

Transport Licensing (Goods Carrying Vehicles)

GN. No. 77 (contd.)

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THE TRANSPORT LICENSING ACT,
(CAP. 317)

REGULATIONS

(Made under section 45)

THE TRANSPORT LICENSING (GOODS CARRYING VEHICLES)
REGULATIONS, 2020

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THE TRANSPORT LICENSING ACT,
(CAP. 317)

REGULATIONS

(Made under section 45)

THE TRANSPORT LICENSING (GOODS CARRYING VEHICLES)
REGULATIONS, 2020

PART I
PRELIMINARY PROVISIONS

- Citation **1.** These Regulations may be cited as the Transport Licensing (Goods Carrying Vehicles) Regulations, 2020.
- Interpretation **2.** In these Regulations, unless the context otherwise requires –
- Cap. 317 “Act” means the Transport Licensing Act;
- Cap.413 “Authority” means the Land Transport Regulatory Authority established under section 4 of the Land Transport Regulatory Authority Act;
- “cross border road transport” means cross border road freight transport;
- “Director General” means the Director General of the Authority appointed under section 15 of the Land Transport Regulatory Authority Act;
- “driver” means a person who acts as steersman of a motor vehicle;
- “goods carrying vehicle” means a motor vehicle constructed or adapted for hire or reward for the carriage of goods or trailer so constructed or adapted, whether used or constructed or adapted solely for that purpose or not;
- Cap 317 “licence” means a Carrier licence granted under the Transport Licensing Act;
- “licensee” means a person or a company or an association licensed by the Authority to provide services for goods carried by road;
- “Minister” means the Minister responsible for land transport;

“motor vehicle” means a mechanically propelled motor vehicle intended or adopted for use on roads;

“operator” means a person who owns goods carrying vehicle;

“vehicle inspection report” means a report of a motor vehicle roadworthiness;

“vehicle tracking device” means a device and its accessories installed in a goods carrying vehicle capable of transmitting its recordings in real time to the Vehicle Tracking System or its acronym “VTS”.

PART II

GOODS CARRYING VEHICLES LICENCE

Eligibility
for
application
of licence

3.-(1) The Authority may issue a licence to an individual or a company to operate a goods carrying vehicle.

(2) The Authority shall not, after coming into operations of these Regulations, issue a licence to an individual unless that person-

- (a) is a citizen of Tanzania or a company incorporated under the Tanzanian laws; and
- (b) meet the standards, terms and conditions for goods carrying services as may be prescribed.

(3) Notwithstanding subregulation (2) the Authority may issue a licence to an applicant based on any other condition as it deems relevant.

Prohibition
for
operating
goods
carrying
vehicle

4. A person shall not operate a goods carrying vehicle without a valid licence issued by the Authority in accordance with these Regulations.

Application
for
licence

5. (1) A person who intends to operate goods carrying vehicle shall, prior to such operation apply to the Authority for a licence in a form prescribed in the First Schedule.

(2) The application under subregulation (1), shall be accompanied with-

- (a) a copy of motor vehicle registration card; and
 - (b) a vehicle inspection report.
- (3) Without prejudice to subregulation (2), in case of a

company, the applicant shall be required to submit the following additional documents-

- (a) a copy of the certificate of incorporation;
- (b) a safety management plan;
- (c) an emergency response plan; and
- (d) any other documents as the Authority may at any time require.

Refusal to
issue
licence

6.-(1) The Authority may refuse to issue a licence where-

- (a) the applicant does not fulfil the requirements specified under these Regulations;
- (b) the applicant submits a false document;
- (c) the applicant provides wrong information in respect to the application; or
- (d) any other reason which the Authority may consider fit.

(2) Where the Authority refuses to issue a licence, it shall, within fourteen days from the date of receipt of application, notify the applicant in writing stating the reasons for the refusal.

