

TANGANYIKA



No. 55 OF 1962

I ASSENT,

.....
Governor-General

25th SEPTEMBER, 1962

An Act to amend the Traffic Ordinance and for purposes incidental thereto

[.....]

ENACTED by the Parliament of Tanganyika.

1.—(1) This Act may be cited as the Traffic Ordinance (Amendment) Act, 1962, and shall be read as one with the Traffic Ordinance.

(2) This Act shall come into operation on such date as the Minister for Home Affairs, by notice published in the *Gazette*, shall appoint, and the Minister may appoint different dates for the several provisions of this Act:

Provided that the provisions of section 9 shall come into operation on the date on which sections 2, 3 and 4 come into operation and if the Minister appoints different dates for those sections, section 9 shall come into operation in relation to vehicle licences on the date appointed for section 2, and in relation to driving licences on the date appointed for section 3.

2. Section 11 of the Traffic Ordinance is hereby amended as follows:—

(a) by deleting subsection (1) and by substituting therefor the following new subsection:—

Section 11 of
Cap. 168
amended

“(1) A motor vehicle licence may be issued for one year or for four months, and such licence shall continue in force—

(i) in the case of a yearly licence, for a period of one year from the first day of the month in which it is issued; and

(ii) in the case of a licence for four months, for a period of four months from the first day of the month in which it is issued, and the fee payable for a licence for four months shall be such sum, not exceeding thirty five per centum of the fee payable for the corresponding yearly licence, as may be prescribed.”;

(b) by deleting the words and symbols “one-third, one-sixth, one-ninth or one-twelfth (according as the licence surrendered is for a quarter, a half, three quarters or whole of a year)” in subsection (4) and by substituting therefor the words and symbols “one-quarter or one-twelfth (according as the licence surrendered is for four months or a year)”.

Section 15
of Cap. 168
amended

3. Subsection (2) of section 15 of the Traffic Ordinance is hereby amended by deleting the words "twelve months" in the fourth line thereof and by substituting therefor the words "three years".

Section 18
of Cap. 168
amended

4. Section 18 of the Traffic Ordinance is hereby amended as follows:—
- (a) by deleting the words "twelve months" where they first occur in the fourth and fifth lines of subsection (1) and by substituting therefor the words "three years"; and
 - (b) by deleting the words "twelve months" in the sixth line of subsection (2) and by substituting therefor the words "three years".

Section 61
of Cap. 168
repealed and
replaced

5. Section 61 of the Traffic Ordinance is hereby repealed and replaced by the following new section:—

"Duties of
drivers, etc.,
involved in
traffic
accidents

61.—(1) If, in any case, owing to the presence of a vehicle on a road, an accident occurs whereby—

- (a) personal injury is caused to any person other than the driver of such vehicle; or
- (b) damage is caused—
 - (i) to a vehicle other than such vehicle or a trailer drawn by such vehicle; or
 - (ii) to any animal, other than an animal in or on such vehicle or a trailer drawn by such vehicle,

the driver of such first-mentioned vehicle shall stop and, if required so to do by any person having reasonable grounds for so requiring, give his name and address, and also the name and address of the owner of the vehicle and the identification mark of the vehicle.

(2) Any other person in the vehicle at the time of the accident shall also, if required so to do by any such person aforesaid, give his name and address.

(3) If, in the case of any such accident as aforesaid—

- (a) the driver for any reason does not give his name and address to some person who would have reasonable grounds for requiring the same at the place at which the accident occurred; or
- (b) personal injury is caused to any person other than the driver of the vehicle,

the driver shall report the accident to the nearest police station or to a police officer not below the rank of inspector within twenty-four hours of the occurrence thereof.

(4) In this section —

'animal' means any ox, bull, cow, horse, mule, ass, sheep, goat, pig or dog; and

'driver', in the case of a carriage, includes the person in charge of the carriage."

