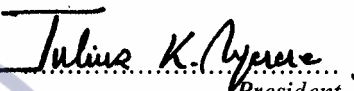


THE UNITED REPUBLIC OF TANZANIA



No. 23 OF 1970

I ASSENT,


President

29TH JUNE, 1970

An Act to provide for the licensing of Foreign Commercial Vehicles

[1ST SEPTEMBER, 1970]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Foreign Commercial Vehicles (Licensing) Act, 1970 and shall come into operation on the first day of September, 1970. Short title and commencement

2.—(1) In this Act unless the context otherwise requires— Inter-pretation
“commercial vehicle” means any motor vehicle constructed or adapted for use for the conveyance of goods in the course of trade, commerce or agriculture or for the conveyance in the course of their employment of persons who are in the employment of the owner of the vehicle, and also includes any vehicle constructed or adapted for the conveyance of not less than eight passengers including their personal goods;

“foreign commercial vehicle” means any commercial vehicle not licensed under or in accordance with the provisions of the Traffic Ordinance or under any regulations made thereunder, and includes any vehicle deemed to be a foreign vehicle by any regulations made hereunder; Cap. 168

“Minister” means the minister for the time being responsible for finance;

“owner”, in relation to any vehicle includes—

- (a) the person having the use of the vehicle under a hiring or hire purchase agreement;
- (b) the person in charge of the vehicle;
- (c) the driver of the vehicle;
- (d) any person who holds himself out as, or is, the agent of the owner in relation to any business connected with the vehicle;

“trailer” means a vehicle attached to and drawn by a motor vehicle.

(2) Any trailer attached to a foreign commercial vehicle shall for the purposes of this Act be deemed to be a foreign commercial vehicle.

Foreign commercial vehicle to be licensed

3. No foreign commercial vehicle shall enter Tanganyika unless it is licensed in accordance with the provisions of this Act.

Offence

4. Where any foreign commercial vehicle enters Tanganyika in contravention of the provisions of section 3, the owner of the vehicle shall be guilty of an offence and shall be liable on conviction to a fine not exceeding twenty thousand shillings or to a term of imprisonment not exceeding five years or to both such fine and imprisonment, and in addition thereto the vehicle in respect of which the offence is committed shall be liable to forfeiture.

Provisions of this Act to apply notwithstanding any written law

5. The provisions of this Act shall apply notwithstanding any provision to the contrary in the Traffic Ordinance or any regulations made thereunder or under any other written law.

Principal Secretary to the Treasury may compound offences

6.—(1) The Principal Secretary to the Treasury may, where he is satisfied that any person has committed an offence under this Act, compound such offence by accepting from such person a sum of money and by ordering, if he thinks fit so to do, the forfeiture of the vehicle liable to forfeiture:

Provided that—

- (a) such sum of money shall not be less than two hundred shillings or more than half of the maximum fine provided for such offence;
- (b) the power conferred by this section shall only be exercised where the person admits in writing that he has committed the offence;
- (c) the Principal Secretary to the Treasury shall give the person from whom he receives such sum of money a receipt therefor.

(2) Where an offence under this Ordinance is compounded in accordance with the provisions of subsection (1), and proceedings are brought for the same offence against the offender or any other person who under the provisions of this Act is liable for the same offence, it shall be a good defence for such offender or other person if he proves to the satisfaction of the court that the offence with which he is charged has been compounded under subsection (1).

(3) Where any person is aggrieved by any order made under subsection (1), he may, within thirty days of such order being made, appeal against such order to the High Court, and the provisions of Part X of the Criminal Procedure Code shall apply *mutatis mutandis* to every such appeal, as if it were an appeal against sentence passed by a district court in the exercise of its original criminal jurisdiction.

7. Where a person is convicted of an offence under this Act or under any regulations made hereunder by a court presided over by a resident magistrate, such court shall, notwithstanding the provisions of section 7 of the Criminal Procedure Code, have jurisdiction to impose the maximum penalty prescribed for such offence.

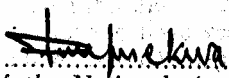
8. No matter or thing done by any public officer shall, if done *bona fide* in the execution or purported execution of the provisions of this Act, subject such officer to any action, liability, claim or demand whatsoever.

9.—(1) The Minister may make regulations for the better carrying into effect of the purposes and provisions of this Act, and without prejudice to the foregoing may make regulations—

- (a) prescribing the manner in which a foreign commercial vehicle shall be licensed;
- (b) requiring a foreign commercial vehicle entering Tanganyika to display its licence;
- (c) prescribing the period in which every foreign commercial vehicle must be licensed upon first entering Tanganyika;
- (d) prescribing officers who shall be authorized to issue licences for the purposes of this Act;
- (e) prescribing fees to be paid for licences issued under this Act;
- (f) exempting any category of persons or foreign commercial vehicles from all or any of the provisions of this Act or regulations made hereunder;
- (g) prescribing the procedure for seizure and forfeiture of vehicles and providing for the disposal of vehicles forfeited;
- (h) providing for the return to the owner of any vehicle forfeited under this Act upon compliance by the owner of such conditions (including payment of money not exceeding the value of the vehicle) as the Minister may prescribe;
- (i) providing that any category of commercial vehicles registered outside Tanganyika shall be deemed to be foreign commercial vehicles even if licensed under the Traffic Ordinance.

(2) The Minister may annex to the breach of any of the regulations made under this section a penalty not exceeding a fine of five thousand shillings or imprisonment for a term not exceeding three years or both such fine and imprisonment, and may further provide that where any offence under such regulations is committed, the vehicle in respect of which the offence is committed shall be liable to forfeiture.

Passed in the National Assembly on the twenty-fourth day of June, 1970.


Clerk of the National Assembly