorised emergency motor vehicle or trailer shall apply only when the driver of such motor vehicle or trailer while in motion, sounds an audible signal by bell, siren, or exhaust whistle, as may be reasonably necessary or, where the motor vehicle or trailer is equipped with a flashing beacon of a type prescribed by the Minister, is exhibiting a light visible under normal atmospheric conditions from a distance of one hundred and fifty metres to the front of the motor vehicle or trailer.

(3) The provisions of this section shall not relieve the driver of an authorised emergency motor vehicle or trailer from the duty to drive with due regard and care for the safety of persons or property, nor protect the driver from the consequences of his disregard for the safety of such persons or property.

(4) Upon the immediate approach of an authorised emergency motor vehicle or trailer the driver of every other motor vehicle, trailer or engineering plant shall, except when otherwise directed by a police officer in uniform, give the right of way, and shall immediately drive to a position parallel to and as close as possible to the left-hand edge of the curb of the roadway, clear of any intersection, and shall stop and remain in such position until the authorised emergency motor vehicle or trailer has passed.

(5) For the purposes of this section "authorised emergency motor vehicle" means a motor vehicle or trailer being used for the time being for the purposes of the police or fire brigade, an ambulance, a military motor vehicle or of the Defence Forces, and such other motor vehicles or trailers as may be designated by the Minister by an order published in the *Gazette*.

55. Compulsory stopping at railway crossings

(1) Subject to the provisions of this section, the driver of a motor vehicle or trailer that is for the time being used on any road for—

- (a) the carriage of passengers for hire or reward (whether with or without goods); or
- (b) the carriage of explosives; or
- (c) the carriage of inflammable matter in bulk or in containers any of which has a capacity of one hundred and eighty litres or more or where the greater part of the load consists of inflammable matter in small containers,

shall, before entering on any railway level-crossing, stop clear of the line for such time as may be necessary to make adequate observations to ascertain whether or not the line is clear.

(2) The provisions of subsection (1) of this section shall not apply to any railway level-crossing that is for the time being controlled on the approach to the railway line by a police officer or other public officer or to any railway level-crossing at which a warning device in the form of a barrier is for the time being erected.

(3) The driver of any vehicle to which this section applies shall, if he contravenes the

provisions of this section, be guilty of an offence.

56. Driving unreasonably slowly

The driver of a motor vehicle or trailer, who, without reasonable excuse, drives the vehicle at such unreasonable low speed as is likely to cause obstruction to the traffic on the road or annoyance to the other road users shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings.

57. Duties of drivers in case of accidents

(1) Where an accident arising directly or indirectly from the use of a motor vehicle or trailer occurs to any person or to any motor vehicle or trailer or to any other property, the driver of the motor vehicle or trailer shall stop if, having regard to all the circumstances, it is safe for him to do so and shall ascertain whether any person has been injured, in which event it shall be his duty to render all practicable assistance to the injured person:

Provided that where the driver does not stop because it is not, having regard to all the circumstances, safe for him to do so, he shall immediately report the accident at the nearest police station.

(2) In the case of any accident, if any person is injured thereby, the driver of the motor vehicle or trailer—

- (a) shall give to any police officer present and to any person concerned his name and address and also the name and address of the owner and the registration number assigned to the vehicle; and
- (b) shall report the accident in person at the nearest police station or to a police officer as soon as reasonably practicable and in any case not later than twelve hours after the time of the accident, unless the driver is incapable of doing so by reason of injuries sustained by him in the accident.

(3) In the case of any accident, if no person is injured thereby, the driver of the vehicle shall give to the person concerned his name and address, the name and address of the owner of the vehicle and the registration number of the vehicle.

(4) If the driver of a motor vehicle or trailer—

- (a) is physically incapable of giving immediate notice of an accident as required by subsection (2) and there is another occupant in the vehicle at the time of the accident capable of doing so, that occupant shall give or cause to be given the particulars of the accident not given by the driver; or
- (b) is physically incapable of making a report of an accident as required by subsection (2), and such driver is not the owner of the motor vehicle or trailer, then, the owner of the motor vehicle or trailer involved in such accident shall, after learning of the accident,

make such report of the accident not made by the driver.

(5) If, as a result of being involved in an accident, a motor vehicle or trailer appears to a police officer to be in such condition that it would not be fit or safe for use on a road, the officer may remove the vehicle's identification marks and return them to the Registrar.

(6) A motor vehicle or trailer from which identification marks have been removed under subsection (4) shall not thereafter be driven under its own motive-power on a road until it has been tested and a certificate of fitness has been issued by a vehicle inspector.

(7) Any person who contravenes any of the provisions of this section shall be guilty of an offence.

(8) In proceedings for the contravention of subsection (1) the burden to prove that it was not safe for the driver to stop shall be on the person charged.

58. Riding in dangerous position

(1) Save for the purpose of testing or repairing a motor vehicle or trailer, no person shall ride or be carried on the footboard, tailboard, steps, mudguards, canopy or roof of any motor vehicle or trailer or in any manner or position as is in the circumstances unsafe.

(2) No person shall ride or be carried on any load upon a motor vehicle or trailer if it is unsafe by reason of the insufficiency of space available for such person to stand or sit or by reason of the position in which he is carried or the height or arrangement of the load.

(3) No person driving or being in charge of a motor vehicle or trailer shall carry an infant or permit an infant to sit or stand so close to his person as to interfere with his attention to driving.

(4) Any person who contravenes any provision of this section shall be guilty of an offence.

59. Restriction on pillion riding

(1) Not more than one person in addition to the driver shall be carried on any two-wheeled motorcycle; and no person shall be so carried otherwise than on a proper seat securely fixed to the motorcycle.

(2) Any person who contravenes any provision of this section shall be guilty of an offence.

60. Obstructing a driver of a motor vehicle, etc.

(1) No person in a motor vehicle or trailer shall molest or obstruct the driver of such motor vehicle or trailer while it is in motion.

(2) No person shall carry passengers in a motor vehicle or trailer in such numbers or in such position as to be likely to interfere with the safe driving of such motor vehicle or trailer.

(3) Any person who contravenes any provisions of this section shall be guilty of an offence.

61. Causing damage to a motor vehicle, etc.

Any person who throws any object at a motor vehicle or trailer or at any person in or on such motor vehicle or trailer or places any object on any road or by any means impedes the progress of any motor vehicle or trailer whereby injury or damage might be caused to such motor vehicle or trailer or to any person therein shall be guilty of an offence.

62. Taking motor vehicle without owner's consent

(1) Any person, whether or not employed by the owner of a motor vehicle or trailer who takes and drives away or attempts to take and drive away the motor vehicle or trailer without the consent of the owner thereof or of his agent shall be guilty of an offence and shall be liable on conviction to a fine not exceeding fifteen thousand shillings or to a term of imprisonment not exceeding five years.

