

THE UNITED REPUBLIC OF TANZANIA



No. 19 OF 1995

I ASSENT,
Manan
President
14/9/95

An Act to impose and collect transit charges on the use of foreign vehicles on public roads, to repeal the Foreign Commercial Vehicles (Licensing) Act, and to provide for other matters related to transit charges.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY

1. This Act may be cited as the Foreign Vehicles Transit Charges Act, 1995.

Citation
and appli-
cation

(2) This Act shall apply to all public roads in Mainland Tanzania and shall be deemed to have come into operation on 16th June, 1995.

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

Interpre-
tation

“Commissioner” means the person appointed as such for the purposes of this Act, 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;

“entry point” means any place, premises or other area appointed or designated as a point or points at or within which transit charges is payable under this Act;

“foreign vehicle” means motor vehicle registered in a country other than Tanzania;

“Minister” means the Minister responsible for finance;

“owner” in relation to any foreign vehicle includes—

(a) the person having the use of the vehicle under a hiring or hire purchase agreement;

- (b) the person in charge of the vehicle;
- (c) the driver of the vehicle;
- (d) any person who holds himself out as, or is the agent of the owner in relation to any business connected with the vehicle;

"transit charges" means the money payable on the use of a foreign vehicle on a public road;

"transit charges collector" means a collector of transit charges under section 6;

"vehicle" means any motor vehicle constructed or adapted for use on the road and includes a trailer.

PART II

IMPOSITION OF TRANSIT CHARGES

Imposition of transit charges

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

(2) The transit charge payable under this Act shall be paid upon the foreign vehicle in question passing through the entry point along a public road.

(3) The transit charge payable upon a vehicle passing through the entry point along a public road shall be levied and paid in accordance with the rates prescribed in the Schedule to this Act.

(4) The Minister may, by order published in the *Gazette*, amend, vary, add to, replace or otherwise alter the content of the Schedule.

Exemption

4. The Minister may, by order published in the *Gazette*, exempt any person, body of persons or foreign vehicle from the application in relation to them of any of the provisions of this Act or the payment of any transit charge, and such exemption may be general or restricted to any particular entry point or points, and may be on such conditions as the Minister may impose.

PART III

ADMINISTRATION AND COLLECTION

Minister may amend entry point

5.—(1) The Minister may, by order published in the *Gazette*, amend, add to, vary, replace or otherwise alter the designation of any place as entry point at which transit charges shall be paid and collected.

(2) There shall be established at or within the entry point or points at which transit charges shall be paid and collected.

(3) Every paying point in or at the entry point shall be conspicuously signposted as such in both Kiswahili and English.

(4) Every vehicle approaching and proceeding through the entry point shall stop at the paying point at the entry point, and the owner or person in charge of that vehicle shall pay to the transit charge collector at that point the transit charge due and payable by him.

6.—(1) There shall be appointed by the Minister a Commissioner who shall be responsible for the administration and collection of the transit charges payable under this Act, and the Commissioner may appoint such public officers to be transit charge and assistant transit charge collectors who shall collect transit charges at every entry point and perform such other functions and duties as may be specified by the Commissioner or otherwise for the purposes of this Act.

Transit
Charge
collectors

(2) The Commissioner may appoint in respect of every entry point a manager to be responsible for the management, conduct and supervision of the affairs of the entry point.

7.—(1) Every person collecting a transit charge under this Act shall forthwith issue a receipt or a ticket in the prescribed form.

Issue of
receipt

(2) The manager of each entry point shall keep or cause to be kept and maintained a register of all vehicles paying transit charge 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 transit charges in question in the prescribed form.

8.—(1) There shall be appointed such public officers, designated as transit charge 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.

Power to
inspect

(2) In the performance of his duties under this Act, a transit charge 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 foreign vehicle.

9.—(1) The Commissioner may, where he is satisfied that any person has committed an offence under this Act, compound such offence by accepting from such person a sum of money and by ordering, if he thinks fit so to do, the forfeiture of the vehicle liable to forfeiture:

Commis-
sioner
may com-
pound of-
fences

Provided that—

- (a) such sum of money shall not be less than the amount that would have been ordinarily paid under this Act or more than half of the maximum fine provided for such offence;

(b) the power conferred by this section shall only be exercised where the person admits in writing that he has committed the offence;

(c) the Commissioner shall give the person from whom he receives such sum of money a receipt therefor.

(2) Where an offence under this Act is compounded in accordance with the provisions of subsection (1), and proceedings are brought for the same offence against the offender or any other person who under the provisions of this Act is liable for the same offence, it shall be a good defence for such offender or other person if he proves in the satisfaction of the court that the offence with which he is charged has been compounded under subsection (1).

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(3) Where any person is aggrieved by any order made under subsection (1), he may, within thirty days of such order being made, appeal against such order to the High Court, and the provisions of Part X of the Criminal Procedure Act shall apply *mutatis mutandis* to every such appeal, as if it were an appeal against sentence passed by a district court in the exercise of its original criminal jurisdiction.

(4) In any proceedings under this Act, the burden to prove that the vehicle is not a foreign vehicle shall be on the accused or, as the case may be, the defendant.

Offence
and penal-
ties

10.—(1) Any person who—

(a) drives a foreign vehicle through the entry point except by the route designated for the passage of that vehicle; or

(b) refuses to stop a foreign vehicle at the entry point and to pay transit charge; or

(c) fraudulently or forcibly drives a foreign vehicle through the entry point or without paying the transit charge;

(d) having collected any transit charge fails or refuses to remit the money collected as transit charge money to the Commissioner or to any other authorized person,

is guilty of an offence and shall be liable on conviction to a fine not exceeding US\$ 500 or imprisonment of a term not exceeding six months, or to both:

Provided that where the offence committed is in respect of paragraph (d) of subsection (1) the fine payable may be made in Tanzania Shillings.

(2) In addition to the penalty imposable under subsection (1), the court shall order the offender to pay the prescribed transit charge where the offence is one of failing or refusing to pay the transit charge or to remit to the Commissioner the transit charge collected.

Regula-
tions

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.

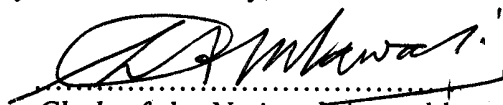
12. The Foreign Commercial Vehicles (Licensing) Act is repealed.

Act No.
23 of 1970

SCHEDULE

<i>Category of Vehicle</i>	<i>Amount Payable</i>
1. up to but does not exceed axle 3	US\$ 6 or its equivalent in convertible currency for every 100 kilometres.
2. exceeding axle 3	US\$ 16 or its equivalent in convertible currency for every 100 kilometres.

Passed in the National Assembly on the 28th July, 1995.


Clerk of the National Assembly