

THE ROADS TOLLS ACT, 1985

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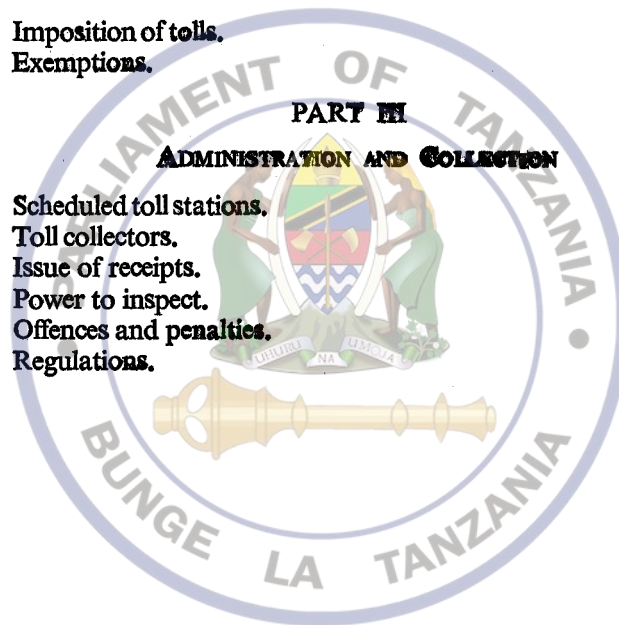
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THE UNITED REPUBLIC OF TANZANIA



No. 13 OF 1985

I ASSENT,

Julius K. Nyerere
President

21st October, 1985

An Act to impose and provide for the collection of tolls on the vehicular use of public roads, and for other matters related to roads tolls

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1.—(1) This Act may be cited as the Roads Tolls Act, 1985.

Short title and application

(2) This Act shall apply to all public roads in Mainland Tanzania, subject to the provisions of this Act.

2.—(1) Subject to subsection (2), this Act shall come into operation on the first day of January, 1986.

Commencement

(2) The road toll imposed by this Act shall be and become payable with respect to the vehicular use of public roads within the Dar es Salaam Region with effect from the fourteenth day of June, 1985.

3. In this Act, unless the context requires otherwise—

Interpretation

“the Commissioner” means the Principal Secretary to the Treasury, and includes any public officer to whom the Commissioner may, by writing under his hand, delegate all or any of his functions under this Act;

“fuel” means petrol, whether super or regular, and diesel for use in the propulsion of a vehicle;

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

“road toll” means the toll imposed by section 4 and payable under this Act;

“scheduled toll station” means any place, premises or other area appointed or designated under section 6 as a station, a point or points at or within which roads tolls payable under this Act shall be paid or collected;

“toll collector” means a collector of road tolls appointed under section 7;

“vehicle” includes a motor vehicle, a trailer and any other conveyance used on a public road; but does not include a bicycle, motor cycle, and an animal or human powered wheeled cart or an agricultural tractor which is not towing a trailer, whether it is laden or not.

PART II

IMPOSITION OF ROADS TOLLS

Imposition of tolls

4.—(1) There is hereby imposed a toll on the use of vehicles on public roads in Mainland Tanzania, payable by every person in respect of the vehicle he drives along a public road.

(2) The road toll payable under this Act may be paid either upon the vehicle in question passing through a point along a public road within a scheduled toll station or upon the purchase of fuel by its owner or driver at a fuel filling station within a scheduled toll station, as the Minister may, by order published in the *Gazette*, determine in relation to any scheduled toll station.

(3) With effect from the fourteenth day of June, 1985, until the Minister determines otherwise in accordance with subsection (2) in relation to the Dar es Salaam Region scheduled toll station, the road toll payable under this section in pursuance of section 2 (2) shall be paid upon the purchase of fuel by the owner or driver of a vehicle at a fuel filling station within the Dar es Salaam Region.

(4) Where the Minister determines pursuant to subsection (2) that in relation to any scheduled toll station other than a fuel filling station the road toll shall be paid upon a vehicle passing through a point along a public road within the scheduled toll station, the toll shall be levied and paid in accordance with the rates prescribed in the First Schedule to this Act, and shall be paid each time the vehicle concerned passes through the point within the scheduled toll station.

(5) In the case of the road toll payable in the Dar es Salaam Region scheduled toll station pursuant to subsection (3), and where the Minister determines pursuant to subsection (2) that in relation to any scheduled toll station the road toll be paid upon the purchase of fuel by the owner or driver of the vehicle at a fuel filling station, the road toll payable shall be levied and paid in accordance with the rates prescribed in the Second Schedule to this Act, and shall be paid to the owner or operator of the fuel filling station each time the fuel is purchased.

(6) The Minister may, by order published in the *Gazette*, amend, vary, add to, replace or otherwise alter the First or the Second Schedule to this Act.

Exemptions

5.—(1) Notwithstanding anything contained in this Act, no road toll shall be paid by any person in relation to any vehicle owned by the Government of the United Republic, the Revolutionary Government of Zanzibar, a local government authority or any department of any of them.

(2) The Minister may, by order published in the *Gazette*, exempt any person, body of persons or any vehicle or category of vehicles, from the application in relation to them of any of the provisions of this Act or the payment of any road toll, and such exemption may be general or restricted to any particular scheduled toll stations or periods, and may be on such conditions as the Minister may impose.

PART III

ADMINISTRATION AND COLLECTION

6.—(1) The place, premises or areas specified in the Third Schedule to this Act are hereby appointed to be scheduled toll stations for the purposes of this Act.

(2) The Minister may, by order published in the *Gazette*, amend, add to, vary, replace or otherwise alter the Third Schedule to this Act.

(3) There shall be established at or within each scheduled toll station a point or points at which road tolls shall be paid and collected.

