
THE UNITED REPUBLIC OF TANZANIA

No. 7

3rd June, 2021

SPECIAL BILL SUPPLEMENT

*To the Special Gazette of the United Republic of Tanzania No.7. Vol.101 dated 3rd June, 2021
Printed by the Government Printer, Dodoma by Order of Government*

THE ROAD TRAFFIC (AMENDMENT) ACT, 2021

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NOTICE
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This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dodoma,
2nd June, 2021

HUSSEIN A. KATTANGA
Secretary to the Cabinet

A Bill

For

An Act to amend the Road Traffic Act.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title
Cap. 168

1. This Act may be cited as the Road Traffic (Amendment) Act, 2021.

PART II
AMENDMENT OF VARIOUS PROVISIONS

Amendment
of section 2

2. The principal Act is amended in section 2 by inserting in its appropriate alphabetical order the following new definition:

““child restraint” means any protective device properly affixed in a motor vehicle, which is intended to protect a child occupant of up to five years of age, and which is manufactured according to the prescribed national safety standards.”

Amendment
of section 5

3. The principal Act is amended in section 5(1) by deleting the opening words and substituting for it the following;

“(1) The Registrar shall keep and maintain an electronic database of-”

Amendment
of section 8

- 4.** The principal Act is amended in section 8-
- (a) in subsection (2), by deleting the phrase “exceeding fifty thousand shillings or to imprisonment for a term” and substituting for it the phrase “less than one hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term of not less than one year but”; and
 - (b) by adding immediately after subsection (2) the following:

“(3) Notwithstanding subsection (1), a motor vehicle or trailer registered in Tanzania Zanzibar may be used in Mainland Tanzania in a manner prescribed by regulations made by the Minister in consultation with the Minister responsible for finance.”

Amendment
of section 10

- 5.** The principal Act is amended in section 10 by deleting a proviso to subsection (2).

Amendment
of section 13

- 6.** The principal Act is amended in section 13, by-
- (a) inserting the words “or a certified copy by a notary public” between the words “registrar” and “issued” appearing in subsection (1); and
 - (b) deleting the phrase “not exceeding ten thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and such imprisonment” appearing in subsection (2) and substituting for it the phrase “not less than fifty thousand shillings but not exceeding one hundred thousand shillings or to imprisonment for a term of not less than six months but not exceeding twelve months or to both.”

Road Traffic (Amendment) Act, 2021

Amendment
of section 14

7. The principal Act is amended in section 14 by deleting the phrase “exceeding five thousand shillings or to imprisonment for a term not exceeding twelve months” appearing in subsection (5) and substituting for it the phrase “less than fifty thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term of not less than six months but not exceeding twelve months”.

Amendment
of section 18

8. The principal Act is amended in section 18 by deleting the phrase “not exceeding ten thousand shillings” appearing in the closing statement and substituting for them the phrase “not less than five hundred thousand shillings but not exceeding one million shillings”.

Amendment
of section 19

9. The principal Act is amended in section 19 by adding immediately after subsection (2) the following:

“(3) A person who contravenes the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than one hundred thousand shillings but not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding twelve months or to both”.

Amendment
of section 21

10. The principal Act is amended in section 21 by deleting the words “other than a motor-cycle” appearing in subsection (1) and substituting for them the words “or a motor-cycle”.

Amendment
of section 23

11. The principal Act is amended in section 23 by deleting subsection (3).

Amendment
of section 27

12. The principal Act is amended in section 27-

- (a) by designating the content of section 27(1) as section 27;
- (b) in section 27 as designated by-
 - (i) deleting the reference to section 40 appearing in paragraphs (a) and (d);
 - (ii) deleting paragraph (h); and
- (c) deleting subsection (2).

Amendment
of section 28

- 13.** The principal Act is amended in section 28, by-
- (a) deleting subsection (4);
 - (b) deleting the words “or (4)” appearing in subsection (5); and
 - (c) renumbering subsections (5), (6), (7) and (8) as sub sections (4), (5), (6) and (7) respectively.

Repeal of
section 29

14. The principal Act is amended by repealing section 29.

Amendment
of section 30

15. The principal Act is amended in section 30 by deleting the words “or 29”.

Amendment
of section 31

16. The principal Act is amended in section 31 by deleting the reference to section 29 appearing in subsections (4) and (5).

Repeal of
section 32

17. The principal Act is amended by repealing section 32.

Repeal and
replacement
of section 33

18. The principal Act is amended by repealing section 33 and replacing for it the following:

“Custody of
driving
licence while
cancelled
etc.

