

THE UNITED REPUBLIC OF TANGANYIKA AND ZANZIBAR



No. 41 OF 1964

I ASSENT,

Julius K. Nyerere
President

30TH JULY, 1964

An Act to amend the Traffic Ordinance

ENACTED by the Parliament of the United Republic of Tanganyika and Zanzibar.

1. This Act may be cited as the Traffic Ordinance (Amendment) Act, 1964, shall be read as one with the traffic Ordinance (hereinafter referred to as "the Ordinance"), and shall come into operation on such date as the Minister by notice in the *Gazette* appoints; and the Minister may appoint different dates for different provisions of this Act.

Short title
construction
and com-
mencement
Cap. 168

2. Section 2 of the Ordinance is hereby amended by deleting therefrom the definitions "tare weight" and "taxi cab" and substituting therefor in the appropriate alphabetical order the following new definitions:-

Section 2 of
Cap. 168
amended

"tare weight" means the weight of a vehicle when unloaded including the body and all parts (the heavier being taken when alternative bodies or parts are used), all oils and water which are necessary to or ordinarily used with the vehicle, the battery or accumulator and the spare wheel, but not including fuel, jack or loose tools;

'local authority' means-

- (a) in the area of jurisdiction of a city council, municipal council or town council, that city, municipal or town council;
- (b) in any other area, the district council having jurisdiction in that area;

'Minister' means the Minister for the time being responsible for home affairs;

'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;

Cap. 167 'road' shall have the meaning assigned to it by the Highways Ordinance;"

Section 5 of Cap. 168 amended **3.** Section 5 of the Ordinance is hereby amended by deleting subsection (1) thereof and substituting therefor the following new subsection: -

"(1) The Permanent Secretary to the Treasury may, by notice in the *Gazette*, appoint licensing authorities for all or any of the purposes of this Ordinance."

Section 6 of Cap. 168 repealed and replaced **4.** Section 6 of the Ordinance is hereby repealed and replaced by the following new Section: -

"Use of motor vehicle without licence **6.**-(1) The Minister shall by rule classify all types of motor vehicles and shall prescribe the licences to be taken out, the form thereof and the fee to be paid therefor in respect of each class of vehicle.

(2) No motor vehicle or trailer shall be used on any road unless there is in force in respect of such motor vehicle and trailer, and for the use to which it is put, the licence or licences prescribed.

(3) If any motor vehicle or trailer is used in contravention of the provisions of subsection (2), the owner of the motor vehicle or trailer and the driver of the motor vehicle shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(4) In any proceedings against the owner of a motor vehicle or trailer for an offence contrary to subsection (2) which is alleged to have been committed within twelve months of the commencement thereof, the motor vehicle or trailer, as the case may be, shall be presumed to have been used on the road unless such owner satisfies the court that the vehicle or trailer was not so used at any time during a period commencing seven days before the date on which the offence was alleged to have been committed and terminating seven days after such date."

Section 8 of Cap. 168 amended **5.** Section, 8 of the Ordinance is hereby amended by deleting subsections (2) and (3) thereof and substituting therefor the following new subsections: -

"(2) A list of tare weights of different makes, types, models and classes of motor vehicles shall be prepared by the central registrar and published in the *Gazette* and such list may be added to or altered from time to time by him and, subject to the provisions contained in subsection (3) of this section, those tare weights shall, for all the purposes of this Ordinance and rules made hereunder, be deemed to be the tare weights of motor vehicles of those makes, types, models or classes.

(3) Notwithstanding the provisions of subsection (2) of this section, the central registrar or licensing authority may require that the owner of a motor vehicle, or any other person who applies to register or license such vehicle, shall produce evidence as to the actual tare weight of the vehicle."