New section
70A added to
Cap. 168

6. The Traffic Ordinance is hereby amended by adding, immediately below section 70, the following new section:—

"Minor
traffic
offences

70A.—(1) Notwithstanding any provision contained in this or any other law, it shall be lawful for any police officer to serve personally upon any person who is reasonably suspected of having committed any of the offences set out in the First Schedule hereto a notification of a traffic offence, in the form set out in the Second Schedule hereto, charging such person with having committed such scheduled offence or such of the scheduled offences as are specified in the notification and requiring such person to inform the court named in the notification within ten days from the date of such service whether he proposes to answer the charge or charges or whether he pleads guilty to the offence or offences and, if he does plead guilty, to send to the court the statutory penalty or penalties.

(2) A notification under this section shall be served not later than seventy-two hours after the commission of the alleged offence.

(3) A person who is served with a notification under this section shall—

- (a) if he wishes to plead guilty to the offence or offences with which he is charged, or to some one or more of them, plead guilty in writing on the reverse of the notification, and shall send the notification, together with the amount of the statutory penalty or penalties for the offence or offences to which he has pleaded guilty, by prepaid post or hand, to the court so as to reach the court within the said period of ten days; or
- (b) if he does not plead guilty in the manner prescribed in paragraph (a) to the offence or to all of the offences charged, give notice in writing on the reverse of the notification that he proposes to answer the charge or charges, or such of them as he does not admit, as the case may be, and shall send the notification, by prepaid post or hand, to the court so as to reach the court within the said period of ten days.

Any such person who fails to send the notification, either with a written plea of guilty, together with the amount of the statutory penalty or with a written statement of his intention to answer the charge, in respect of each of the offences charged in the notification, to the court so as to reach the court within the said period of ten days, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(4) The court may, on receipt of a written plea of guilty together with the statutory penalty or penalties, proceed to conviction.

(5) Where a person, who is served with a notification under this section, informs the court that he wishes to answer a charge in such notification, the court shall issue a summons

Cap. 20

to compel the attendance of such person on such date as may be set down for the trial of the charge and shall notify the officer in charge of the police station specified in the notification of such date; and, subject to the provisions of subsections (6) and (7) of this section, the subsequent proceedings shall be conducted in accordance with the provisions of the Criminal Procedure Code.

(6) A copy of the notification may be used by the court as a charge, within the meaning of that expression in the Criminal Procedure Code, in any proceedings under this section.

(7) The appropriate statutory penalty shall, notwithstanding the provisions of this or any other law, have effect for offences dealt with under this section.

(8) In this section the statutory penalty means, in relation to an offence specified in Part I of the First Schedule hereto, the sum of twenty shillings and, in relation to an offence specified in Part II of that Schedule, the sum of five shillings.

(9) The Minister for Home Affairs may, by order published in the *Gazette*, amend the form of notification set out in the Second Schedule.”.

Section 71 of
Cap. 168
amended

7. Section 71 of the Traffic Ordinance is hereby amended by deleting the brackets and words “(not exceeding five shillings)” in paragraph (f) thereof.

New First
and Second
Schedules
added to
Cap. 168

8. The Traffic Ordinance is hereby amended by adding at the end thereof the following new Schedules:—

“FIRST SCHEDULE

(Section 70A)

PART I

OFFENCES RELATING TO MOTOR VEHICLES

No.	Nature of Offence	Section of Traffic Ordinance or rule of Traffic Rules
1.	Driving without valid driving licence.	Section 14 (1)
2.	Holder of provisional driving licence driving loaded vehicle.	Section 20 (a)
3.	Holder of provisional driving licence driving without learner plates.	Section 20 (b) and rule 20
4.	Owner of public service vehicle failing to mark vehicle with name and address and maximum number of passengers and weight of goods vehicle licensed to carry.	Rule 47 (1)
5.	Failing to exhibit motor vehicle licence.	Section 9 (6) and rule 12 (1)