33. Where the court cancels or suspends a driving licence under the provisions of section 27 or 28, it shall-

- (a) send notice thereof to the Registrar;
- (b) order the police to cancel or suspend licence electronically; and
- (c) order the licence holder to surrender the driving license to the Registrar for custody”.

Amendment
of section 36

19. The principal Act is amended in section 36 by deleting the words “Kenya or Uganda” appearing in paragraph (c) and substituting for them the words “any country of the East African Community, Southern African Development Community or Common Marketing for Eastern and Southern Africa”.

Amendment
of section 37

- 20.** The principal Act is amended in section 37-
- (a) in paragraph (a), by-
 - (i) deleting the words “(other than a motorcycle)”;
 - (ii) “deleting the words “valid driving licence” and substituting for them the words “valid instructor’s licence”;
 - (b) by deleting the words “valid driving licence” appearing in paragraph (b) and substituting for them the words “valid instructor’s licence”;
 - (c) by deleting the closing phrase and substituting for it the following:
 - “commits an offence and shall be liable to a fine of not less than one hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term not less than six months but not exceeding twelve months or to both.”

Amendment
of section 39

- 21.** The principal Act is amended in section 39-
- (a) in subsection (4) by deleting paragraph (b) and substituting for it the following:
 - “(b) any child of the apparent age of three years and under the apparent age of five years, shall be deemed to be a passenger but shall not be required to pay fare on public transport”;
 - (b) by deleting subsections (11) and (12);
 - (c) by renumbering paragraphs (13), (14) and (15) as subsections (12), (13) and (14) respectively.

Amendment
of section
39B

- 22.** The principal Act is amended in section 39B, by inserting the words “fix or” between the words “not” and “use” appearing in subsection (2).

Amendment
of section
39C

- 23.** The principal Act is amended in section 39C,
by-
- (a) adding immediately after subsection (5) the following:

“(6) A person or driver of a motor vehicle shall not fix or use or cause to be fixed or used a sport light on the motor vehicle.”; and

(b) renumbering subsection (6) as subsection (7).

Addition of
section 39D

24. The principal Act is amended by adding immediately after section 39C the following:

“Individual
safety
conditions

39D.-(1) A person who travels in a motor vehicle without securely wearing a safety belt shall be guilty of an offence.

(2) A child under five years of age shall not be seated in the front seat of a motor vehicle whether accompanied by any person or alone.

(3) A person shall not carry a child in a private motor vehicle unless that child is properly restrained in an appropriate child restraint that conforms to the prescribed national safety standards, best suited to his height and weight.

(4) Nothing stated under subsection (3) shall be construed to exclude the mandatory use of a child restraint for a private motor vehicle of any category licensed to operate under any written law.

(5) A person shall not ride a motor-cycle without wearing a helmet properly fastened under his chin and in conformity with the prescribed national safety standards.

(6) A person shall not carry a child who is under five years of age as a passenger in a two wheeled motorcycle, unless that child is accompanied by an adult.

(7) Notwithstanding subsection (1) a driver, conductor or passenger

travelling on a public transport shall not exceed the prescribed number of passengers specified in respect of the vehicle unless for the vehicle travelling within a distance of 100 kilometers.

(8) A person shall not refuel passengers service vehicle while the passengers are on board.

(9) Any person, driver or crew who uses public road or public transport shall give priority to person with disabilities.

(10) Any person who contravenes this section shall be guilty of an offence.”

Addition of sections 42A and 42B

25. The principal Act is amended by adding immediately after section 42 the following:

“Dangerous riding

42A. A person who causes bodily injury or death to any person by riding a motor-cycle, tricycle or bicycle, carelessly, recklessly or dangerously shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than thirty thousand shillings but not exceeding one hundred thousand shillings or to imprisonment for six months.

Accidents by uninsured motor vehicles

Cap. 169

42B. A person who causes an accident or collision on a public road by driving or riding, carelessly, recklessly or dangerously a motor vehicle, motor-cycle or trailer that is not insured under the Motor Vehicle Insurance Act shall be liable to cover all damages arising from such accident.”

Amendment of section 43

26. The principal Act is amended in section 43 by inserting the word “interfere” between the words “obstruct” and “hinder” appearing in subsection (1).