6. Section 9 of the Ordinance is hereby amended by adding thereto the following new subsections: -

Section 9 of
Cap. 168
amended

"Power to order inspection of motor vehicles before registration of licensing (8) For the purposes of ascertaining whether or not a motor vehicle complies with the provisions of this Ordinance or any rules made hereunder, the central registrar or a licensing authority, as the case may be, may direct that before any motor vehicle is registered or licensed under this Part of this Ordinance, the owner or person applying for such registration or licensing shall produce the motor vehicle to an inspector of vehicles for inspection.

Effective date of licences (9) Where application is made for a licence in respect of a motor vehicle or trailer for which a previous similar licence was issued under this Part, the first mentioned licence shall be issued for the period commencing on the day following the expiration of the previous licence unless the applicant satisfies the licensing authority that the motor vehicle or trailer has not been used on the road for a period in excess of one month between the date of such expiration and the date of the application."

7. Section 12 of the Ordinance is hereby amended as follows: -

Section 12 of
Cap 168
amended

- (a) by inserting, immediately after the word "shall" in the fourth line of subsection (1) thereof, the commas and words ", within thirty days of the date of such transfer,";
- (b) by inserting, immediately after the word "shall" in the fifth line of subsection (2) thereof, the commas and words ", within thirty days of the date of such transfer,";
- (c) by inserting, immediately after the word "shall" in the fourth line of subsection (3) thereof, the commas and words ", within thirty days of the date of such transfer,";
- (d) by deleting subsection (4) thereof and substituting therefor the following new subsection: -

"Procedure when vehicle is broken up etc. (4) If any registered motor vehicle is broken up or destroyed, the registered owner shall, within thirty days of such occurrence, notify such fact in writing to the licensing authority with whom the vehicle is registered and shall return the registration certificate relating to the 'motor' vehicle to such licensing authority.";

- (e) by adding, immediately below subsection (4) the following new subsections: -

"Procedure when vehicle export (5) If any registered motor vehicle is being sent permanently out of Tanganyika the registered owner shall, within the period of thirty days prior to such happening, notify the licensing authority with whom the vehicle is registered of the proposed exportation.

penalty (6) Any person who contravenes or fails to comply with the provisions of this section shall be guilty of an offence and 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."

Section 15 of
Cap. 168
amended **8.** Section 15 of the Ordinance is hereby amended by substituting a colon for the full stop at the end of subsection (3) thereof and adding the following new proviso: -

-provided that no such licence shall be extended as aforesaid unless the holder thereof shall, when taking a driving test in respect of such classes of motor vehicle, be in possession of a provisional or other valid driving licence in respect of such class or classes of motor vehicle, and no such driving test shall be given to any person except on payment of the prescribed fee."

Section 17 of
Cap. 168
amended **9.** Section 17 of the Ordinance is hereby amended by adding immediately below sub-paragraph (iii) of paragraph (c) of subsection (2) thereof the following new sub-paragraph to be numbered (iv): -

"(iv) in any such case aforesaid, unless a recognizable photograph of the applicant is affixed to the document in which the driving licence will be affixed, two copies, of the prescribed size and description, of a recent photograph of the applicant; and".

Section 27 of
Cap. 168
amended **10.**-(1) Section 27 of the ordinance is hereby amended as follows: -

- (a) by deleting the words "the Governor in Council" in subsection (1) thereof and substituting therefor the words "the Minister";
- (b) by deleting the colon after the word "section" in the fifth line of subsection (1), substituting therefor a full stop and adding immediately thereafter the following new sentence: -

"An application for a public service vehicle licence as a taxicab or a private hire vehicle shall be made to the licensing authority of the area in which it is proposed that the vehicle shall ply for hire or be kept for hire, as the case may be: ;

- (c) by deleting subsections (2) and (3) thereof and substituting therefor the following new subsections: -

"(2) (a) A local authority may make by-laws for the registration of taxicabs and private hire vehicles within its area, and may from time to time determine the number of motor vehicles which, having regard to the public's convenience, may be so registered as taxicabs or private hire vehicles, and may register vehicles accordingly on payment of such registration fee as may be prescribed.