(3) Notwithstanding the provision of subregulation (1)(b) an applicant who submits a false document shall be denied issuance of such licence by the authority until a lapse of ninety days from the date of rejection.

PART III ISSUANCE OF A LICENCE

Issuance of
licence

7.-(1) The Authority shall, where it is satisfied that the application requirements under these Regulations are complied with, issue a licence.

(2) The licence issued under this regulation shall bear the following particulars-

- (a) name and address of the licensee;
- (b) registration number of the goods carrying vehicle;
- (c) duration of the licence;
- (d) authorized maximum load to be carried; and
- (e) statutory conditions of the licence.

(3) Notwithstanding subregulation (5) (3), the Authority shall, issue a transport certificate of registration upon receipt of application and pay application fees as per Second Schedule.

(4) The Authority shall issue a cross boarder permit to a

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licensee who intends to carry passenger across any tripartite member state.

(5) Subject to subregulation (3), a transport certificate of registration shall be valid for a period of one year.

Renewal of
licence

8.-(1) A licensee who intends to renew a licence may apply to the Authority within thirty days prior to the expiry date.

(2) The application for renewal of a licence shall be accompanied with-

- (a) proof of payment of the Authority's levy for the preceding year;
- (b) a valid vehicle road worthiness certificate; and
- (c) any other document as the Authority may at any time require.

(3) The Authority may surcharge fifty percent of the licence fee for an application submitted fourteen days after expiry date of a licence and five percent for every subsequent month on the accrued balance not exceeding twelve months.

(4) The Authority may not consider application for renewal where there are outstanding dues in respect to the vehicle for which the application is being made.

Licence fees

9.-(1) An applicant for a licence shall pay to the Authority fees as set out in the Second Schedule.

(2) Fees in subregulation (1) shall be paid to the Authority's bank account and evidence of payment must be submitted to the Authority's offices.

Issuance of
cross
border
permit

10.-(1) Notwithstanding regulation 6, the Authority shall issue a transit permit to cross border vehicles in accordance with bilateral or regional agreement.

(2) An application for cross border shall be accompanied with-

- (a) a valid licence issued under these Regulations; and
- (b) COMESA yellow card.

(3) Duration of the Transit permit to cross border vehicles issued under this regulation shall not exceed the validity period of the licence.

Review
Cap 317

11. An applicant who is aggrieved by the decision of the Authority may apply for review in a manner prescribed in the Act.

PART IV

DUTIES OF THE LICENSEE

Obligation
to provide
service

12.-(1) A licensee of a goods carrying vehicle, who accepts to transport goods shall provide the services in accordance with the terms and conditions agreed between a licensee and a customer.

(2) Any person who is aggrieved with the services provided under subregulation (1) may submit his complaint to the Authority in a manner prescribed in the Act

Duty to
issue
receipt

13. An owner of a goods carrying vehicle shall, in respect of each goods transported, issue or cause to be issued a receipt specifying the –

- (a) full name of the customer;
- (b) expected date of arrival of the goods;
- (c) amount paid for the transportation of the goods;
- (d) address and telephone number of the licensee;
- (e) date of issue; and
- (f) name and signature of authorised officer.

PART V

CONDITIONS OF LICENCE

Conditions
of licence

14.-The licensee shall ensure that-

- (a) licenced vehicle is maintained in good and serviceable condition;
- (b) a driver of a licenced vehicle is certified by the Authority and holds an appropriate driver's permit;
- (c) a goods carrying vehicle conforms to standards issued by Tanzania Bureau of Standard;
- (d) the licenced vehicle complies with road traffic laws and any other law in force related to transportation of goods;
- (e) passengers are not carried in goods carrying vehicles;
- (f) a licenced vehicle with three tons and above is fitted with vehicle tracking devices;
- (g) a licenced vehicle is fitted with safety belt in all seats;

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- (h) goods are transported to specified destinations in accordance with the contract;
- (i) a licensee engages a driver who possess a valid driving licence; and
- (j) he complies with any other conditions that may be determined by the Authority.