Amendment
of section 45

- 27.** The principal Act is amended in section 45, by-
- (a) deleting the phrase “not less than ten thousand shillings but not exceeding twenty thousand shillings” appearing in subsection (4) and substituting for it the phrase “not less than two hundred thousand shillings but not exceeding five hundred thousand shillings”; and
 - (b) deleting the phrase “not less than ten thousand shillings but not exceeding twenty thousand shillings” appearing in subsection (5) and substituting for it the phrase “not less than two hundred thousand shillings but not exceeding five hundred thousand shillings”.

Amendment
of section 46

28. The principal Act is amended in section 46(4) by deleting the phrase “not exceeding ten thousand shillings” and substituting for it the phrase “not less than two hundred thousand shillings but not exceeding five hundred thousand shillings”.

Amendment
of section 49

29. The principal Act is amended in section 49 by deleting the word “eighty” and substituting for it the word “fifty”.

Amendment
of section 50

30. The principal Act is amended in section 50 by adding immediately after subsection (28) the following:

“(29) Any person who drives a private or commercial service vehicle or trailer while using a mobile phone shall be guilty of an offence:

Provided that, a driver of private motor vehicle shall not be liable for an offence under this subsection if he proves to have been using hands free devices attached to the vehicle.”

Amendment
of section 56

31. The principal Act is amended in section 56 by deleting the phrase “not exceeding five hundred shillings” and substituting for it the phrase “not less than fifty thousand shillings but not exceeding one hundred thousand

shillings”.

Amendment
of section 57

32. The principal Act is amended in section 57 by deleting subsection (7) and substituting for it the following:

“(7) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than one hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term of not less than one year or to both”.

Amendment
of section 62

33. The principal Act is amended in section 62, by-

(a) deleting the phrase “not exceeding fifteen thousand shillings” appearing in subsection (1) and substituting for it the phrase “not less than fifty thousand shillings but not exceeding three hundred thousand shillings”; and

(b) deleting the words “five thousand shillings” appearing in subsection (5) and substituting for them the words “five hundred thousand shillings”.

Repeal and
replacement
of section 63

34. The principal Act is amended by repealing section 63 and replacing for it the following:

“Penalties
for offences
under part
IV

63.-(1) Any person who is convicted of an offence under section 55, 58, 59, 60 or 61 shall be liable to a fine of not less than fifty thousand shillings but not exceeding three hundred thousand shillings or to imprisonment for a term not exceeding two years or to both.

(2) Any person who is convicted of-

(a) an offence under section 40 shall be liable to a fine of not less than three million shillings but not exceeding five million shillings or to imprisonment for a term of not

less than three years:

Provided that, where only 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 one hundred thousand shillings but not exceeding five hundred thousand shillings or to imprisonment of a term of not less than twelve months but not exceeding five years;

(b) an offence under section 41, 42 or 44 shall be liable to a fine of not less than one hundred thousand shillings but not exceeding three hundred thousand shillings or to imprisonment of a term of not less than twelve months but not exceeding three years:

Provided that in the case of a conviction for an offence under section 41 where only 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 one hundred thousand shillings but not exceeding three hundred thousand shillings or to a term of imprisonment of not less than twelve months but not exceeding three years;

(c) an offence under section 43 shall be liable to a fine of not less than fifty thousand

Cap. 16

- shillings but not exceeding two hundred thousand shillings or imprisonment to a term of not less than twelve months but not exceeding five years;
- (d) an 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 fifty thousand shillings but not exceeding three hundred thousand shillings;
 - (e) an offence under paragraph (a) or (b) of section 52 for a first offender shall be liable to a fine of not less than fifty thousand shillings but not exceeding three hundred thousand shillings or imprisonment to a term of not less than twelve months but not exceeding three years;
 - (f) an offence under paragraph (a) or (b) of section 52 for second or subsequent offender shall be liable to a fine of not less than one hundred thousand shillings but not exceeding five hundred thousand shillings or imprisonment to a term of not less than two years but not exceeding five years;
 - (g) an offence under paragraph (c) or (d) of section 52 for first offender shall be liable to a fine of not less than one hundred thousand shillings but not exceeding three hundred thousand shillings or

- imprisonment to a term of not less than six months but not exceeding two years;
- (h) an offence under paragraph (c) or (d) of section 52 for second or subsequent offender shall be liable to a fine of not less than two hundred thousand shillings but not exceeding five hundred thousand shillings or imprisonment to a term of not less than twelve months but not exceeding three years;
 - (i) an offence under section 45 shall, where it is proved that the proportion of alcohol in his blood-
 - (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 not less than one hundred thousand shillings but not exceeding three hundred thousand shillings or imprisonment to a term of not less than two years but not exceeding five 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 fifty thousand shillings but not exceeding two hundred thousand shillings or imprisonment to a term of not less than two years but not exceeding four 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.”

