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THE ROAD TRAFFIC ACT, 1973

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THE UNITED REPUBLIC OF TANZANIA



No. 30 OF 1973

I ASSENT,

Julius K. Nyerere

President

6th DECEMBER, 1973

An Act to repeal and re-enact the Traffic Ordinance

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Road Traffic Act, 1973 and shall come into operation on such date as the Minister may appoint.

Short title and commencement

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

Interpretation

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

“bridge” includes a culvert;

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

- (a) motor vehicle;
- (b) vehicle used on specially prepared ways such as railway or tramway;
- (c) a trailer;
- (d) a baby carriage;
- (e) 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 pedestrian crossing or not;

“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 this employment of persons who are in the employment of the owner;

“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 a 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;

Cap. 584

“driving school” shall have the meaning assigned to that expression in the Motor Vehicles Driving Schools (Licensing) Act, 1965;

“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 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;

“learner driver 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;

Cap. 409

“medical practitioner” has the meaning assigned to that expression under the Medical Practitioners and Dentists Ordinance.

“Minister” means the Minister for the time being responsible for road traffic;

“motor-cycle” means a motor vehicle with less than four wheels, the unladen weight of which does not exceed four hundred kilograms;

“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 the 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; and

(b) in relation to a vehicle which is the subject of hiring agreement or hire-purchase agreement, includes the person in possession of or having the use of the vehicle under that agreement;

(c) in relation to a vehicle not registered under this Act, includes the driver or the person in charge of the same;

“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 adopted 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” includes—

- (i) standing on any public taxi rank or stand;
- (ii) being offered for hire by any notice, advertisement or announcement;
- (iii) 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 a person appointed as Registrar of Motor Vehicles under subsection (1) of section 3 of this Act and includes a Deputy Registrar;
- “regulations” means regulations made under section 114;
- “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;
- “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—
- (i) an integral sidecar, integral forecar or integral trailer attached to a motor-cycle (which shall be regarded as forming part of the vehicle to which it is attached);
 - (ii) engineering plant;
- “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*

3.—(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. 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 Tanganyika as may be specified in the notice.

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

(a) vehicle inspectors; and

(b) examining officers,

Other traffic
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; and

(b) *Records*

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

Registers

(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. 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. Searches

7.—(1) The Registrar shall, upon payment of the prescribed fee, furnish to an applicant a certified copy of any entry in any register. Certified
copies

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

PART II

REGISTRATION OF MOTOR VEHICLES, ETC.

Use of motor vehicle, etc., without registration prohibited

8.—(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 sub-section (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.

Classification of motor vehicles, etc.

9.—(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 sub-section (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 provision 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.

Application for registration of motor vehicles

10.—(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 a 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 motor cycle.

(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 authorized 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.—(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— Registration of motor vehicle, etc.

- (a) the motor vehicle or trailer is in a fit and proper condition for the purpose for which it is intended to be used, and he may for that purpose send the motor vehicle 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 Tanganyika; 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 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; 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 Ordinance, 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;
 - (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.—(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: General registration in case of dealer

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 authorized to use by virtue of such certificate or certificates shall be guilty of an offence under section 8 of this Act.

Certificate of registration to be carried in the vehicle

13.—(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 authorized 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.

Identification marks

14.—(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 such Registrar.

(4) If any registered motor vehicle or trailer is being sent permanently out of Tanganyika 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 such 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. The person in whose name a motor vehicle or trailer is registered shall, unless the contrary be proved, be presumed to be the owner of the vehicle. Presumption
of
ownership

16.—(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— Notice of
change of
ownership

(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) Sub-section (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 has sold or otherwise disposed of the motor vehicle or trailer to the person entitled to repossess the same:

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, as the case may be.

Exemption
from
registration,
licensing,
etc.

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

Offences and
penalties

18. 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;
 - (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;
 - (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;
 - (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

Driving
without a
valid driving
licence
prohibited

19.—(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 driving 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 driving licence issued to him in respect of that class of motor vehicle, or trailer.