(4) Where, pursuant to a determination by the Minister under section 4 (2), or if, as in the case of the Dar es Salaam scheduled toll station, road tolls are payable upon purchase of fuel, every fuel filling station within the area of the scheduled toll station shall be a point at which road tolls shall be paid and collected.

(5) Every paying point in or at a scheduled toll station other than a fuel filling station shall be conspicuously signposted as such in both Kiswahili and English.

(6) Every vehicle approaching and proceeding through a scheduled toll station other than a fuel filling station, shall stop at the paying point in the station, and the owner or person in charge of that vehicle shall pay to the toll collector at that point the toll due and payable by him.

(7) Where the paying point is a fuel filling station, every person purchasing fuel at the station shall be charged in respect of the fuel he purchases a sum of money combining the price of the fuel and road toll collectable from him at that paying point.

7.—(1) The Commissioner shall be the person responsible for the administration and collection of the roads tolls payable under this Act, and the Commissioner may appoint such public officers to be toll collectors and assistant toll collectors who shall collect tolls at toll stations and perform such other functions and duties as may be specified by the Commissioner or otherwise for the purposes of this Act.

(2) Every person or body of persons supplying fuel in bulk to a fuel filling station shall be a toll collector in relation to that station; and shall collect from the owner or operator of the fuel filling station the road toll payable in respect of the fuel he supplies to him together with the payment due to him for the supply of the fuel. The collector shall then pay over the road toll so collected to the Commissioner in such manner as the Minister may prescribe. The amount of money subsequently realised as road toll by the owner or operator of the fuel filling station paid upon purchase of fuel by owners or drivers of vehicles shall be retained by him as refund to himself for the money previously paid by him as road toll to the toll collector.

- (3) The Commissioner may appoint in respect of every scheduled toll station a station manager to be responsible for the management, conduct and supervision of the affairs of the toll station.
- Issue of receipt** 8.—(1) Every person collecting a toll under this Act shall forthwith issue a receipt or a ticket in the prescribed form.
- (2) The manager of each toll station shall keep or cause to be kept and maintained a register of all vehicles paying tolls at the station, and shall submit or cause to be made out and submitted to the Commissioner such periodic returns of the payment of the tolls in question in the prescribed form.
- Power to inspect** 9.—(1) There shall be appointed such public officers, designaged as road toll inspectors, as the Minister may, upon the advice of the Commissioner determine, as being necessary for ensuring due compliance with the provisions of this Act.
- (2) In the performance of his duties under this Act, a road toll inspector may—
- (a) at any reasonable time, enter upon and inspect any premises or any vehicle to ensure compliance with the provisions of this Act or any regulations made under it; and
 - (b) have access to all books, records, returns, reports and other documents, relating to any sale of fuel.
- Offences and penalties** 10.—(1) Any person who—
- (a) drives a vehicle through a toll station except by the route designated for the passage of that vehicle; or
 - (b) refuses to stop a vehicle at a toll station and to pay the toll; or
 - (c) fraudulently or forcibly drives a vehicle through a toll station or without paying the toll;
 - (d) having collected any toll, fails or refuses to pay the toll to the Commissioner or to any other authorized person;
 - (e) sells or offers for sale, in an area in which roads tolls are paid upon purchase of oil, any oil in respect of which it is not required that any road toll be paid upon its purchase;
 - (f) sells or offers for sale, in any area of Tanzania, any oil upon the purchase of which roads tolls are to be paid, without the road toll payable in respect of it having been previously paid;
- is guilty of an offence and shall be liable, on conviction, to a fine not exceeding five thousand shillings or imprisonment of a term not exceeding six months, or to both that fine and imprisonment.
- (2) In addition to the penalty imposable under subsection (1), the court shall order the offender to pay the prescribed toll where the offence is one of failing or refusing to pay the toll, or to pay to the commissioner the toll collected.
- Regulations** 11. The Minister may, either of his own accord or upon advice by the commissioner, make regulations, to be published in the *Gazette*—
- (a) prescribing matters required or permitted by this Act to be prescribed;

- (b) providing in any other a way for the better and more effective carrying out of the purposes and provisions of this Act.

FIRST SCHEDULE

(Section 4(4))

TOLLS AT ROAD POINTS

<i>Vehicle</i>	<i>Rate of Toll</i>
1. Cars	Shs. 20/- per car.
2. Pickups and passenger carrying vehicles of a carrying capacity of not more than 25 passengers	Shs. 50/- per vehicle.
3. Lorries of a carrying capacity of not more than 5 tonnes and buses of a carrying capacity of more than 25 passengers ...	Shs. 100/- per vehicle.
4. Heavy vehicles and vehicles of a carrying capacity of more than 5 tonnes or vehicles with trailers	Shs. 200/- per vehicles.

SECOND SCHEDULE

(Section 4(5))

TOLLS AT FUEL FILLING POINTS

<i>Fuel</i>	<i>Rate of Toll</i>
1. Super or Regular petrol	Cents -/15 per litre.
2. Diesel	Cents -/10 per litre.

THIRD SCHEDULE

(Section 6 (1))

SCHEDULED TOLL STATIONS

<i>Location</i>	<i>Public Road</i>
1. Chalinze	Dares Salaam—Morogoro Road
2. Segera	Moshi/Tanga and Chalinze/Segera Road.
3. Makambako	Iringa—Mbeya—Songea Roads
4. Arusha Technical College	Arusha—Namanga Road
5. Mbozi	Mbeya—Tunduma Road
6. Dumila	Morogoro—Dodoma Road
7. Dar es Salaam Region	All public roads within the region

Passed in the National Assembly on the twenty-sixth day of July, 1985.


 Clerk of the National Assembly