Amendment
of section 84

35. The principal Act is amended in section 84 by deleting the words “three consecutive days” appearing in subsection (1) and substituting for them the words “twenty four hours”.

Amendment
of section 85

36. The principal Act is amended in section 85, by deleting the phrase “not exceeding one thousand shillings” appearing in subsection (4) and substituting for it the phrase “not less than one hundred thousand shillings but not exceeding five hundred thousand shillings”.

Repeal and
replacement
of section 96

37. The principal Act is amended by repealing section 96 and replacing for it the following:

“Establish
ment of
National
Road
Safety
Council

96.-(1) There shall continue to exist a council to be known as the National Road Safety Council.

(2) The Council shall-

- (a) be a body corporate with perpetual succession and a common seal;
- (b) in its corporate name, be capable of suing and being sued;
- (c) for and in connection with the purposes of this Act, be capable of holding, purchasing and otherwise acquiring and disposing of movable or immovable property; and
- (d) subject to the provisions of this Act, have power to borrow money and to do or perform all acts and things which a body corporate may lawfully do.

(3) The Council shall be the lead agency of all road safety matters in Mainland Tanzania.”

Addition of
section 96A,

38. The principal Act is amended by adding

96B, 96C,
and 96D

immediately after section 96 the following new sections:

“Compositi
on of
Council

96A.-(1) The Council shall
comprise of the following members:

- (a) the Chairman who shall subject to the provisions of subsection (3) be appointed by the Minister;
- (b) thirteen members appointed by the Minister as follows:
 - (i) a representative from Ministry responsible for local government;
 - (ii) two representatives from the Ministry responsible for health and social welfare; one of whom from the directorate dealing with non communicable diseases and another from Social Welfare Department;
 - (iii) a representative from the Ministry responsible for works and transport;
 - (iv) a representative from the Ministry responsible for finance;
 - (v) a representative from the Ministry responsible for information;
 - (vi) a Law Officer representing the Office of the

- Attorney General;
- (vii) Commissioner of Education;
 - (viii) Commissioner of Insurance;
 - (ix) Director of Road Transport from the authority responsible for land transport;
 - (x) Rector of the National Institute of Transport;
 - (xi) a representative from Non-Governmental Organizations dealing with road safety; and
 - (xii) a representative from organizations dealing with commercial transporters.

(2) In appoint members under paragraph 1(b), due regard shall be paid to the gender, qualification, experience and involvement of the person in the core business of the Council.

(3) The Council may, where it considers necessary, co-opt any person to attend its meeting provided that such person shall not have a right to vote.

(4) The Chairman shall be appointed from amongst persons of good standing and recognized for their high levels of professional, competence and integrity.

(5) The Chairman and other members of the Council shall hold office for a term of three years and shall be eligible for re-appointment for one further term.

Executive
officers

96B.-(1) There shall be a Secretary of the Council who shall be appointed by the Minister o from amongst road safety stakeholder institutions.

(2) The Secretary to the Council shall be a holder of a masters degree of highway engineering, transport and logistics management, law, economics or any field related to road safety from recognized learning institution with an experience of at least five years.

(3) The Secretary to the Council shall hold office for a term of five years and shall be eligible for re-appointment for one further term.

(4) The Secretary to the Council shall be responsible for coordinating all activities of the Council and to discharge such other functions as may be conferred upon him by the Council.

Committees
of a Council

96C.-(1) Council may establish at national level the following committees-

- (a) Committee of Enforcement and Operations;
- (b) Committee of Education, Information, Training and Publicity;
- (c) Committee of Road Safety Infrastructure;
- (d) Committee of Evaluation and Research; and
- (e) Committee of Emergency, Rescue and Support.

(2) The Council may, for the purpose of performing its functions under this Act, establish such number of committees at regional and district

level to perform specific functions as may be determined by the Council.

(3) Composition, appointment and other matters relating to committees established under subsection (2) shall be prescribed in the regulations.

Funds and
resources of
Council

96D. The funds and resources of the Council shall consist of-

- (a) any sums which may be provided for the purpose of the Council by the Parliament;
- (b) any donations, grants, bequests and loans which the council may, from time to time, receive from any person or organization;
- (c) any fees or other charges which may be obtained from mandatory motor vehicle inspection and driving school licensing fee; and
- (d) any sums which may in any manner be vested in the Council either under the provision of this Act or any other written law, or incidental to the carrying out of its functions.”