(2) In proceedings for an offence under this section, the court shall not convict the accused if the court is satisfied that the accused acted in the reasonable belief that he had lawful authority of the owner or his agent, or in the reasonable belief that the owner or his agent would, in the circumstances of the case, have given his consent if he had been asked therefor.

(3) If, in any prosecution for stealing a motor vehicle or trailer the court is of the opinion that the accused is not guilty of stealing the motor vehicle or the trailer but is guilty of an offence under this section, the court may find him guilty of an offence under this section.

(4) Any police officer may arrest, without warrant, any person reasonably suspected by him of having committed or of attempting to commit an offence under this section.

(5) In addition to any penalty specified in this section, the court may order that the convicted person shall pay to the owner of the motor vehicle or trailer such sum, not exceeding five thousand shillings, as represents fair compensation, for the unlawful use of the vehicle or any damage to the vehicle.

62A. Power of Court to order forfeiture of vehicle used in commission of offence and disqualification of driver

(1) Where in any proceeding it is established that a person used a motor vehicle in the commission of that offence the court may order that he be disqualified from driving for a period of ten years and that the vehicle so used to commit the offence be forfeited to the United Republic:

Provided that this section shall not apply to traffic offences.

(2) It shall be a defence against forfeiture under this section where the owner can show that the vehicle was used without his knowledge and consent and, where the person who used the vehicle is his driver, to show that he had taken reasonable care to ensure that he was of good conduct before employing him.

63. Penalties for offences under Part IV

(1) Any person who is convicted of an offence under sections 55, 58, 59, 60 or 61 shall be liable to a fine not exceeding twenty thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) Any person who is convicted of—

- (a) an offence under section 40 shall be liable to a term of imprisonment of not less than three years and the court may, in addition thereto, impose a fine not exceeding one hundred thousand shillings:

Provided that where only bodily injury was caused and such injury did not amount to grievous harm within the meaning of that expression in the Penal Code *(7), the person convicted of the offence shall be liable to a fine of not less than two thousand shillings but not exceeding twenty thousand shillings or to a term of imprisonment of not less than six months but not exceeding three years;

- (b) an offence under 41, 42 or 44 shall be liable to a fine of not less than fifteen thousand shillings but not exceeding fifty thousand shillings or to a term of imprisonment of not less than two years but not exceeding five years:

Provided that in the case of a conviction for an offence under section 41 where only bodily injury was caused and such injury did not amount to grievous harm within the meaning of that expression in the Penal Code *(8), the person convicted of the offence shall be liable to a fine of not less than ten thousand shillings but not exceeding thirty thousand shillings or to a term of imprisonment of not less than twelve months but not exceeding five years;

- (c) an offence under section 43 shall be liable to a fine of not less than ten thousand shillings but not exceeding twenty thousand shillings or to a term of imprisonment of not less than twelve months but not exceeding five years;
- (d) an offence under section 50 or 51 or for failure to comply with any provision of section 54 or 57 shall be liable to a fine of not less than ten thousand shillings but not exceeding twenty thousand shillings;
- (e) a first offence under paragraph (a) or (b) of section 52 shall be liable to a fine of not less than ten thousand shillings but not exceeding twenty thousand shillings or to a term of imprisonment of not less than twelve months but not exceeding three years;
- (f) a first offence under paragraph (c) or (d) of section 52 shall be liable to a fine of not less than five thousand shillings but not exceeding ten thousand shillings or to a term of imprisonment of not less than six months but not exceeding two years;
- (g) a second or subsequent offence under paragraph (a) or (b) of section 52 shall be liable to a fine of not less than ten thousand shillings but not exceeding twenty thousand

shillings or to a term of imprisonment of not less than two years but not exceeding five years;

- (h) a second or subsequent offence under paragraph (c) or (d) of section 52 shall be liable to a fine of not less than five thousand shillings but not exceeding fifteen thousand shillings or to a term of imprisonment of not less than twelve months but not exceeding three years;
- (i) an offence under section 45 shall, where it is proved that the proportion of alcohol in his blood—
 - (i) exceeded one hundred and fifty milligrammes of alcohol in one hundred millilitres of blood at the time he provided the specimen of blood, be liable to a fine not less than ten thousand shillings but not exceeding thirty thousand shillings or to a term of imprisonment of not less than two years but not exceeding five years;
 - (ii) exceeded a prescribed limit but did not exceed one hundred and fifty milligrammes of alcohol in one hundred millilitres of blood at the time he provided the specimen of blood be liable to a fine of not less than ten thousand shillings but not exceeding twenty thousand shillings or to a term of imprisonment of not less than two years but not exceeding four years,

unless the court, for special reasons, thinks fit to impose a fine or a term of imprisonment less than the minimum fine or the minimum term of imprisonment specified under this subsection.

(3) Where a sentence of imprisonment of the prescribed minimum period or more is passed in respect of any offence for which an alternative minimum sentence is also prescribed, the court may in addition to such sentence of imprisonment impose a fine not exceeding one half of the maximum fine prescribed therefor.

(4) Where the court sentences any person convicted of an offence to which this section applies to a fine or the minimum amount prescribed or more the court may, if in relation to such offence an alternative sentence of imprisonment is also prescribed, impose in addition to such fine a sentence of imprisonment for a term not exceeding one half of the maximum term of imprisonment prescribed for such offence.

PART V

CONTROL OF TRAFFIC (ss 64-72)

64. Traffic signs, etc.

(1) The Engineer-in-Chief may cause traffic signs of such kinds, design, material, size and colour as may be prescribed to be erected or marked on the ground at such places as he may determine.

(2) In any proceedings under this Act, traffic signs shall be presumed to be lawfully erected

and of the lawful kind, design, material, size and colour until the contrary is proved.

(3) No board or notice which might be confused with a traffic sign or other traffic device which might render them less visible or effective or might dazzle road users or distract their attention in a way prejudicial to traffic safety shall be erected on or near a road.

(4) A person who, when driving a motor vehicle or any other vehicle causes any damage or destruction to a traffic sign, electric pole or any other structure erected along the road for the purposes of this Act, commits an offence and on conviction the court may order him to pay a sum equal to the cost of repairing any damage or destruction so caused and that sum shall be recoverable in the same manner as if it were a civil debt.

64A. General rule

(1) Every person using the road shall exercise due care and attention and shall be alert and cautious so as not to endanger or obstruct traffic or to endanger other road-users.

(2) Any person who contravenes this section shall be guilty of an offence.

65. Pedestrian crossings

(1) The Engineer-in-Chief may cause signs for pedestrian crossings in such form as may be prescribed to be placed across roads at such places as he may determine.

(2) In any proceedings under this Act, every sign for a pedestrian crossing shall be presumed to have been lawfully placed and to be in a lawful form until the contrary is proved.

(3) Where there are pavements or suitable verges for pedestrians at the side of the carriageway, every pedestrian shall use the pavements or the suitable verges.