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

Classification of motor vehicles, etc., for driving licences

(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 can apply 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.—(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 made arrangements for receiving instructions in driving from a driving school or a competent and duly licensed driver, issue the applicant with a learner driving licence in the prescribed form authorizing him to drive while under the personal supervision of his instructor except that a motor-cycle may be driven solo.

Learner driving licence

(2) A learner driving licence shall be valid for three months and may, in the discretion of the Registrar, be renewed for the periods of three months at a time upon payment of the prescribed fee, but no learner driving permit 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. When a motor vehicle is being used for the purposes of instructing a learner drive, it shall display such identification marks and in such manner as may be prescribed.

Identification marks for vehicle used for driving lessons

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

Driving tests

(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 driving test is experienced in driving motor vehicle he may accept the application for a test whether or not such applicant holds a learner driving licence.

24. If the examining officer 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,

Certificate of competence

the examining officer shall, upon payment of the prescribed fee by the applicant, issue to applicant a certificate of competence in the prescribed form.

Driving
licences

25.—(1) An application for a driving licence or a learner driving licence, except an application for a 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.

Conditional
driving
licences

26. Where the applicant for a driving licence is a person suffering from any bodily defect or incapacity, any driving licence issued as aforesaid 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.

Mandatory
cancellation
or
suspension
of driving
licence

27.—(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 permit 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;

- (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,

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.

Discretionary
powers of
cancellation
or
suspension

28.—(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
- (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) The court shall endorse the particulars of the conviction of any of the offences referred to in the section on the driving licence.

Endorsement

29.—(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.

Appeal

30. 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.—(1) If a driving licence or learner driving 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 driving licence, as the case may be. Issue of duplicate or substitute driving licences

(2) Where any driving licence or learner driving 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 without giving the particulars of the endorsement on his 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, 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 than holding or obtaining a driving licence shall be excluded.

32. Every person whose driving licence is suspended or cancelled or whose driving permit 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. Production of driving licence for cancellation or endorsement

33. 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. Custody of driving licence while cancelled, etc.

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

Removal of
disqualifica-
tion

35.—(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.

Automatic
disqualifica-
tion

36. Any person who—

- (a) is disqualified from obtaining a driving licence; or
- (b) has had his driving licence cancelled; or

(c) in any way if prohibited from driving any class of motor vehicles, in any of the Partner States shall be subject to the same disqualification, cancellation or prohibition in Tanganyika as if such disqualification, cancellation or prohibition had been imposed by a court in Tanganyika.

Offences

37. Any person who—

- (a) owns a motor vehicle (other than a motor-cycle) which is used on a road for the purpose of teaching a person to drive the motor vehicle, when at the time the motor vehicle is being so used for teaching there is no person in the motor vehicle holding a valid driving licence issued under this Part for driving such motor vehicle; or
- (b) teaches or 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 instructor; or
- (c) while in possession of a learner driving 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 driving 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.—(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.

Offences for applying, obtaining driving licence or driving while disqualified

(2) A police officer may arrest, without warrant, any person whom 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

39.—(1) No motor vehicle or trailer shall be used on a road or 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, body work or any part thereof, tyres and lights—

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

(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 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, 1973 the provisions of subsections (2) and (3) shall be deemed to have been contravened if any provision 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 the same 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 provision 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.

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

(2) Any person who, while under the influence of drink or a drug 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. 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. Causing bodily injury or death through carelessness

42.—(1) 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,

Reckless or dangerous driving

shall be guilty of an offence.

43.—(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. Obstructing an official motorcade

(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) In any proceedings for an offence under this section a certificate in writing signed by a police officer not below the rank of a Senior Superintendent of Police that a motorcade was an official motorcade shall be conclusive evidence of the facts stated therein.

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

45.—(1) Any person who drives or attempts to drive or is in charge of a motor vehicle or trailer on a road or other public place, having consumed alcohol in such quantity that the proportion thereof in his blood, as ascertained from a laboratory test 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. Driving of a motor vehicle with blood-alcohol concentration above the prescribed limit

Ad 4/A

(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, 1973, drinks any intoxicating liquor 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.