Repeal and
replacement
of section 97

39. The principal Act is amended by repealing section 97 and replacing for it the following:

“Functions
and powers
of Council

97.-(1) The Council may, for the purposes of carrying out its functions under this Act, do all such acts as may appear to be necessary for proper performance of its functions and implementation of this Act.

(2) Without prejudice to

subsection (1), the Council shall, in collaboration with relevant sector ministries-

- (a) 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) review and recommend where necessary amendment of traffic and road safety legislation with a view to reducing road traffic accidents;
- (c) carry on road safety audit and inspection;
- (d) carry out surveys which will assist in the proper Road Traffic management;
- (e) cooperate with other regional and international councils or organizations;
- (f) undertake and co-ordinate research, investigation and surveys in the field of road safety and collect, evaluate and disseminate information about the findings of such research, investigation or survey;
- (g) review and recommend for approval road safety impact statements;
- (h) identify projects and programmes or types of projects and programmes, for which road safety audit or road safety monitoring

may be conducted under this Act;

- (i) enforce and ensure compliance of the road traffic related laws;
- (j) initiate and evolve procedures and safeguards for the prevention of road traffic incidents and evolve remedial measures where accidents occur;
- (k) undertake in co-operation with relevant sector Ministries programmes intended to enhance road safety education and public awareness about the need for sound of road traffic management as well as for enlisting public support and encouraging the effort made by other entities in that regard;
- (l) publish and disseminate manuals, codes or guidelines relating to road safety awareness, management and prevention or abatement of road crashes;
- (m) render advice and technical support, where possible, to entities engaged in road safety enforcement, management, road safety public awareness so as to enable them to carry out their responsibilities;
- (n) encourage and provide training and education for road users;

- (o) prepare and promulgate fully integrated programmes of public information and publicity by means of all appropriate media of mass communication;
- (p) advise on current or projected ideas concerning motor vehicle or trailer design, equipment and maintenance with particular reference to safety devices;
- (q) coordinate and review the efficiency of mandatory vehicle inspection system;
- (r) coordinate the preparation of curriculum and examination for driving schools;
- (s) prepare and disseminate annual National Road Safety Report;
- (t) coordinate and supervise the Road Accident Information System;
- (u) coordinate emergency and rescue services; and
- (v) perform such other function which is incidental to road safety matters as the Minister may direct.

Cap. 413 (3) Without prejudice to the functions and powers of the Land Transport Regulatory Authority, the Authority shall report quarterly to the Council on the regulated vehicles in transportation industry”.

Amendment
of section
113

40. The principal Act is amended in section 113, by-
(a) deleting the phrase “not exceeding two thousand

- shillings” appearing in subsection (1) and substituting for it the phrase “not less than fifty thousand shillings but not exceeding three hundred thousand shillings”;
- (b) deleting the phrase “not exceeding one thousand shillings” appearing in subsection (2) and substituting for it the phrase “not less than fifty thousand shillings but not exceeding two hundred thousand shillings”;
- (c) deleting the phrase “not exceeding one thousand shillings” appearing in subsection (3) and substituting for it the phrase “not less than one hundred thousand shillings but not exceeding two hundred thousand shillings”; and
- (d) deleting the phrase “not exceeding two thousand shillings” appearing in subsection (4) and substituting for it the phrase “not less than fifty thousand shillings but not exceeding three hundred thousand shillings.”

Addition of section 113A

41. The principal Act is amended by adding immediately after section 113 the following:

“Act to supersede other Acts Cap. 168

113A. Where there is any inconsistency between the provisions of this Act and the provisions of any other written laws with regard to road safety matters, the provisions of this Act shall prevail.”

PART III
CONSEQUENTIAL AMENDMENT TO THE LAND TRANSPORT
REGULATORY AUTHORITY ACT,
(CAP 413)

Construction Cap. 413

42. This Part shall be read as one with the Land Transport Regulatory Authority Act, hereinafter referred to as the “principal Act”.

Amendment of section 5

43. The principal Act is amended in section 5(1) by deleting paragraph (d) and substituting for it the following:
“(d) to coordinate and regulate commercial standards in land transport.”

OBJECTS AND REASONS

This Bill proposes to amend the Road Traffic Act. Cap. 168 in order to address challenges encountered in the course of its enforcement. The proposed amendments are aimed, among other things, at restructuring institutional setup of the National Road Safety Council with a view to enhancing its efficiency in management and coordination of matters relating to road safety. Further to that, the proposed amendments are intended to align the provisions of the law with the electronic licencing system recently introduced as one of the measures for enhancing compliance with the provisions of the road safety laws. Alongside the restructuring of the National Road Safety, the Bill proposes to enhance penalties assigned to various offences in the Act in order to reflect the gravity of such offences.