(b) Where a local authority makes by-laws for the registration of taxicabs, the licensing authority for the area of such local authority shall not issue a taxicab's public service vehicle licence for any vehicle normally kept within such area unless the licensing authority is satisfied that the vehicle has been registered by the local authority as a taxicab, and where a local authority makes by-laws for the registration of private hire vehicles, the licensing authority for such area

shall not issue a private hire vehicle's public service vehicle licence for any vehicle normally kept as aforesaid unless the licensing authority is satisfied that the vehicle has been registered by the local authority as a private hire vehicle.

(3) (a) Where a local authority-

- (i) registers taxicabs, no, vehicle to which this subsection applies shall ply for hire within the area of such local authority unless it is so registered as a taxicab;
- (ii) registers private hire vehicles, no vehicle to which this subsection applies shall be kept for hire at any place within the area of such local authority unless it is so registered as a private hire vehicle or it is registered by the local authority as a taxicab.

The driver, owner or person in charge of any vehicle to which this subsection applies who uses or keeps or permits the use or keeping of such motor vehicle in contravention of the provisions of this subsection shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.

(b) This subsection applies to any motor vehicle which is constructed or adapted solely or mainly for the carriage of passengers and their personal baggage and having a seating capacity, as assessed by the *licensing authority*, for not more than eight persons (*including the driver*) but does not include a motor cycle; and for the purposes of this section, a station wagon, shooting brake or other similar vehicle shall be deemed to be constructed mainly for the carriage of passengers and their personal baggage.

(c) References in this subsection and in subsection (2) to the registration of taxicabs and private hire vehicles by a local authority shall include references to the licensing of taxicabs and private hire vehicles under by-laws made under the Municipalities Ordinance."

(2) Nothing in subsection (3) of section 27 of the Ordinance (as contained in this Act) shall apply to any public service vehicle within the area of a local authority during the period of two months next after the commencement of the first by-laws made under that subsection by such local authority or the commencement of the first similar by-laws made under the Municipalities Ordinance by such local authority, whichever first occurs.

11. Section 32 of the Ordinance is hereby repealed and replaced by the following new section: -

Section 32 of
cap. 168
replaced and
replaced

"Fares' 32. Where in respect of any journey made in a public service vehicle rates of fares have been fixed under the provisions Of any other law, the driver Of such vehicle shall be guilty of an offence if he fails to exhibit in a prominent place in the vehicle a fare-table setting out the fares for each journey, or part of a journey, and no person shall demand or charge any fare which is in excess of the fixed fare."

Section 33 of Cap. 168 amended 12. Section 33 of the Ordinance is hereby amended by deleting the words "township authority and substituting therefor the words "local authority" , and by deleting the words "a township' and substituting therefor the words "its area"

Section 43 of cap. 168 amended 13. Section 43 of the Ordinance is hereby amended by deleting the words "licensing authority" in the first line of the proviso, to Paragraph (f) thereof and substituting therefor the words "local authority"

Section 44 of Cap. 168 amended 14. section 44 of the ordinance is hereby amended by deleting the words "licensing authority" in the second line of paragraph (b) thereof and substituting therefor the words "local authority"

New section inserted in 44A. Cap. 168 15. The Ordinance is hereby amended by inserting, immediately below section 44 thereof, the following new section: -

"Causing death by reckless or dangerous driving or leaving vehicle unattended 44A.-(1) Any person who causes the death of another Person-
 (a) by driving a motor vehicle on a road recklessly or at a speed or in a manner or in such a condition which is dangerous to the public having regard to all the circumstances of the case (including the nature, condition and use of the road and the amount of traffic which is actually at the time or which might reasonably be expected to be on the road); or
 (b) by leaving, any vehicle on a road in such a position or manner as to be dangerous to the public, having regard to all the circumstances of the case (including the nature, condition and use of the road and the amount of traffic which is actually at the time or which might reasonably be expected to be on the road),

shall be guilty of an offence and shall be liable on conviction therefor to imprisonment for a term not exceeding ten years.