(5) Any person who gives any driver or any person in charge of a motor vehicle, licensed under the Transport Licensing Act, 1973 any intoxicating liquor, whether for reward or not, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding ten thousand shillings or to imprisonment not exceeding twelve months or to both such fine and imprisonment.

Acts, 1973
No. 1

Blood tests

46.—(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 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 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 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 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 of blood 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 a *prima facie* evidence that the accused's blood alcohol was, at the time when he was driving or was in charge of the vehicle, above the prescribed limit.

46A AJ
Persons authorized to withdraw and analyse blood 4/90

47.—(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 this 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 the discretion of the Chief Medical Officer.

(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. 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 that person's blood does not exceed the prescribed limit.

Detention of persons whilst affected by alcohol

49. For the purposes of this Act, the expression "~~prescribed limit~~" means such proportion of alcohol in such proportion of blood as the Minister may by regulations prescribe.

Definition of prescribed limit

AJ
4/1990

50. 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.

Careless or inconsiderate use of motor vehicle

51.—(1) Any person who drives or who aids, abets, counsels or procures any other person to drive, a motor vehicle 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.

Speeding

(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.

(2)

Act 4/90

Driving while disqualified or without driving licence

52. Every person who drives a motor vehicle or 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 driving 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.

Compliance with speed limit not a defence to other charges

53. 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.

Emergency motor vehicles

54.—(1) Notwithstanding the provisions of this Act and subject to the provisions of this section, the driver of an authorized emergency motor vehicle or trailer may, where the observance of the provisions of this Act would be likely to hinder the use of an authorized 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 authorized 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 authorized 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 authorized 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 authorized emergency motor vehicle or trailer has passed.

(5) For the purposes of this section "authorized 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 the Defence Forces, and such other motor vehicles or trailers as may be designated by the Minister by an order in the *Gazette*.

55.—(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—

Compulsory
stopping at
railway
crossings

- (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 provision 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. Any driver of a motor vehicle or trailer who, without reasonable excuse drives, the vehicle at such unreasonably 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.

Driving
unreasonably
slowly

57.—(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.

Duties of
drivers in
case of
accidents

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) Whenever 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;
- (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 been given a certificate of fitness 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 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.—(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 roofing 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.—(1) Not more than one person in addition to the driver shall be carried on any two-wheeled motor-cycle; and no person shall be so carried otherwise than on a proper seat securely fixed to the motor cycle. Restriction
pillion riding

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

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

(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. 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. Causing
damage to a
motor
vehicle, etc.

62.—(1) Any person, whether employed by the owner of a motor vehicle or trailer or not, 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. Taking
motor
vehicle
without
owner's
consent

(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 defendant 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.

Penalties for offences under this part

63.—(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 ten thousand shillings or to imprisonment for a term not exceeding twelve months 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 two years but not exceeding five years and the court may in addition thereto impose a fine not exceeding one hundred thousand shillings;
- (b) an offence under section 41, 42 or 44 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 one year but not exceeding three years;

Provided that in the case of conviction for an offence under section 41 where any bodily injury was caused and such injury did not amount to grievous harm within the meaning of that expression in the Penal Code, 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;

- (c) an offence under section 43, shall be liable to a fine of not less than one thousand shillings but not exceeding ten thousand shillings or to a term of imprisonment of not less than three months but not exceeding two years;
- (d) and 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 two thousand shillings but not exceeding five thousand shillings;
- (e) a first offence under paragraph (a) or (b) of section 52 shall be liable to a fine of not less than three 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;
- (f) a first offence under paragraph (c) or (d) of section 52 shall be liable to a fine of not less than one thousand shillings but not exceeding five thousand shillings or to a term of imprisonment of not less than three months but not exceeding twelve months;
- (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 three 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;
- (i) an offence under section 45 shall, where it is proved that the proportion of alcohol in his blood—

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- (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 of not less than five 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;
- (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 three 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,

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

64.—(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 place as he may determine. Traffic signs
etc -

(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.