The Bill is divided into Three Parts.

Part I provides for the Title of the proposed Law.

Part II proposes for amendment of various provisions of the Road Traffic Act, Cap 168. It is proposed to amend section 5 in order to recognize in the Law the electronic registers recently introduced for proper management of records relating to road safety. The Part further proposes to amend section 8 in order to recognize and allow motor vehicles and motor-cycles registered in Tanzania Zanzibar to be used in Tanzania Mainland subject to regulations to be prescribed by the Minister responsible for finance.

The Bill amends section 10 that allows a child of the age of 16 years to be registered as owner of a motor-cycle. The amendments propose to prohibit such child to be registered as owner of a motorcycle. The reason for the proposed amendments is to align the provisions of such section with the current licensing system that requires the owner of a motor-cycle to have a Tax Identification Number (TIN) as prerequisite for such registration. TIN, according to Tax, laws is issued to persons with the age of 18 years and above.

The proposed amendments to sections 13, 14, 18, 19, 45, 46, 56, 57, 62, 63 and 85 are intended to enhance fines and penalties imposed by courts of law for various offences under the Act. The current fines are very low as compared to the current value of money and the gravity of offences concerned as most of them were fixed almost forty years ago. The Bill further proposes to amend section 21 in order to compel motor-cyclists to undergo driving courses as a precondition for being granted with for applying for a driving license. The aim of the amendment is to ensure that all motor-cyclists acquire necessary motor-cycling skills before being issued with licence hence to minimize accidents.

The Bill proposes to amend sections 27, 28, 29 and 33 in order to align them with the use of electronic record keeping system. The proposed amendments do away with the system of putting endorsement on a licence as evidence for wrong doing, instead, the current electronic system has introduced electronic endorsement which is done and monitored electronically. The amendments further introduce a requirement to all drivers whose licenses have been cancelled or suspended to surrender such licenses to the Registrar for electronic endorsement.

It is further proposed to amend section 36 of the Act in order to broaden its scope so as to recognize and implement in Tanzania the disqualification from driving a motor vehicle imposed by any SADC or COMESA country. The purpose of the amendments is to take on board other countries which have joined East Africa and also to enable the Act to take cognizance of orders made in relation to road matters by members of regional blocs in which Tanzania is a party.

The Bill proposes to amend section 37 of the Act by imposing a requirement to all driving instructors to have instructor's license. The purpose of the proposed amendment is to ensure that all instructors have necessary qualifications. The Bill further proposes to amend section 39 of the Act by introducing other safety measures such as requirement for motorists and passengers to wear helmets and the proper use of seat belts. Also it is proposed to add sections 42A and 42B which creates offence and impose a penalty on a person riding a motor bike, tricycle or bicycle carelessly, recklessly or dangerously. It further provides for the rights of victims of road crashes caused by uninsured motor vehicle or motor-cycle.

It is proposed to amend section 84 by reducing the number of days within which a broken down motor vehicle must be removed from the road.

Currently, the section provides for three days, it is proposed to reduce the number of days to twenty-four hours. The amendment aims at minimizing the risk of road crashes which may be caused by such broken down vehicle.

It is proposed to repeal sections 96 and 97 of the Act and replace for them other provisions which re-establish the National Road Safety Council, outline its functions and provide for its composition and sources of funds. The purpose of the amendments is to establish a robust Council that will oversee the implementation of this Act and ultimately guarantee road safety in Tanzania.

The Bill proposes to amend section 113 of the Act in order to enhance the general penalty. The purpose of such amendment is to create deterrence effect in order to make drivers more sensitive of various instructions to be adhered to on the public roads.

Part III of the Bill propose to amend section 5(1)(d) of the Land Transport Regulatory Authority Act, Cap. 413. The purpose of this amendment is remove contradiction on enforcement between those two laws.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya Marekebisho katika Sheria ya Usalama Barabarani, Sura ya 168 ili kuboresha masharti ya Sheria hiyo kwa kuondoa changamoto ambazo zimejitikeza katika utekelezaji wake. Baadhi ya maboresho yanayopendekezwa ni pamoja na kuimarisha mfumo wa kitaasisi wa usimamizi wa masuala ya usalama barabarani kwa kuboresha muundo wa Baraza la Taifa la Usalama Barabarani na majukumu yake na kulitambua kisheria baraza hilo kuwa ndiyo taasisi kiongozi katika masuala ya usalama barabarani. Aidha, maboresho yanayopendekezwa katika Muswada huu yanakusudia kutambua mifumo ya kielektroniki ambayo tayari inatumika na imeonesha mafanikio makubwa katika utekelezaji wa masharti ya Sheria hii lakini mifumo hiyo bado haitambuliwi na Sheria ya sasa.