(4) Where there are no pavements or suitable verges on a public road, every pedestrian shall walk as near as practicable to the edge of the carriageway on the right hand side so as to face oncoming traffic.

(5) Every person pushing a cycle or motorcycle or walking in a procession, shall always keep near the edge of the carriageway on the right hand side.

(6) A pedestrian wishing to cross a carriageway shall, where there is a pedestrian crossing, exercise due care and use that pedestrian crossing to cross the carriageway.

(7) In order to cross a carriageway at pedestrian crossing which is sign-posted or indicated by markings as a pedestrian crossing on a carriageway, a pedestrian shall—

- (a) obey the instructions given by the pedestrian signals, if the pedestrian crossing is equipped with pedestrian signals; or
- (b) not stop on the carriageway while the traffic lights or the pedestrian signal given by the police officer indicates that vehicles may proceed along the carriageway, if the crossing

is not equipped with the pedestrian signals and if traffic is regulated by traffic lights or by a police officer;

- (c) not step onto the carriageway at other pedestrian crossings without taking into account the distance and speed of approaching vehicles.

(8) No pedestrian shall on a public road conduct himself in a manner which constitutes or is likely to constitute a source of danger to himself or to any other road-user.

(9) Where traffic is regulated at a pedestrian crossing on a carriageway by—

- (a) traffic lights;
- (b) traffic signals; or
- (c) traffic officer,

a driver of a vehicle forbidden to proceed shall stop immediately before that pedestrian crossing and shall not, when permitted to proceed, prevent or obstruct the passage of any pedestrian who has stepped on to and is proceeding over the crossing.

(10) Where a pedestrian is using or is about to use a pedestrian crossing, a driver of a vehicle shall stop before a pedestrian crossing on a carriageway which is not regulated by traffic lights, traffic signals or by a police officer.

(11) A driver of a vehicle who turns into another road at the entrance to which there is a pedestrian crossing on a carriageway, shall turn slowly and give way to and if necessary, stop for any pedestrian who is using or who is about to use that pedestrian crossing.

(12) A driver of a vehicle who intends to overtake another driver of a vehicle which has stopped immediately before a pedestrian crossing on a carriageway, shall stop at the pedestrian crossing and shall proceed only after making sure that no pedestrian is using or is about to use that pedestrian crossing.

(13) A driver of a vehicle shall not cut across a troop column, a line of school children or across any other procession.

(14) Any driver of a vehicle who contravenes this section shall be guilty of an offence.

66. Permits for herds, processions or parades

(1) No herd exceeding fifty animals and no procession (other than a funeral procession) or parade consisting of two hundred or more persons or fifty or more vehicles, excepting military vehicles of the Defence Forces or vehicles of the Police Force, shall occupy, march or proceed along any road or street except in accordance with a permit issued by the Inspector-General of Police, and subject to such conditions as may be specified on such permit.

(2) Any person in charge of any cattle, dog or other domestic animal who, on any road or in

any public place, fails to keep it or them under proper control, or allows it or them to become a danger or annoyance to the public shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings.

67. Temporary speed restriction

Notwithstanding any other provision of this Act or the regulations, the Minister may, by order published in the *Gazette*, prescribe temporary maximum speed limits for motor vehicles or trailers of different classes or descriptions on any part of any road for such period as may be specified in such order.

68. Closure of road

The Minister may, by order published in the *Gazette*, close any road or part of a road to all motor vehicles or trailers for such period as may be specified in such order.

69. Restriction of traffic on road

The Minister may, by order published in *the Gazette*, restrict the use of a road or any part thereof to such classes or descriptions of motor vehicles or trailers and for such period as may be specified in such order.

70. One-way traffic

The Minister may, by order published in the *Gazette*, restrict the use of a road to one-way traffic for such period as may be specified in such order.

71. Parking places

The Minister may, by order published in the *Gazette*, set aside parts of roads as parking places for all or any class of motor vehicles, trailer or engineering plant.

71A. Parking and standing

(1) A driver of vehicle other than a two-wheeled cycle or a two-wheeled motor cycle without a side-car, shall not make that vehicle to stand or be parked so close to the carriageway.

(2) Except—

- (a) it is for the purpose of avoiding of traffic;
- (b) on compliance with any traffic sign;
- (c) with a direction given by a police officer; or
- (d) for any cause beyond the control of a driver,

no person shall keep a vehicle standing or parked on a carriageway—

- (i) in contravention of any traffic sign;
- (ii) on a pedestrian crossing, on a crossing for cyclists or on a level crossing;
- (iii) on a railway track, on a road or so close to such track that the movement of railborne traffic may be impeded;
- (iv) alongside or opposite an excavation or obstruction on the public road if other traffic is obstructed or endangered by that standing or parking;
- (v) inside a tunnel or subway or on a bridge within ten metres of any subway or bridge, except in such a space as may specifically be marked for standing or parking vehicles;
- (vi) close to the crest of a hill or bends where visibility is not sufficient for the vehicle to be overtaken in total safety;
- (vii) in or within ten metres of the beginning or end of any part of a carriageway where the normal width of the carriageway has for any reason been constricted;
- (viii) in any other place where the standing or parking of a vehicle is likely to constitute a danger or any obstruction to other traffic; or
- (ix) at a taxi stand.

(3) No person shall park a vehicle on a carriageway—

- (a) within five metres of any pedestrian crossing marked by an appropriate sign;
- (b) within five metres of any intersection or level crossing;
- (c) at a bus stop or fifteen metres to each side of a "bus stop" sign;
- (d) in front of vehicle entries to property;
- (e) at any place where the parked vehicle may prevent access to another vehicle properly parked or prevent such other vehicle from moving out;
- (f) at any place where the parked vehicle may conceal a traffic sign or a traffic light signal from view of any other road user;
- (g) in such manner as to encroach upon a pavement;
- (h) with the outside of any left hand wheel of the vehicle more than forty centimetres within the carriageway unless that parking is done in conformity with an appropriate traffic sign.

(4) A driver of a vehicle or carriage shall not leave the vehicle, animal or carriage without taking all necessary precautions to avoid any accident and in the case of a motor vehicle, without having set the brakes of a vehicle or carriage or without having adopted such other

method as may well effectively prevent that motor vehicle from moving or being used without the authority of that driver.

(5) Every driver of a motor vehicle other than a two-wheeled motor cycle without a side car and every trailer coupled or uncoupled shall, when that vehicle or trailer is stationary on the carriageway outside a built-up area signal to warn any other driver of an approaching vehicle by placing a warning device which shall be in a prescribed form and which shall be placed not less than thirty metres from the stationary vehicle near the edge of the carriageway on both sides of such stationary vehicles—

- (a) if the vehicle is stationary at night on the carriageway in circumstances such that an approaching driver cannot be aware of the obstacle which the vehicle constitutes;
- (b) if the driver in other cases has been compelled to halt the vehicle at a place where standing is prohibited.

