

THE UNITED REPUBLIC OF TANZANIA



No. 20 OF 1969

I ASSENT,

*Julius K. Nyerere*  
.....  
President

..10 APRIL, 1969

**An Act to amend the Traffic Ordinance**

[..11.. APRIL, 1969]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Traffic Ordinance (Amendment) Act, 1969 and shall be read as one with the Traffic Ordinance. Short title and construction Cap. 168

2. Section 2 of the Traffic Ordinance is amended by deleting the two definitions of the term "road" which occur therein and substituting therefor the following:— Section 2 of Cap. 168 amended

“road” means any road within the meaning assigned to that term in the Highways Ordinance and includes any other road, highway, way, street, bridge, culvert, wharf, car park, footpath or bridle path on which vehicles are capable of travelling and to which the public has access, whether such access is restricted or otherwise and whether subject to any condition or otherwise, but does not include any road within the curtilage of a dwelling house;”.

3. Section 45 of the Traffic Ordinance is amended in subsection (1) by deleting the words “two years or to a fine of one hundred pounds” which occur in the eighth line and substituting therefor the words “five years or to a fine of ten thousand shillings”. Section 45 of Cap. 168 amended

4. Section 49 of the Traffic Ordinance is amended— Section 49 of Cap. 168 amended

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

“(1) Any person driving or being in charge of a motor vehicle on a road while his efficiency as a driver is impaired by drink or drugs shall be guilty of an offence and liable on conviction to a term of imprisonment not exceeding three years or to a fine not exceeding ten thousand shillings, or to both such fine and imprisonment.”;

(b) in subsection (3) by deleting the words “six months” which occur in the last line and substituting therefor the words “three years”.

New section  
49A added

5. The Traffic Ordinance is amended by adding the following new section immediately below section 49:—

“Evidence 49A.—(1) In any proceedings for an offence under section 49 if the court is satisfied that the accused refused to submit himself to any test carried out by a police officer not below the rank of sub-inspector, or by a medical officer appointed in that behalf by the police, for the purpose of determining whether the accused’s efficiency as a driver was, at the time when the offence is alleged to have been committed, impaired by drink or drugs, the court may take into account such refusal in determining whether or not the accused is guilty of the offence charged.

(2) The provisions of subsection (1) shall apply notwithstanding the provisions of any other law.”

Section 56 of  
Cap. 168  
amended

6. Section 56 of the Traffic Ordinance is amended by inserting immediately below paragraph (b) the following new paragraph:—

“(bb) except for reasonable excuse, the onus of proof of which shall lie on the driver, no driver of a motor vehicle shall drive the motor vehicle on a road at such unreasonably low speed as is likely to cause obstruction to the traffic on the road or annoyance to other road users.”

Section 61 of  
Cap. 168  
amended

7. Section 61 of the Traffic Ordinance is amended—

(a) by deleting the full-stop at the end of subsection (1) and substituting therefor the following:—

“and shall as soon as possible report such accident to the nearest police station or to a police officer not below the rank of Inspector”;

(b) by deleting subsection (3) and substituting therefor the following:—

“(3) Any person who fails to comply with any of the provisions of this section shall be guilty of an offence.”

Section 70 of  
Cap. 168  
repealed and  
replaced

8. Section 70 of the Traffic Ordinance is repealed and replaced by the following:—

“70.—(1) Any person who fails to comply with, or who acts in contravention of, any of the provisions of this Ordinance shall be guilty of an offence.

(2) Any person who commits an offence against this Ordinance for which no penalty is expressly provided, shall be liable on conviction to a fine not exceeding three thousand shillings or to imprisonment for a term not exceeding one year, or to both such fine and imprisonment.

(3) In the event of a second or subsequent conviction for any offence to which subsection (2) applies the person convicted shall be liable to a fine not exceeding five thousand shillings or to imprisonment for a term not exceeding two years, or to both such fine and imprisonment.”.

Passed in the National Assembly on the twenty-sixth day of March, 1969.

  
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Clerk of the National Assembly