Sambamba na maboresho ya muundo wa kitaasisi na kimfumo, marekebisho yanayopendekezwa yanalenga kuhuisha viwango vya adhabu

za faini zinazotowza na mahakama na kutambua makosa ambayo hayajatajwa na Sheria hii ambayo kimsingi yamebainika kuwa moja ya vyanzo vya ajali za barabarani. Makosa hayo ni pamoja na kuendesha gari huku ukiongea na simu ya kiganjani, kuendesha gari bila kufunga mkanda nk. Lengo la marekebisho haya ni kuimarisha mfumo wa usimamizi wa Sheria ili kulinda maisha ya watu na mali zao watumiapo barabara.

Muswada huu umegawanywa katika Sehemu Tatu.

Sehemu ya Kwanza inahusu Masharti ya Utangulizi ambayo yanajumuisha Jina la Sheria inayopendekezwa.

Sehemu ya Pili inapendekeza marekebisho katika vifungu mbalimbali vya Sheria ya Usalama Barabarani. Inapendekezwa kurekebisha kifungu cha 5 cha Sheria hii ili kutambua matumizi ya teknolojia ya kielektroniki katika utunzaji wa kumbukumbu za usajili wa magari. Aidha, kifungu cha 8 kinapendekezwa kurekebisha ili kutambua usajili na matumizi ya vyombo vya moto vilivyosajiliwa Tanzania Zanzibar kwa lengo la kuviwezesha kutumika Tanzania Bara kwa kuzingatia utaratibu kama utakavyoainishwa kwenye Kanuni na Waziri mwenye dhamana ya masuala ya fedha.

Sehemu hii pia inapendekeza kurekebisha kifungu cha 10 kinachoruhusu mtu mwenye umri wa miaka 16 kusajiliwa kama mmiliki wa pikipiki. Lengo la marekebisho haya ni kuendana na mfumo wa sasa wa umiliki na usajili wa vyombo vya moto ambapo ili mtu aweze kumilikishwa chombo cha moto ni lazima awe na Namba ya Mlipa Kodi (TIN) ambayo hutolewa kwa mtu mwenye umri wa miaka 18 au zaidi. Pia marekebisho haya yanalenga kwenda sambamba na Sheria ya Mikataba ambayo inamtambua umri wa mtu kuingia katika mkataba kuwa ni miaka 18 au zaidi.

Marekebisho katika vifungu vya 13, 14, 18, 19, 45, 46, 56, 57, 62, 63 na 85 yanakusudia kuhuisha adhabu ya faini inayotowza na mahakama ili kuimarisha usimamizi wa Sheria kwa wanaotumia vyombo vya moto kinyume cha Sheria husika. Adhabu zilizoainishwa kwa makosa yaliyotajwa katika vifungu hivi ni ndogo na zimepitwa na wakati na hivyo kutokidhi dhana na lengo la adhabu. Sehemu kubwa ya adhabu zianzopendekezwa kurekebisha ni zile zilizowekwa tangu ilipotungwa Sheria hii takribani miaka 40 iliyopita.

Inapendekezwa kufanya marekebisho katika kifungu cha 21 kwa kuweka sharti la lazima kwa mtu yeyote anayetaka kuwa dereva wa pikipiki kusomea udereva katika shule ya udereva iliyosajiliwa kama ilivyo kwa madereva wa magari. Lengo la marekebisho haya ni kuwa na waendesha pikipiki wenye taaluma na weledi katika udereva ili kupunguza ajali zinazosababishwa na madereva wasio na uweledi.

Sehemu hii inapendekeza kufanyia marekebisho vifungu vya 27, 28, 29 na 33 ili kuendana na matumizi ya mfumo wa kielektroniki katika usimamizi wa sheria na utunzaji wa kumbukumbu kwa kufuta vifungu vya rejea ambavyo bado vinataja uthibitishaji wa taarifa katika mfumo wa matumizi ya karatasi badala ya mfumo unaotumika sasa wa kielektroniki. Sambamba na marekebisho hayo, Sheria hii imerekebishwa kuwataka madereva wanaofungiwa au kusitishiwa leseni zao za udereva kuzisalimisha kwa mamlaka husika ili zifungiwe au kufutwa katika mfumo wa leseni za udereva wa kielektroniki.