(6) Except where there is an emergency, no driver of a vehicle shall park on a motor way, or on an entry or on an exit ramp.

(7) Any driver of a vehicle who contravenes this section is guilty of an offence.

72. Special parking places

The Minister may, by order published in the *Gazette*, set aside parts of roads as places for—

- (a) bus stops;
- (b) taxicab stands; and
- (c) loading zones for goods vehicles.

PART VI ENFORCEMENT (ss 73-95)

(a) Enforcement (ss 73-89)

73. Duties of police

(1) Without prejudice to any powers or duties of the police under this Act or any other written law, it shall be the duty of the police—

- (a) to regulate all traffic and to keep order and prevent obstruction in all roads, parking places, thoroughfares, or other places of public resort;
- (b) to divert traffic temporarily, to close and deny public access to any road, parking place, thoroughfare or other place of public resort, where any emergency or other event appears to render such a course necessary or desirable.

(2) Every road-user shall comply with the instructions conveyed by traffic signs, traffic signals

and road markings.

(3) Notwithstanding subsection (2) and subject to subsection (4), of this section, instructions conveyed by traffic signals shall take precedence over instructions conveyed by traffic signs regulating priority.

(4) Notwithstanding subsections (2) and (3) of this section, instructions given by a police officer directing traffic shall take precedence over instructions conveyed by traffic signs, traffic signals and road markings and other traffic regulations.

74. Records of traffic offences

(1) The police shall keep a record of all offences against this Act of which any person has been charged, together with a record of the final disposition of all such alleged offences.

(2) All records kept under this section shall be so maintained as to show all types of offences and the total of each.

(3) All forms for records and all notices of offences thereof shall be serially numbered; and for each month and year, a written record shall be kept available to the public showing the disposal of all such forms.

(4) All records and reports made under this section shall be public records.

75. Filing of accident reports and drivers' files

The Inspector-General of Police shall maintain or cause to be maintained a suitable system of filing traffic accident reports and individual drivers' files, a record of traffic accidents, warnings, arrests, convictions and complaints reported in respect of each driver.

76. Inspector-General to submit annual accident and safety reports

The Inspector-General of Police shall annually prepare and submit to the Minister a traffic report containing information on traffic matters in Tanzania as follows—

- (a) the number of traffic accidents, the number of persons killed, the number of persons injured and other pertinent data on police activities on road safety; and
- (b) the number of traffic accidents investigated and other data relevant to such investigations.

77. Power to demand production of driving licence

(1) Every person driving a motor vehicle or trailer on a road shall carry his driving licence and, on being so required by a police officer, produce it for examination:

Provided that a person shall not be convicted of an offence under this section by reason only of failure to carry or produce his driving licence, if he produces it to the police within the

following three days at such police station within Tanzania as may be specified by the police officer at the time its production was required.

(2) Notwithstanding the provisions of subsection (1) of this section, any person intending to drive a motor vehicle or trailer across any border of Tanzania shall carry his driving licence, the certificate of registration and the insurance certificate in respect of such motor vehicle or trailer and shall produce any of them on demand to a police officer in uniform or to a customs officer before he is permitted to drive his motor vehicle or trailer across the Tanzania boarder.

(3) The provisions of subsection (2) of this section shall not construed so as to limit the authority of a customs officer or any other officer to require the production of any other documents required to be produced by any other written law at any customs post or any other port of exit from Mainland Tanzania.

78. Power to demand name and address of owner of vehicle

The driver of a motor vehicle or trailer shall stop at the request of a police officer and if the police officer has reasonable cause to demand his name and address he shall give him his name and address and, if he is not the owner of the vehicle, shall also give the name and address of the owner.

79. Employer to keep record of driver

Any person who employs any other person to drive a motor vehicle or trailer shall at all times keep a written record of the name and driving licence number of such other person, and shall on demand by a police officer produce such record for inspection.

80. Owner or hirer, etc., to give identity of driver

Where any police officer in uniform has reason to suspect that an offence in connection with a motor vehicle or trailer has been committed—

- (a) the owner or hirer of the motor vehicle or trailer shall, upon having been required by the police officer so to do, give such information to the police officer as is within his knowledge as to the identity of the driver; or
- (b) any other person shall, upon having been required by the police officer so to do, give such information to the police officer as is within his knowledge as to the identity of the driver.

81. Examination of vehicle on road

Any police officer may stop and examine any motor vehicle or trailer on a road or public place if he is of the opinion that such motor vehicle or trailer—

- (a) is in such a condition as to be unfit for the purpose for which it is intended; or
- (b) is in such a condition that the driving of the motor vehicle or trailer by day or by night is

likely to be a danger to any person or to the public; or

- (c) has a load greater than the load capacity declared by the manufacturers of the chassis of the motor vehicle or trailer or greater than the load capacity determined by a vehicle inspector under the provisions of this Act; or
- (d) is loaded in such a manner as to make it a danger to the public or any person,

and when the examination reveals that such motor vehicle, or trailer is unfit or a danger to any person or that it has a load greater than the load capacity declared by the manufacturers of the chassis of the vehicle or determined by a vehicle inspector he may—

- (i) if he considers it sufficiently safe, taking all the relevant facts into consideration for the motor vehicle or trailer to be moved under its own motive power, order that it be driven forthwith to the nearest police station or workplace of a vehicle inspector, whichever is the more convenient; or
- (ii) if he considers that the motor vehicle or trailer is overloaded or that it is not safety loaded, order the motor vehicle or trailer to be driven forthwith to the nearest weight bridge and weighed or order the load to be made safe before the motor vehicle or trailer is moved; or
- (iii) if he considers it unsafe for the motor vehicle or trailer to be driven under its own motivepower, order that the motor vehicle or trailer be towed forthwith to the nearest police station or workplace of a vehicle inspector whichever is the more convenient.

82. Power to order examination

(1) Any police officer of, or above, the rank of inspector who has reason to believe that a motor vehicle or trailer has ceased to be fit for the purpose for which it is registered may order that the motor vehicle or trailer be produced for examination by a vehicle inspector at a specified time and place.

(2) An order given under subsection (1) of this section shall be deemed to be an order prohibiting the use of the vehicle pending such examination other than the driving of it direct to the place specified in the order.

83. Examination by inspector

- (1) A vehicle inspector may, after examining a motor vehicle or trailer—
 - (a) approve the same as being fit for the purpose for which it is being used and issue a certificate of fitness in respect thereof; or
 - (b) permit the motor vehicle, trailer to be driven or towed direct to a workshop for the purpose of being repaired on the condition that the motor vehicle or trailer will be returned direct to the vehicle inspector for re-examination after the completion of

repairs; or

(c) condemn the motor vehicle or trailer as unfit for the purpose for which it is registered.