65.—(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. Adv 4/90, s. 1
Pedestrian crossings

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

Permits for herds, processions or parades

66.—(1) No herd exceeding fifty animals and no procession (other than a funeral procession) or parade continuing 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.

Temporary speed restriction

67. Notwithstanding any other provision of this Act or the regulations, the Minister may, by an order 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.

Closure of road

68. The Minister may, by an order 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.

Restriction of traffic on road

69. The Minister may, by an order 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.

One-way traffic

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

Parking places

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

Special parking places

72. The Minister may, by an order 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

(a) Enforcement

Duties of police

73. 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.

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

76. The Inspector-General of Police shall annually prepare and submit to the Minister a traffic report containing information on traffic matters in Tanganyika as follows— Inspector-General to submit annual traffic accident and safety report

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

77.—(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: Power to demand production of driving licence

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 Tanganyika 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 over the Tanganyika border shall carry his driving licence, the certificate of registration and the insurance certificate in respect of such motor vehicle or trailer and shall produce the same on demand to a police officer in uniform or customs officer before he is permitted to drive his motor vehicle, or trailer across the Tanganyika border.

(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 post of exit from Tanganyika.

Power to demand name and address of owner of vehicle

78. 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.

Employer to keep record of driver

79. 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.

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

80. 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;
- (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 identity of the driver.

Examination of vehicle on road

81. 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 safely loaded, order the motor vehicle or trailer to be driven forthwith to the nearest weighbridge 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 motive-power, order that the motor vehicle or trailer be towed forthwith to the nearest police station or work-place of a vehicle inspector whichever is the more convenient.

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82.—(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.

Power to
order
examination
to make
order

(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.—(1) A vehicle inspector may, after examining a motor vehicle or trailer—

Examination
by
inspector

- (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 or engineering plant 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.

to make
order
to make
order

(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.—(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.

Removal of
abandoned
vehicle

Acts, 1972
No. 5

(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, subject to the provisions of the Motor Vehicles (Restriction on Acquisitions and Dispositions) Act, 1972, become the lawful owner of the vehicle or trailer, as the case may be.

(3) The proceeds of any such sale 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 such residue within six months of such sale, the residue shall be forfeited to the United Republic.

Removal of
broken down
vehicle

85.—(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 any such 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 any 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 aforesaid 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 motive-power or by the draught-animal, as the case may be.

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

Removal of vehicle from parking place

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

87. 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—

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

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

False information

89. Any person who—

Offences

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

Application

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

Cap. 20

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

Institution of traffic proceedings

91.—(1) Traffic proceedings may be instituted—

- (a) in the manner provided by the Criminal Procedure Code;
- (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 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.

Traffic charge and summons

92.—(1) When any 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 Code.

Cap. 20

(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 proceeding commence *do novo* or to have any witness recalled for cross examination.

93. Subject to section 92 the provisions of the Criminal Procedure Code 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 of this Act.

Application
of
Criminal
Procedure
Code

94. 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:

Admissi-
bility of
certificates

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

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

Punishment
without
prosecution

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

Act 4/90

(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 give him the prescribed notice in writing offering the opportunity of the discharge of any liability to conviction of 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.

S. 8

(4) Where a person is given 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 sums paid by way of fixed penalty for any offence shall be treated for the purposes of this section as if they were fines 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 officers to whom and the address at which the fixed penalty may be paid.

(7) Where a police officer finds a vehicle on an occasion and has reason to believe that, on that occasion, there is being or 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 for that purpose a notice affixed to the vehicle shall be deemed to be given to 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 forty shillings but not exceeding one hundred shillings.

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

- (a) prescribing the form of notice under subsection (3) of this section and the officer to whom the 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

96. 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 Prime Minister.

97. The functions of the Council shall be—

- (a) to provide an effective central organization 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 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 the road users' knowledge of particular hazards how they arise and how to cope with them;

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 Establish-
 ment of
 National
 Road Safety
 Council

Functions
 of the
 Council

- (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.—(1) A member of the Council shall hold office for a period of three years. Term of office of members Act 4/20

(2) A member of the Council may, by notice in writing under his hand addressed to the Prime Minister, resign his membership.