No.	Nature of Offence	Section of Traffic Ordinance or rule of Traffic Rules
6.	Defective identification mark.	Section 13 (1)
7.	Public service vehicle driver failing to wear badge.	Section 31
8.	Permitting vehicle to be used as public service vehicle without rear plate.	Section 34 (b)
9.	Permitting the carriage of excess passengers on public service vehicle.	Section 34 (e)
10.	Conveying on motor omnibus goods not belonging to passengers.	Rule 53 (1)
11.	Driving or having charge of motor vehicle without effective silencer.	Section 43 (e)
12.	Driving or having charge of motor vehicle without efficient horn.	Section 43 (f)
13.	Driving motor vehicle without mirror.	Rule 48
14.	Failing to carry reflectors on motor vehicle.	Rule 44 (1)
15.	Driving or having charge of motor vehicle without lights.	Section 56 (i) and rule 43
16.	Unnecessarily sounding horn.	Rule 39 (3)
17.	Leaving unattended vehicle with engine running.	Section 44 (c)
18.	Failing to draw up vehicle close to side of road.	Section 56 (b)
19.	Stopping motor vehicle within twenty-five feet from corner within township.	Rule 35 (2) (b)
20.	Failing to draw vehicle to nearside of road when stopping in township.	Rule 35 (2) (h)
21.	Failing to stop vehicle on request or signal of police.	Section 56 (h)
22.	Failing to conform to indication given by traffic sign.	Section 58 (b)
23.	Driver of motor vehicle hauling four-wheeled trailer exceeding speed limit.	Rule 33 (f)
24.	Driver of commercial, heavy-duty or public service vehicle other than taxicab exceeding speed limit.	Rule 60
25.	Causing or permitting motor vehicle to be used on road or driving or having charge of motor vehicle when so used if any load not well secured.	Rule 30 (1) (e)
26.	Causing or permitting motor vehicle to be used on road or driving or having charge of motor vehicle when so used with defective tyres.	Rule 30 (1) (i)
27.	Driving or drawing motor vehicle on footpath.	Section 56 (k)

PART II

OFFENCES RELATING TO BICYCLES

1.	Using bicycle without licence.	Section 36
2.	Using bicycle without effective brake.	Rule 32
3.	Using bicycle not fitted with horn, bell or other instrument.	Section 53
4.	Riding bicycle without lights.	Section 56 (i) and rule 43 (i)
5.	Failing to carry reflector on bicycle.	Rule 44 (1) (ii)

SECOND SCHEDULE

(Section 70A)

The Traffic Ordinance

NOTIFICATION OF TRAFFIC OFFENCE

(Section 70A)

Serial No.

To

Address

.....

1. You are charged with offence(s) No(s).(see reverse)

in that you (a)

.....

(b)

.....

(c)

.....

at (place)

on the day of 196..... at a.m./p.m.

2. If you do not wish to plead guilty to the offence(s), you are hereby required to complete Part A on the reverse of this form and send this notification, by prepaid registered post or by hand, to the Court so as to reach the Court within ten days from the date of the service of this notification.

3. If you do wish to plead guilty to the offence(s), you should complete the admission of guilt set out in Part B on the reverse of this form and send this notification, together with the statutory penalty for each offence to which you plead guilty, by prepaid registered post or by hand, to the above-named Court so as to reach the Court within ten days from the date of the service of this notification.

4. Warning: It is an offence not to send this notification to the Court completed in either Part A or Part B in respect of each of the charges set out in paragraph 1 above, so as to reach the Court within ten days from the date of service.

5. Vehicle Details:

Make:

Type:

Reg. No.:

Issued by:
(name, rank, number)

Station:

Date of service:.....

6. Signature of person on whom notification served:.....

For Police Use

For Court Use

(REVERSE)
SCHEDULED OFFENCES

No.	Nature of Offence	Section of Traffic Ordinance or rule of Traffic Rules
-----	-------------------	---