(2) If a motor vehicle or trailer is condemned or is unfit for the purpose for which it is being used and is likely to be a danger to any person until it has been repaired, the vehicle inspector shall forthwith remove the identification marks and return them to the Registrar who shall either cancel the registration of the motor vehicle or trailer if condemned, or shall suspend the registration of the vehicle until he is notified by the vehicle inspector that the vehicle is fit for the purpose for which it was registered.

(3) The owner of a motor vehicle or trailer the registration of which is cancelled or suspended under subsection (2) of this section may appeal against the decision of the Registrar within a period of thirty days of the date when the decision is communicated to him to a court presided over by a Resident Magistrate.

84. Removal of abandoned vehicles

(1) Any police officer may take possession of and remove any vehicle or trailer which is on a road or road reserve if it appears to him that the vehicle or trailer has been abandoned by the owner and has not been moved from such road or road reserve for more than three consecutive days.

(2) If any vehicle or trailer so removed is not claimed and the expenses of removal and storage thereof not paid by the owner or some other person having an interest therein within two months of the date of removal, the Registrar may cause a notice of his intention to sell by auction the vehicle or trailer to be published in the *Gazette* and in at least two national newspapers and, at any time thereafter, the vehicle or trailer may be sold by auction and disposed of to any person who shall thereupon, become the lawful owner of the vehicle or trailer, as the case may be.

(3) The proceeds of a sale under subsection (2) shall be applied in payment of the costs and charges attending the sale, including the cost of the advertisement and of the expenses of removal and storage of the vehicle or trailer and the residue, if any, shall be payable to the former owner of the vehicle or, where the former owner fails to claim the residue within six months of the sale, the residue shall be forfeited to the United Republic.

85. Removal of broken-down vehicle

(1) It shall be the duty of the owner and of the driver or of any other person in control or in charge of a broken-down vehicle or trailer on any road to remove or take all reasonable steps to secure the removal of such vehicle or trailer as soon as practicable from the road.

(2) A police officer, if he is of the opinion—

(a) that the owner or driver or other person in control or in charge of a broken-down vehicle on any road has failed to take any necessary steps to remove the vehicle or to

cause it to be removed in accordance with the provisions of subsection (1) of this section; or

- (b) that the vehicle constitutes a danger to traffic,

may forthwith remove the vehicle or use the services of any other person or persons to remove the vehicle in such manner and to such place as he may think fit; and for this purpose may provide and use any plant or apparatus and take all other steps which he may consider necessary.

(3) When a police officer removes any broken-down vehicle or trailer or uses the services of any other person or persons to remove the vehicle or trailer in accordance with the provisions of subsection (2) of this section—

- (a) the expenses of and incidental to such removal shall be recoverable summarily as a civil debt from the owner thereof;
- (b) except upon proof of failure to exercise reasonable care, neither the police officer nor any person whose services are used by him as provided for in this section shall be liable to any action or demand whatsoever for any damage to the broken-down vehicle or trailer or otherwise in respect of the removal thereof.

(4) Any person who, without reasonable excuse, acts in contravention of or fails to carry out his duty under the provisions of subsection (1) of this section commits an offence and shall be liable on conviction to a fine not exceeding one thousand shillings.

(5) For the purposes of this section "broken-down vehicle or trailer" means any vehicle or trailer, whether mechanically propelled or drawn by any draught-animal which, from any cause whatsoever, has become incapable of movement by its motivepower or by the draught-animal, as the case may be.

86. Removal of vehicle from parking place

(1) Any police officer may take possession of and remove any motor vehicle or trailer which is in a metered parking place provided that—

- (a) a period of not less than three hours has elapsed from the time at which the motor vehicle or trailer first appeared to have been parked in contravention of the regulations; and
- (b) the parking meter in respect of the parking place in which the motor vehicle or trailer was parked or permitted to remain has been inspected and found to be free from any defect.

(2) The provisions of subsections (2) and (3) of section 83 of this Act shall apply to a motor vehicle or trailer removed under this section.

87. Police may require motor vehicle to be driven to police station and detain vehicle

A police officer may, after stopping any motor vehicle or trailer which he reasonably suspects of being, or of having been, used or involved in the commission of an offence, whether under this Act or any other written law, order the driver thereof to drive it to the nearest convenient police station in order that—

- (a) particulars may be taken of the motor vehicle or trailer and its registration;
- (b) the names and addresses of the driver, owner and any passenger may be obtained;
- (c) the details of the place at which each passenger entered the motor vehicle and his destination may be obtained;
- (d) statements relevant to the suspected offence may be obtained,

and such vehicle may be detained until all necessary inquiries have been made in relation to the case.

88. False information

No person shall make any statement when required to do so under this Part which to his knowledge is false or in any respect misleading.

89. Offences

Any person who—

- (a) fails to comply with or contravenes any requirement, direction or order made under this Part; or
- (b) obstructs a police officer in the execution of his duty under this Part; or
- (c) contravenes the provisions of section 77 or 88,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to a term of imprisonment not exceeding two years or to both such fine and imprisonment.

(b) Institution of Proceedings (ss 90-95)

90. Application

(1) This Part shall apply to all proceedings in relation to the contravention of any of the provisions (in this Part of this Act referred to as "traffic proceedings").

(2) The provisions of this Part are in addition to and not in substitution for the provisions of the Criminal Procedure Act *(9).

91. Institution of traffic proceedings

(1) Traffic proceedings may be instituted—

- (a) in the manner provided by the Criminal Procedure Act *(10); or
- (b) by the completion, service and filing of a traffic charge and summons in the manner hereinafter provided.

(2) A traffic charge and summons shall be in the form set out in the First Schedule to this Act.

(3) The Chief Justice may, by rules, amend, vary or replace the form referred to in subsection (2) of this section.

92. Traffic charge and summons

(1) When a police officer has reasonable cause to suspect that any person has contravened any of the provisions of this Act or of the regulations, he may forthwith complete and serve upon such person a traffic charge and summons containing the particulars referred to in section 91 of this Act.

(2) Where a traffic charge and summons has been served upon any person, a copy thereof shall be lodged forthwith with the court specified therein.

(3) A person upon whom a traffic charge and summons has been served shall attend the sitting of the court specified in such traffic charge and summons and the court shall then proceed to hear and determine the matter in accordance with the provisions of the Criminal Procedure Act *(11).

(4) Where, in any traffic proceedings, any person to whom subsection (3) of this section applies fails to appear before the court at the time and place specified in the traffic charge and summons, the court shall, notwithstanding the provisions of any written law—

- (a) proceed to hear and determine the charge in his absence and may, if the court finds the accused guilty of the charge impose such fine as the court may think fit not exceeding the maximum fine prescribed in respect of such offence; or
- (b) in any case where in the opinion of the court the offence with which the accused is charged is of a serious nature and may justify a sentence of imprisonment at whatever stage of the trial such opinion is formed, issue a warrant for the arrest of such person:

Provided that upon appearance of the accused before the court pursuant to a warrant issued under paragraph (b) or otherwise, the accused shall not be entitled, as of right, to have the proceedings commence *de novo* or to have any witness recalled for cross-examination.