Pia, marekebisho yanapendekezwa kufanywa katika kifungu cha 36 cha Sheria ambacho kinaeleza kuwa dereva akifungiwa leseni Kenya na Uganda atahesabika kuwa amefungiwa kuendesha gari Tanzania. Sheria ya sasa inazitambua nchi tatu waasisi wa Jumuiya ya Afrika Mashariki. Marekebisho yanayopendekezwa yanakusudia kuzitambua Jumuiya za Kikanda na siyo nchi moja moja. Lengo ni kupanua wigo wa ushirikiano katika Jumuiya ya Africa Mashariki, SADC na COMESA bila kutaja nchi, ushirikiano ambao unagusa pia matumizi sahihi ya barabara katika tasnia ya usafirishaji ndani ya kanda hizi tatu (Tripartite).

Marekebisho katika kifungu cha 37 yanaweka masharti yatakayomtaka mtu yeyote anayetaka kuwa mkufunzi wa madereva kusajiliwa na kuwa na leseni ya kufundishia kama inavyotajwa katika Sheria ya Usajili wa Shule za Udereva, Sura ya 163. Lengo ni kuwa na wakufunzi wenye taaluma hiyo kama Sheria inavyoelekeza.

Vilevile, inapendekezwa kufanya marekebisho katika kifungu cha 39 cha Sheria hii kwa kuwatofautisha abiria kwa umri ili kulinda utu na haki za mtoto atumiapo chombo cha usafiri wa umma tofauti na ilivyo sasa ambapo watoto wawili wanahesabika kuwa ni abiria mmoja. Aidha, inapendekezwa kuweka ulazima wa mtu kuvaa kofia ngumu ya usalama tena kwa usahihi anapokuwa abiria katika pikipiki, kulazimisha abiria wote katika chombo cha usafiri chochote kufunga mikanda ya usalama bila kujali kama ni abiria wa kiti cha mbele au la.

Aidha, inapendekezwa kuongeza vifungu vipya vya 42A na 42B ili kuweka wajibu wa kutii Sheria kwa mtu anayeendesha baiskeli ya miguu miwili au mitatu; na pikipiki yenye miguu miwili au mitatu kwa uzembe, mapuuza na hatari. Lengo ni kuweka haki kwa mtumiaji wa barabara anayeathirika pindi inapotokea chombo hicho kimehusika katika ajali. Aidha, marekebisho yanakusudia kuweka wajibu kwa mtumiaji au mmiliki wa chombo cha moto ambacho kimesabisha ajali kikiwa hakina bima kufidia hasara itakayotokana na ajali hiyo.

Sehemu hii ya Muswada inapendekeza kufanyia marekebisho kifungu cha 84 kwa lengo la kupunguza muda wa gari lililoharibika kuondolewa barabarani kutoka siku tatu hadi saa 24. Lengo ni kuondoa hatari ambayo hujitokeza pindi gari inayoaharibika barabarani inapobaki barabarani siku tatu mfululizo na kuwa chanzo cha ajali. Vilevile, inapendekezwa kufuta vifungu vya 96 na 97 na kuandika vifungu vingine. Lengo ni kuanzisha Baraza la Taifa la Usalama Barabarani lililoboreshwa na ambalo ni taasisi kiongozi ya masuala ya usalama barabarani nchini.

Muswada unapendekeza kufanya marekebisho katika kifungu cha 113 cha Sheria kwa kuhuisha adhabu ya jumla katika makosa ya usalama barabarani ambayo hayakuwekewa adhabu. Sambamba na marekebisho hayo, inapendekezwa kuwa endapo kutatokea mgongano wa kisheria katika masuala yanayohusu usalama barabarani kati ya Sheria ya Usalama Barabarani, Sura ya 168 na Sheria nyinginezo Sheria hii itatumika.

Sehemu ya III ya Muswada inapendekeza kufanya marekebisho katika kifungu cha 5(1)(d) cha Sheria ya Mamlaka ya Udhhibiti wa Usafiri wa Nchi Kavuu, Sura ya 413 ili kuondoa mgongano wa kisheria kati ya Sheria ya Usalama Barabarani na Sheria hiyo.

Dodoma,
01 Juni, 2021

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Waziri wa Mambo ya Ndani ya Nchi