(3) The Prime Minister may remove any member from office for inability to perform the functions of his office or for any other cause. S. 9

(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 Prime Minister may appoint another person to be temporary member of the Council during the absence or incapacity of that member.

(6) If a member of the Council dies, resigns, is removed from office, or, for any other reason, ceases to hold office, the Prime 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. The Prime Minister may make regulations for all or any of the following purposes— Regulations governing Road Safety Council

- (a) prescribing the manner of convening and the frequency of meeting 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 of and the remuneration of persons as may be necessary for the carrying out of the provisions of this Part of this Act;
 - (e) providing for the keeping of accounts by the Council and authorizing 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 of this Act.
- do —

PART VIII

MISCELLANEOUS PROVISIONS

Persons propelling pushcarts or riding animals, etc.

100. 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.

Restrictions on riding bicycle

101. 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 the bicycle or on a step especially fitted to carry a passenger.

Damage to road or bridge

102. 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.

Certificate of cost

103. A certificate under the hand of the Engineer-in-Chief, or any person authorized by him in that behalf as to the cost of making good such damage, shall be prima facie evidence of the amount payable by the owner of the vehicle.

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

104. 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 the Government and the Community.

Driving vehicle, etc., to common danger

105. 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.

Driving carriage, etc. whilst drunk

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

Bicycle, etc. to carry bells

107. 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.

Blind animal

108. 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.

Hire of vehicles

109.—(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. 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. 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 driving licence, be deemed to have committed an offence in connection with the driving of the vehicle.

112. The Minister may, by order 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.—(1) Every person who contravenes or does any act forbidden 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 made 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 made 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 forbidden 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.—(1) The Minister may, subject to the provisions of subsection (2), make regulations for the better carrying into effect 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 or 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, registers 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 cancellation 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 physical or mental condition and providing for the test 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 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 specified weight along any specified road;
- (t) fixing, 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 Tanganyika, or fixing 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 and 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, portable or other weighbridges, brake testing 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;
 - (ab) providing for the classification of roads with reference to their suitability for use by different classes of motor vehicles, trailers or carriages;
 - (ac) providing for the provision of and control of; and prescribing the form of, pedestrian crossings; the control of road works and the maintenance of road works;
 - (ad) providing for car parks and parking places, their control and the provision of parking meters at parking places;
 - (ae) requiring such evidence as may be specified of the fact that the motor vehicle has been insured as required by Motor Vehicles Insurance Ordinance 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;
 - (af) providing for 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;
 - (ag) prescribing a Highway Code for application in Tanganyika or any part or parts of Tanganyika;
 - (ah) 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 by 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 vehicle or trailer;
 - (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 certificate of registration, and other documents;
 - (viii) the issue of a driving 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) issue of certificates of competence;
 - (xiv) examination of a vehicle by a vehicle inspector;
 - (xv) issue of a certificate by a vehicle inspector.

115. The Minister may, by order 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. Delegation
by Minister

116. 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. Delegation
by Registrar

117.—(1) The Traffic Ordinance is hereby repealed.

Repeal
Cap. 168

(2) Notwithstanding the provisions of subsection (1) of this section—

- (a) all subsidiary legislations made under the Traffic Ordinance and in force immediately before the commencement of this Act shall continue in force and be deemed to have been lawfully made under this Act until it is revoked, and may be varied or amended accordingly.
- (b) until new appointments are made under this Act, any appointments made under the Traffic Ordinance repealed by this Act shall be deemed to have been made under this Act;
- (c) any orders, directions or other acts lawfully done under any provision of the Traffic Ordinance repealed by this Act and in force immediately before the coming into operation of this Act shall be deemed to have been lawfully issued, made or done under the corresponding provision of this Act and shall continue in force until they are revoked or cancelled, and may be varied or amended accordingly.