93 Application of Criminal Procedure Act

Subject to section 92, the provisions of the Criminal Procedure Act *(12) other than the

provisions relating to the mode of institution of proceedings or the presence of the accused during the trial or sentence shall apply, *mutatis mutandis*, to proceedings on traffic summons and charges issued under the provisions of this Part.

94. Admissibility of certificates

A copy of any certificate of fitness purporting to be issued by a vehicle inspector to the effect that he has examined a motor vehicle or trailer and as to the result of such examination shall, if certified by the Registrar, be *prima facie* evidence in any court proceedings of the facts contained therein:

Provided that the court may, if it thinks fit, summon and examine the vehicle inspector as to the subject matter of his certificate.

95. Punishment without prosecution

(1) This section shall apply to all such offences under this Act or the regulations as the Minister may, by order published in the *Gazette*, specify as offences to which this section applies.

(2) The Minister may, by order published in the *Gazette*, apply this section to such area or areas of Tanzania as he may specify in the order.

(3) Where a police officer has reason to believe that any person is committing or has committed an offence to which this section applies, he may serve him with the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction for that offence by payment of a fixed penalty under this section; and no person shall then be liable to be convicted of that offence if the fixed penalty is paid in accordance with this section before the expiration of twenty-eight days next following the date of the notice or before the date on which proceedings are begun, whichever event last occurs.

(4) Where a person is served with a notice under this section in respect of an offence, proceedings shall not be taken against such person for that offence by any police officer until after the expiration of twenty-eight days next following the date of the notice.

(5) Payment of a fixed penalty under this section shall be made to such officer as may be prescribed by regulations made under subsection (10) and a sum paid by way of a fixed penalty for an offence shall be treated, for the purposes of this section, as if it was a fine imposed on conviction for that offence.

(6) A notice under subsection (3) of this section shall specify the offence alleged and give such particulars of the offence as are necessary for giving reasonable information of the allegation and shall state also the period during which proceedings will not be taken for the offence, the amount of the fixed penalty, and the officer to whom and the address at which the fixed penalty may be paid.

(7) Where a police officer finds a vehicle and has reason to believe that, there is being, or

there has been committed, in respect of it an offence to which this section applies, he may proceed under this section as if he had found a person reasonably believed by him to be committing the offence, and affix a notice to the vehicle; and a notice affixed to the vehicle shall be deemed to have been served on the person liable for that offence.

(8) A notice affixed to a vehicle under the provisions of subsection (7) of this section shall not be removed or interfered with except by or under the authority of the driver or person in charge of the vehicle or the person liable for the offence in question; and any person contravening the provisions of this subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five thousand shillings.

(9) The fixed penalty for an offence under this section shall be forty shillings:

Provided that the Minister may in an order under subsection (1) specifying an offence to which this section applies or by any subsequent order, prescribe in relation to any offence so specified a fixed penalty of less than forty shillings or of more than five thousand shillings but not exceeding twenty thousand shillings.

(10) The Minister may make regulations for or any of the following purposes—

- (a) prescribing the form of notice under subsection (3) of this section and the officer to whom a fixed penalty is payable;
- (b) prescribing the duties of officers to whom a fixed penalty is payable and the information to be supplied to them;
- (c) generally for the better carrying out of the purposes and provisions of this section.

PART VII

NATIONAL ROAD SAFETY COUNCIL (ss 96-99)

96. Establishment of National Road Safety Council

There is hereby established a council to be known as the National Road Safety Council (hereinafter referred to as "the Council") which shall consist of the chairman, a vice-chairman and not less than ten other members appointed by the Minister.

97. Functions of the Council

The functions of the Council shall be—

- (a) to provide an effective central organisation to intensify road safety activities and to exploit fully and continuously available knowledge and experience in all matters connected with road safety;
- (b) to promote research into causes of road accidents;

- (c) to promote statistical research as to the number, types and cost of traffic accidents;
- (d) to diagnose, from research and statistical records or any other sources, causes of road accidents and to suggest counter-measures to combat accident problems;
- (e) to identify local accident hazards, devise and suggest remedies and advise the authorities concerned to promote action;
- (f) to make proposals for amending traffic and road safety legislation with a view to reducing road traffic accidents;
- (g) to encourage and provide training and education for road users;
- (h) to increase road users' knowledge of particular hazards, how they arise and how to cope with them;
- (i) to induce a more positive attitude to road safety through lectures, demonstrations, campaigns or any other means;
- (j) to collect, prepare and disseminate educational material on road safety;
- (k) to prepare and promulgate fully integrated programmes of public information and publicity by means of all appropriate media of mass communication;
- (l) to advise on current or projected ideas concerning motor vehicle or trailer design, equipment and maintenance with particular reference to safety devices.

98. Term of office of members

- (1) A member of the Council shall hold office for a period of three years.
- (2) A member of the Council may, by notice in writing under his hand addressed to the Minister, resign his membership.
- (3) The Minister may remove any member from office for inability to perform the functions of his office or for any other cause.
- (4) A person who ceases to be a member shall be eligible for re-appointment.
- (5) If any member of the Council is, for any other reason, unable to exercise the powers or perform the duties of his office, the Minister may appoint another person to be a temporary member of the Council during the absence or incapability of that member.
- (6) If a member of the Council dies, resigns, or is removed from office, or, for any other reason, ceases to hold office, the Minister may appoint another person to take the place of such member and the person so appointed shall hold office until the expiration of the term of office of the member in whose place he is appointed.

99. Regulations governing Road Safety Council

The Minister may make regulations for any of the following purposes–

- (a) prescribing the manner of convening and the frequency of meetings of the Council, the rules of procedure to apply at such meetings, the co-option of persons thereto and for the recording and keeping of minutes;
- (b) providing for the establishment and procedure of committees of the Council, for the co-option of any persons to such committees and for the payment of allowances to committee members;
- (c) providing for the establishment, membership, procedure, functions and duties of regional or district Road Safety Committees and for the co-option of persons or bodies to such committees;
- (d) providing for the appointment and the remuneration of persons as may be necessary for the carrying out of the provisions of this Part;
- (e) providing for the keeping of accounts by the Council and authorising the Council to receive gifts and to award prizes or any other incentives in cash or in kind;
- (f) providing for the better carrying into effect of the purposes and provisions of this Part.

PART VIII MISCELLANEOUS PROVISIONS (ss 100-118)

100. Persons propelling pushcarts or riding animals, etc.

Every person propelling or riding any carriage or an animal upon a road, or driving any animal-drawn vehicle, shall be subject to the provisions of this Act.

101. Restrictions on riding bicycles

Not more than one person over the age of seven years shall be carried in addition to the driver on any bicycle nor shall any such one person be so carried otherwise than sitting on a carrier securely fixed to be bicycle or on a step especially fitted to carry a passenger.

