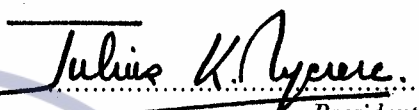


THE UNITED REPUBLIC OF TANZANIA



No. 6 OF 1966

I ASSENT,


President

6TH JANUARY, 1966

An Act to amend the Transport Licensing Ordinance

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Transport Licensing Ordinance (Amendment) Act, 1965, shall be read as one with the Transport Licensing Ordinance (hereinafter referred to as "the Ordinance"), and shall come into operation on such date as the Minister shall, by notice in the *Gazette*, appoint.

Short title,
construction
and
commence-
ment
Cap. 373

2. Section 2 of the Ordinance is hereby amended by adding immediately below the definition "public service vehicle" the following new definition:—

"Regional
Co-operative
Officer"
defined

"'Regional Co-operative Officer' means the officer who, in accordance with the practice of the department of Co-operative Development, is appointed, or is performing the functions of the Regional Co-operative Officer in any region;"

3. Section 5 of the Ordinance is hereby amended by inserting immediately after the words "consist of" in the second line of subsection (2) the words "the Regional Co-operative Officer of each region or part of a region through which the district route passes and"

Regional
Co-operative
Officers to
be members
of the
licensing
authority

4. Section 5A of the Ordinance is hereby amended:—

Provisions
relating to
procedure
amended

(a) by inserting immediately after the word "including" in the sixth line of subsection (1) the words "the Regional Co-operative Officers of the regions through which or through part of which the district route passes and"; and

- (b) by inserting immediately after the words "affected by" in the third line of subsection (2) the words "the absence of one or more of the Regional Co-operative Officers or by the absence of or".

Abolition of Appeal Tribunal and provision for appeals to the Minister

5. Section 28 of the Ordinance is hereby repealed and replaced by the following new sections:—

"Appeals to the Minister

28.—(1) Any person who—

- (a) being an applicant for the grant or variation of a licence, is aggrieved by the decision of the licensing authority on the application; or
- (b) having duly advanced reasons opposing any such application as aforesaid, being reasons which the licensing authority is bound to take into consideration, is aggrieved by the decision of the licensing authority thereon; or
- (c) being a holder of a licence, is aggrieved by the revocation or suspension thereof,

may, within the time and in the manner prescribed, appeal to the Minister.

(2) On any appeal made to the Minister under this section the Minister may affirm, reverse or vary the decision of the licensing authority or may make such other order including an order for costs as may appear to him necessary and just.

Appeals Advisory Committee

28AA.—(1) There shall be an Appeals Advisory Committee which shall consist of not less than four members appointed by the Minister and at the meetings of which the Minister or such member of the Committee as he may nominate shall preside.

(2) No person holding a public carrier's licence or a road service licence or having an interest in any company, firm, partnership, association or any other body or concern holding such a licence shall be eligible for membership of the Appeals Advisory Committee.

(3) The Minister may refer any appeal made to him under section 28 to a meeting of the Appeals Advisory Committee but the Minister shall not be bound by any opinion or recommendation of the Appeals Advisory Committee or any member thereof.

(4) For the avoidance of doubt it is hereby declared that failure to refer any appeal to the Appeals Advisory Committee or any irregularity or defect in any proceeding before the Committee or absence of any member of the Committee shall not invalidate any decision of the Minister."

6. Section 28A of the Ordinance is hereby amended by deleting sub-section (5).

Prohibition of appeals against licences to co-operative societies removed

7. Section 34B of the Ordinance is hereby repealed and replaced by the following new section:—

Provisions relating to appearance by advocates amended

“Appearance by advocates 34B. Save with the permission of the licensing authority, no advocate or legal practitioner may appear or act for any party in any proceedings under this Ordinance before the licensing authority and, save with the permission of the Minister, no advocate or legal practitioner may appear for any party in any appeal under this Ordinance.”

8. The Transport Licensing (Appeal) Regulations, 1957 and the Transport Licensing (Appeal Fees) Order, 1957 are hereby revoked.

Appeals Regulations and Appeal Fees Order revoked Cap. 373 Supp. 57 p. 31 and p. 8

9. Section 15 of the Inland Water Transport Ordinance is hereby amended by deleting the words “Appeal Tribunal appointed” occurring in the eleventh line thereof and by substituting therefor the words “Minister for the time being empowered to hear appeals”.

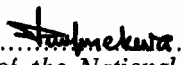
Appeals under section 15 of Cap. 172 to lie to the Minister

10.—(1) Where, at the commencement of this Act, an application for the grant or variation of a licence in respect of any district route has been heard in part by the licensing authority, the hearing of such application may be continued and concluded by the licensing authority as if this Act had not been enacted.

Transitional

(2) Where any appeal under the Ordinance or under the Inland Water Transport Ordinance is pending before the Appeal Tribunal immediately before the commencement of this Act or where, immediately before the commencement of this Act a notice of appeal against any decision of the licensing authority or of the licensing authority under the Inland Water Transport Ordinance has been given in accordance with regulation 2 of the Transport Licensing (Appeal) Regulations, 1957 such appeal may be made to and continued and concluded by the Appeal Tribunal as constituted in accordance with the law in force before the commencement of this Act.

Passed in the National Assembly on the twenty-third day of December, 1965.


Clerk of the National Assembly