

THE UNITED REPUBLIC OF TANZANIA



No. 47 OF 1969

I ASSENT,

*Tulius K. Nyerere*  
President

6TH NOVEMBER, 1969

**An Act to amend the Transport Licensing Ordinance**

[7TH NOVEMBER, 1969]

ENACTED by the Parliament of the United Republic of Tanzania.

1. This Act may be cited as the Transport Licensing Ordinance (Amendment) Act, 1969 and shall be read as one with the Transport Licensing Ordinance (hereinafter referred to as the "Ordinance").

Short title  
and  
construction  
Cap. 373

2. The Ordinance is amended by adding immediately below section 4 the following new section:—

New section  
4A added

"Powers of  
licensing  
authority  
may be  
exercised  
by certain  
officers

4A.—(1) Where in the opinion of the Minister it is desirable so to do, the Minister may direct that the power of the licensing authority under section 11 to grant a short term licence for the purpose of the execution of a particular piece of work may be exercised in any area by the Regional Commissioner or the Area Commissioner having jurisdiction over such area, or by such other public officer as the Minister may appoint in that behalf.

(2) Where a direction under subsection (1) is given the Regional Commissioner, the Area Commissioner or the Public Officer appointed by the Minister, as the case may be, shall be deemed to be the licensing authority for the purposes of granting a short term licence for the execution of a particular piece of work.

(3) Notwithstanding the provisions of section 11, where a short term licence is granted by any person authorized to do so by this section, such licence shall expire on the completion of the work specified therein and no person authorized by this section to grant such licence shall, without the approval of the Minister, grant such licence in respect of any vehicle more than once in any month."

New section  
31A added

3. The Ordinance is amended by adding immediately below section 21 the following new section:—

“Minister  
may give  
directions

21A. The Minister may give to the licensing authority directions of a general or specific character as to the exercise and performance by the authority of its functions under this Ordinance, and the authority shall give effect to such directions.”.

Section 22  
of the  
Ordinance  
amended

4. Section 22 of the Ordinance is amended by deleting the full-stop at the end of paragraph (m), substituting therefor a semi-colon and adding below paragraph (m) the following new paragraph:—

“(n) any directions given by the Minister under section 21A.”.

Section 23  
of the  
Ordinance  
amended

5. Section 23 of the Ordinance is amended by adding immediately below subsection (4) the following new subsections:—

“(5) The Minister may, by order, attach to a road service licence such conditions as he may consider necessary in the public interest and, in particular, may direct—

- (a) that the holder of the licence shall make such refund as the Minister may prescribe of the fare in the event of his being unable to carry a passenger for the whole or part of the journey contracted for;
- (b) that every passenger shall be entitled to carry free of charge such weight of personal baggage as may be prescribed;
- (c) for payment by a passenger of charges in respect of carriage of personal baggage in excess of the weight prescribed under paragraph (b) at such rates as the Minister may prescribe;
- (d) that the holder of the licence shall ensure that where a person has paid for his carriage to any destination in a vehicle which he has been given to understand will leave the embarkation point at certain time, there will be accommodation for such person in such vehicle.

(6) Any term in any contract entered into between the holder of a licence granted under this Ordinance and his customer which is less favourable to the customer than the condition attached to such licence under this section, or any other provision of this Ordinance, shall be null and void.”.

Section 27  
of the  
Ordinance  
amended

6. Section 27 of the Ordinance is amended by deleting subsection (4) and substituting therefor the following new subsection:—

“(4) Reasons advanced opposing the grant of a short-term licence shall not be considered—

- (a) where such licence is granted by a person authorized to do so under section 4A; or
- (b) where such licence is granted by the licensing authority in respect of a vehicle already licensed under this Ordinance.”.

7. Section 28 of the Ordinance is amended by adding the following subsection immediately below subsection (2):—

Section 28  
of the  
Ordinance  
amended

“(3) The decision of the Minister on any appeal under this section shall be final and binding upon all the parties concerned.”.

8. Section 33 of the Ordinance is amended in subsection (1) by deleting the full-stop at the end of paragraph (i), substituting therefor a semi-colon and adding the following paragraphs immediately below paragraph (i):—

Section 33  
of the  
Ordinance  
amended

“(j) prescribing anything which, under this Ordinance, may be prescribed;

(k) providing for any matter which, in the opinion of the Minister, is necessary or desirable to provide in the interest of the transport industry in Tanganyika.”.

9. The Ordinance is amended by adding immediately below section 35 the following new section:—

New section  
35A added

“The Minister may revoke or suspend a licence 35A.—(1) The Minister may, by order, revoke or suspend any licence granted under this Ordinance where, in his opinion, it is necessary in the public interest so to do.

(2) Where the Minister has revoked or suspended a licence under subsection (1) the licensing authority shall not, for so long as such revocation or suspension remains in force, proceed to consider any application by the holder of the licence which has been revoked or suspended for the renewal or grant of a licence under this Ordinance without the approval of the Minister.”.

Passed in the National Assembly on the twenty-third day of October, 1969.

  
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Clerk of the National Assembly