102. Damage to road or related works

If, by reason of an offence against this Act, any damage is caused to any road or any works erected in connection with the road or any road signs, the authority responsible for the repair of the road may cause such damage to be made good, and may, either before or after the damage is made good, recover the estimated or actual cost from the owner of the vehicle causing the damage.

103. Certificate of cost

A certificate under the hand of the Engineer-in-Chief, or any person authorised by him in that behalf as to the cost of making good any damage referred to in section 102, shall be *prima facie* evidence of the amount payable by the owner of the vehicle which caused the damage.

104. Application of Act to persons in the public service and vehicles of the Government

Save to the extent otherwise expressly provided in this Act or in any other written law, this Act shall apply to persons in, and vehicles owned by or used in, the service of Government.

105. Driving vehicle, etc., to common danger

Any person who drives or propels or causes to be driven or propelled any animal or carriage on a road carelessly, negligently or recklessly, or at a speed or in a manner which is dangerous to the public or to property, having regard to all the circumstances of the case, including the amount and nature of the traffic which actually is at the time or which might reasonably be expected to be on such road, shall be guilty of an offence.

106. Driving carriage, etc., while drunk

Any person driving, propelling or being in charge of any carriage or animal on a road, while drunk or while his efficiency for such purpose is impaired by drink or drugs, shall be guilty of an offence.

107. Bicycle, etc., to have bells

Every bicycle and tricycle shall be fitted with a horn, bell or other instrument and the person riding such bicycle or tricycle shall, whenever it is prudent for the purpose of giving audible warning of his approach, clearly sound such horn, bell or other instrument.

108. Use of blind animals for draught prohibited

No owner or person in charge of a carriage drawn by animals shall allow any animal which is of materially defective vision to be used for drawing such vehicle on a road.

109. Hire of vehicles

(1) The person in charge of any vehicle standing or plying for hire and not engaged shall not, without lawful excuse, refuse to take any lawful passenger.

(2) No person hiring a vehicle shall wilfully refuse to pay on demand the legal fare due by him.

110. Arrest without warrant

Any police officer may arrest without warrant the driver or the person in charge of any vehicle, carriage or animal who commits an offence under this Act within the view of such police officer—

- (a) if the offender refuses to give his name and address;
- (b) if the police officer has reason to believe that the name or address so given is false; or
- (c) if he has reason to suspect that the offender will abscond; or
- (d) where the vehicle is a motor vehicle or trailer, if it does not bear identification marks.

111. Aiding, abetting, etc.

Where a person is convicted of aiding, abetting, counselling, procuring, or inciting the commission of an offence under this Act, and it is proved that he was present in the vehicle at the time the offence of which he is convicted of was committed, he shall, for the purpose of the provisions of this Act relating to disqualification for holding or obtaining a driving licence, be deemed to have committed an offence in connection with the driving of the vehicle.

112. Exemptions

The Minister may, by order published in the *Gazette*, exempt either wholly or partly, and either unconditionally or subject to conditions, any person or vehicle or class of vehicles from any of the provisions or requirements of this Act.

113. General penalties for contravention of the Act

(1) Every person who contravenes or does any act prohibited by this Act or by subsidiary legislation made under this Act, or who fails or omits to perform any act required by this Act or any subsidiary legislation made under this Act, and the contravention or failure to comply therewith is not an offence under any other provision of this Act or of such subsidiary legislation, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding two thousand shillings or imprisonment for a term not exceeding six months or to both such fine and imprisonment.

(2) Every person who wilfully fails or refuses to comply with any lawful order or direction of a police officer in relation to vehicular traffic and the failure to comply therewith is not an offence under any other provision of this Act, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings.

(3) Every parent or guardian who permits or authorises a child or ward under his care to do or perform any act prohibited by this Act shall be guilty of an offence and shall on conviction be liable to a fine not exceeding one thousand shillings.

(4) Any person guilty of an offence under this Act for which no specific penalty is provided for shall be liable on conviction to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment.

114. Regulations

- (1) The Minister may, subject to the provisions of subsection (2), make regulations for the

better carrying into effect of the provisions and purposes of this Act and in particular but without prejudice to the generality of the foregoing, may make regulations—

- (a) regulating the registration of motor vehicles and trailers and the issue of certificates of registration; and from time to time requiring owners of motor vehicles and trailers to furnish all such particulars as the Minister may consider necessary or desirable;
- (b) providing for the proper recording and maintenance of registers, for the alteration or rectification of any register or certificate of registration;
- (c) prescribing forms and materials of registration plates, the size, shape and character of the numbers of distinguishing marks to be shown thereon, the number of registration plates to be affixed to each motor vehicle or trailer and the mode in which the registration plates are to be affixed;
- (d) prescribing forms of applications, certificates of registration, identification marks and other matters that may be required for the purposes of this Act and prescribing conditions on which duplicates or substitutes for any certificate of registration or other document may be issued;
- (e) providing for the examination and testing of applicants for driving licences, the manner in which applicants are to be tested, and the renewal of driving licences;
- (f) providing for the special examination and testing of holders of driving licences in any case where it is considered by the Inspector-General of Police to be necessary in the interests of public safety, and for the revocation of their licences if the holders refuse or neglect to be so examined or tested;
- (g) prescribing forms of application, licences and other matters that are required to be prescribed under Part III, registered of driving licences issued under Part III, the correction, alteration or cancellation of entries in such registers, the issue of duplicates of or substitutes for driving licences;
- (h) prescribing the mode in which driving licences are to be suspended, cancelled or endorsed and the form in which cancellations and endorsements shall be entered on driving licences;
- (i) specifying the persons who are forbidden to drive motor vehicles or any class of motor vehicles on grounds of their physical or mental condition and providing for tests to be carried out on such persons and the standard by which a person shall be deemed to be incapable of driving a motor vehicle;
- (j) providing for minimising the noise and the issue of smoke or other pollutants from the working of any motor vehicle or trailer;
- (k) providing for the safe carriage of goods and passengers in motor vehicles or trailers;