PART I

OFFENCES RELATING TO MOTOR VEHICLES

1.	Driving without valid driving licence.	Section 14 (1)
2.	Holder of provisional driving licence driving loaded vehicle.	Section 20 (a)
3.	Holder of provisional driving licence driving without learner plates.	Section 20 (b) and rule 20
4.	Owner of public service vehicle failing to mark vehicle with name and address and maximum number of passengers and weight of goods vehicle licensed to carry.	Rule 47 (1)
5.	Failing to exhibit motor vehicle licence.	Section 9 (6) and rule 12 (1)
6.	Defective identification mark.	Section 13 (1)
7.	Public service vehicle driver failing to wear badge.	Section 31
8.	Permitting vehicle to be used as public service vehicle without rear plate.	Section 34 (b)
9.	Permitting the carriage of excess passengers on public service vehicle.	Section 34 (e)
10.	Conveying on motor omnibus goods not belonging to passengers.	Rule 53 (1)
11.	Driving or having charge of motor vehicle without effective silencer.	Section 43 (e)
12.	Driving or having charge of motor vehicle without efficient horn.	Section 43 (f)
13.	Driving motor vehicle without mirror.	Rule 48
14.	Failing to carry reflectors on motor vehicle.	Rule 44 (1)
15.	Driving or having charge of motor vehicle without lights.	Section 56 (i) and rule 43
16.	Unnecessarily sounding horn.	Rule 39 (3)
17.	Leaving unattended vehicle with engine running.	Section 44 (c)
18.	Failing to draw up vehicle close to side of road.	Section 56 (b)
19.	Stopping motor vehicle within twenty-five feet from corner within township.	Rule 35 (2) (b)
20.	Failing to draw vehicle to nearside of road when stopping in township.	Rule 35 (2) (h)
21.	Failing to stop vehicle on request or signal of police.	Section 56 (h)
22.	Failing to conform to indication given by traffic sign.	Section 58 (b)
23.	Driver of motor vehicle hauling four-wheeled trailer exceeding speed limit.	Rule 33 (f)
24.	Driver of commercial, heavy-duty or public service vehicle other than taxicab exceeding speed limit.	Rule 60
25.	Causing or permitting motor vehicle to be used on road or driving or having charge of motor vehicle when so used if any load not well secured.	Rule 30 (1) (e)
26.	Causing or permitting motor vehicle to be used on road or driving or having charge of motor vehicle when so used with defective tyres.	Rule 30 (1) (i)
27.	Driving or drawing motor vehicle on footpath.	Section 56 (k)

PART II

OFFENCES RELATING TO BICYCLES

1.	Using bicycle without licence.	Section 36
2.	Using bicycle without effective brake.	Rule 32
3.	Using bicycle not fitted with horn, bell or other instrument.	Section 53
4.	Riding bicycle without lights.	Section 56 (i) and rule 43 (i)
5.	Failing to carry reflector on bicycle.	Rule 44 (1) (ii)

The statutory penalty for every offence in Part I is Shs. 20/- and for every offence in Part II is Shs. 5/-.

PART A

NOTIFICATION OF INTENTION TO ANSWER CHARGES

I, of (Residential or business address) (Postal address) intend to answer the charge(s) No(s). in paragraph 1 of this Notification.

Signature: Date:

PART B

ADMISSION OF GUILT

I, of (Residential or business address) (Postal address) plead guilty to the charge(s) No(s). in paragraph 1 of this Notification.

I enclose Shs. being the statutory penalty(ies) for the offence(s) to which I plead guilty.

Signature: Date:

Saving of certain motor vehicle and driving licences and transitional provisions

9.—(1) Notwithstanding the provisions of sections 2, 3 or 4 of this Act—

- (a) any motor vehicle licence or driving licence issued before this Act comes into operation shall, subject to the provisions of the Traffic Ordinance, continue in force for the period for which it was granted notwithstanding that such period is not a period provided for in the Traffic Ordinance, as amended by this Act; (b) during the period of two years commencing on the date on which section 3 comes into operation, a licensing authority may issue or renew driving licences either for a period of one year or for a period of three years, and such licences shall, subject to the provisions of the Traffic Ordinance, continue in force for the period for which they are issued notwithstanding that such period is not a period provided for in the Traffic Ordinance as amended by this Act, and no appeal shall lie against the determination of the licensing officer as to the period of the licence or renewal.

(2) The Permanent Secretary to the Treasury may give directions to licensing authorities as to the period for which they shall issue or renew driving licences during the period of two years commencing on the date on which section 3 comes into operation, and licensing authorities shall give effect to such directions.

Passed in the National Assembly on the twenty-fifth day of September, 1962.

[Signature] Clerk of the National Assembly