(2) An offence against this section may be tried in the court of the Resident Magistrate notwithstanding that the penalty exceeds three years.

(3) If, upon trial of a person for an offence against this section, the court is not satisfied* that his driving was the cause of the death but is satisfied that he is guilty of driving as mentioned in subsection (1) of section 45 or subsection (1) section 47, it shall be lawful for the court to convict him of an offence under either of those sections even though he has not been charged therewith.

(4) A person convicted of an offence under this section shall, unless the court for special reasons thinks fit to order otherwise and without prejudice to the power of the court to order a longer period of disqualification, be disqualified for a period of twelve months from the date of the conviction for holding or obtaining a driving licence.

(5) Where a person is convicted of aiding, abetting, counselling, procuring or inciting the commission of an offence under subsection (1), the offence of which he is convicted shall, for the purposes of the provisions of this Ordinance relating to disqualification for holding or obtaining driving licences, be deemed to be an offence in connection with the driving of a motor vehicle."

16. Section 56 of the Ordinance is hereby amended by inserting, immediately after the word "Ordinance" in paragraph (i) thereof, the words and commas ", or, alternatively in the case of a stationary vehicle only, shall display a red warning triangle of such a type and in such manner both in front of and behind the vehicle as may be prescribed by rules made under this Ordinance"

Section 56 of
cap. 168
amended

17. Section 63 of the Ordinance is hereby amended as follows: -

- (a) by adding immediately after the words "licensing authority" in the ninth and tenth lines of subsection (1) thereof the words "or an inspector of motor vehicles",
- (b) by adding immediately after the word "for" in the first line of subsection (3) thereof the words and comma "the central registrar of motor vehicles,";
- (c) by adding immediately below subsection (5) thereof, the following new subsection: -

Section 63 of
cap. 168
amended

"Inspector of motor vehicles report to be, prima facie evidence (6) (a) If in any proceedings under this Ordinance or rules made hereunder any question arises as to whether a motor vehicle does or does not comply with the provisions of this Ordinance or rules, the report of an inspector of motor vehicles to the effect that he has examined the motor vehicle and of the result of his examination shall be receivable in evidence and shall be evidence of all the facts stated therein.

(b) The court may presume that the signature on such report is genuine.

(c) When any such report is received as evidence in any proceedings as aforesaid, the court may, if it thinks fit, and shall, if so requested by the accused or his advocate, summon and examine or make available for cross-examination, the inspector who gave such report."

18. Section 65 of the Ordinance is hereby amended as follows:-

- (a) by deleting the words "Any township authority" in the first line of subsection (1) thereof and substituting therefor the words "Any local authority";

Section 65 of
cap. 168
amendment

(b) by deleting the words "the township" wheresoever they occur in subsection (1) thereof and substituting therefor the words "the -area of the local authority"

New section
70B inserted
in cap 168

19. The Ordinance is hereby amended by inserting, immediately below section 70A, the following new section: -

"Highway
Code

70B.-(1) The Minister shall prepare a code (in this Ordinance referred to as the "Highway Code") comprising such directions as appear to him to, be proper for the guidance of persons using roads and he may from time to time revise the Highway Code by revoking, varying, amending or adding to the provisions thereof in such manner as he thinks fit.

(2) Failure on the part of any person to observe the provisions of the Highway Code shall not of itself render that person liable to criminal proceedings of any kind, but any such failure may, in any proceedings, whether civil or criminal, be relied upon by any party to the proceedings as tending to establish or to negative any liability which is in question in those proceedings."

Section 71
of cap. 168
amended

20. Section 71 of the Ordinance is hereby amended by deleting paragraph (gg) therefrom.

Passed in the National Assembly on the first day of July, 1964.


Clerk of the National Assembly