- (l) restricting or prohibiting the use of motor vehicles, trailers or carriages which, owing to defects of construction or equipment, or owing to disrepair, are unsuitable for safe use;
- (m) prescribing acceptable standards of construction of motor vehicles, trailers and carriages and of the equipment to be used thereon;
- (n) prescribing the affixing of efficient brakes and good tyres on motor vehicles, trailers or carriages and the kinds of lamps that may be carried on motor vehicle, trailers, or carriages, requiring the carrying of such lamps and prescribing how and when they are to be used;
- (o) regulating the attaching and use of bells, alarms, reflectors, direction indicators, and other instruments for giving notice of the approach, position or course of motor vehicles, trailers or carriages, or for assisting in their control; prescribing the kinds thereof to be used on different classes of motor vehicles, trailers or carriages; and prohibiting the use on any class of motor vehicles, trailers or carriages of any bell, alarm, reflector, direction indicator, or other instrument as aforesaid of a kind that is not prescribed for use on that class of motor vehicles, trailers or carriages or of a kind that is prescribed for use on any other class of motor vehicles, trailers or carriages;
- (p) prescribing the maximum weight and maximum dimensions of any motor vehicle, trailer or carriage, and any load thereon, that may be used on any road, the maximum weight that may be transmitted on the road surface by the wheel or wheels on any one axle of a motor vehicle, trailer or carriage, and the maximum and minimum air pressure of the tyres of any motor vehicle or trailer and further prescribing a maximum punishment of a fine not exceeding fifty thousand shillings or imprisonment not exceeding ten years or both such fine and imprisonment for any contravention of any such regulation made under this paragraph;
- (q) providing for the periodical examination of motor vehicles, trailers and carriages and the issue of certificates of fitness;
- (r) requiring any person who sells a motor vehicle or trailer intended to be used on the road to deliver to the purchaser at the time of the sale a current certificate of fitness issued within a specified time before the sale and certifying that the motor vehicle or trailer has been inspected in accordance with the regulations and complies with the requirements of the regulations concerning construction, equipment and condition of motor vehicles or trailers;
- (s) limiting the hours during which, and regulating the conditions upon which, any person may drive a motor vehicle or trailer exceeding any specified weight along any specified road;
- (t) prescribing, for the safety of the public or the better preservation of roads, the maximum speed of motor vehicles, or trailers or of specified classes of motor vehicles or trailers on any specified road or in any locality or throughout Tanzania, or

prescribing maximum speeds of motor vehicles or trailers on specified classes of roads;

- (u) prescribing the duties and regulating the conduct of persons using roads for any purpose and, in particular, of persons in charge of, or riding in, any motor vehicle, trailer or carriage on roads and of persons in charge of, or driving or leading animals on roads;
- (v) prescribing the construction and equipment for testing of bicycles and regulating the use thereof on roads;
- (w) regulating the control of pedestrians on roads;
- (x) generally regulating traffic of all classes, whether vehicular, pedestrian, animal or otherwise and prohibiting traffic or any class of traffic, either absolutely or conditionally, on any specified road;
- (y) providing for the use of speed controlling and measuring devices, vehicle lights testing devices, camera records, tyre-checking equipment and the construction, type or standard of such equipment;
- (z) generally regulating the use of motor vehicles, trailers or carriages prescribing the conditions upon which they may be used;
- (aa) providing for the erection and maintenance of uniform signs, lights, and notices, the making of and maintenance of road markings for the guidance, direction and use of persons using roads; prescribing the size, colour, design, dimensions and other details of signs, lights, notices and other road markings, the materials of which they are to be made and the manner in which they are to be erected, made and maintained;
- (bb) providing for the classification of roads with reference to their suitability for use by different classes of motor vehicles, trailers or carriages;
- (cc) providing for the provision and control of, and prescribing the form of, pedestrian crossings; the control of road works and the maintenance of road works;
- (dd) providing for car parks and parking places, their control and the provision of parking meters at parking places;
- (ee) requiring such evidence, as may be specified of the fact that a motor vehicle is insured as required by the Motor Vehicles Insurance Act ⁽¹³⁾ to be displayed on the vehicle in such manner as may be specified and providing for a penalty of a fine not exceeding fifteen thousand shillings or imprisonment for a term not exceeding three years for any contravention of regulations made under this paragraph;
- (ff) providing for the registration of taxi cabs, the maximum charges which may be charged in respect of a passenger carried in a taxi cab and for other matters relating or

incidental to the taxi cab business;

- (gg) prescribing a Highway Code for application in Tanzania or any part or parts of Tanzania;
 - (hh) prescribing anything which is required to be or which may be prescribed under any provision of this Act.
- (2) The Minister for the time being responsible for finance may make regulations—
- (a) prescribing or providing for anything which by this Act may be prescribed or provided for in regulations made by the Minister for the time being responsible for finance;
 - (b) prescribing the fees and charges to be paid for—
 - (i) the registration or re-registration of various classes of motor vehicles or trailers;
 - (ii) the alteration or cancellation of particulars of registration of motor vehicles or trailers;
 - (iii) searches of registers;
 - (iv) certified copies of records;
 - (v) dealers' certificate of registration;
 - (vi) notice of change of ownership of a motor vehicle or trailer;
 - (vii) duplicate copies of, or substitutes for, certificates of registration, and other documents;
 - (viii) the issuing of a driver's licence;
 - (ix) the issue of a learner driving licence;
 - (x) the testing and examining of drivers;
 - (xi) alteration of records;
 - (xii) duplicate copies of, or substitutes for, licences;
 - (xiii) the issuing of certificates of competence;
 - (xiv) the examination of vehicle by a vehicle inspector;
 - (xv) issuing of certificates of fitness of a vehicle by a vehicle inspector.

115. Delegation by Minister

The Minister may, by order published in the *Gazette*, delegate all or any of his functions

under this Act, either generally or in relation to any area, to any public officer or authority.

116. Delegation by Registrar

The Registrar may, with the consent of the Minister for the time being responsible for finance, delegate all or any of his functions under this Act, either generally or in relation to any area, to any public officer.

117. Repeal of R.L. Cap. 168

[Repeal of the Traffic Ordinance with savings.]

118. Further transitional and consequential provisions

[Further transitional and consequential provisions.]

**FIRST SCHEDULE
TRAFFIC CHARGES AND SUMMONS**

(Section 91)

THE UNITED REPUBLIC OF TANZANIA

THE ROAD TRAFFIC ACT

In the Magistrate's Court of at
Criminal Case (Traffic) No. of 20.....
Vehicle Registration No.

To
..... (Accused)

SUMMONS

Your attendance is necessary to answer to the charge/charges set out hereunder and you are hereby commanded to appear without fail in the Magistrate's Court of at on the..... day of 20..... ata.m./p.m. or as soon thereafter as the case can be heard.

Dated this day of..... 20.....

.....
Magistrate

CHARGE

.....
.....
.....

Traffic Charge and Summons received.

.....
(Name and Signature of Accused)

SECOND SCHEDULE

[Omitted.]

Endnotes

1 (Popup - Popup)

Cap. 163

2 (Popup - Popup)

Cap. 152

3 (Popup - Popup)

Cap. 337

4 (Popup - Popup)

Cap. 317

5 (Popup - Popup)

Cap. 317

6 (Popup - Popup)

Cap. 317

7 (Popup - Popup)

Cap. 16

8 (Popup - Popup)

Cap. 16

9 (Popup - Popup)

Cap. 20

10 (Popup - Popup)

Cap. 20

11 (Popup - Popup)

Cap. 20

12 (Popup - Popup)

Cap. 20

13 (Popup - Popup)

Cap. 169