Obligation to provide service

15.- A licensee of a goods carrying vehicle, who accepts to transport goods shall provide the services in accordance with the terms and conditions agreed between a licensee and a client.

Mechanical breakdown of goods carrying vehicle

16. Where due to mechanical breakdown, a licensed vehicle is not in a fit condition to proceed with the trip, the licensee of the vehicle shall, as soon as practicable, provide alternative transport of goods.

Duty to issue receipt

17. The licensee shall issue electronic receipt for every haulage services specifying-

- (a) a name of the client;
- (b) amount paid for the transportation of the goods;
- (c) address and telephone number of the licensee; and
- (d) date of issue.

Loss or destruction of licence

18.-(1) Where a licence is-

- (a) destroyed or defaced, the licensee shall immediately send a written notification to the Authority together with an application for a replacement; or
- (b) lost, the licensee shall immediately send a written notification to the Authority, accompanied by a police loss report and apply for a replacement of the licence.

(2) Where the Authority is satisfied that a licence is lost, destroyed or defaced, it shall, upon payment of a prescribed fee, issue a duplicate copy of a licence to the licensee,

Provided that, in case of a defaced licence, the Authority shall, before issuing a duplicate licence, require a licensee to submit the defaced original licence for verification

- (3) Where a lost licence is recovered after the duplicate licence is issued, the licensee shall return the duplicate licence to the Authority.

Validity of licence

19. A licence issued under these Regulations shall be valid

for a period of one year and may be renewed annually.

Suspension
or revocation

20.-(1) Where a licensee violates the terms and conditions for which the licence is issued, the Authority may—

- (a) suspend or revoke the licence or permit; and
- (b) notify the person whose licence or permit has been revoked and the reasons for such suspension or revocation.

(2) Where a licence is revoked or suspended under these Regulations, the holder shall immediately after being served with a notice of revocation or suspension as the case may be, cease to make any service under that licence and immediately surrender the licence to the Authority.

(3) The Authority shall return the licence to the licensee upon expiry of suspension period and fulfillment of other requirements as stipulated by the Authority.

Procedure
for
revocation
or
suspension

21.-(1) The Authority may prior to suspension or revocation of a licence, serve a notice to the licensee to show cause why the licence should not be suspended or revoked.

(2) The licensee shall, upon receipt of the notice in subregulation (1), make representation in writing to the Authority within seven days from the date of receipt of the notice showing cause why the licence should not be suspended or revoked.

(3) The Authority may suspend or revoke the licence and give reasons thereof where—

- (a) the Authority is not satisfied with the representations made in subregulation (2); or
- (b) the licensee has not made any representation.

(4) Notwithstanding the provisions of subregulations (1), (2) and (3), the Authority may, where it considers necessary, suspend a license without issuing the notice to licensee to show cause.

(5) If the licence is suspended or revoked under these Regulations, the licensee shall immediately cease to provide public transport services and shall surrender the licence to the Authority within seven days from the date of receipt of notice of suspension or revocation.

(6) The Authority shall, where a license remains valid until the completion of the suspension period, return the licence to

the operator after expiry of the suspension period and fulfilment of other requirements as may be stipulated in the suspension notice.

Review
procedure

22. The applicant who is aggrieved by the decision of the Authority under these Regulations may, within fourteen days from the date of the decision, apply to the Authority for review in a manner prescribed rules.

PART VI OFFENCES AND PENALTIES

Offences

23.-(1) Any person who –

- (a) operates a goods carrying vehicle without a valid licence;
- (b) furnishes to the Authority record, statement, declaration, written information or explanation containing any particulars which are false or incorrect;
- (c) fails to exhibit as required a licence issued to him under the Act;
- (d) fails to produce or surrender a licence upon being required so to do under the Act;
- (e) hinders or obstructs an officer of the Authority, or a police officer in the performance of their duties under the Act or these Regulations;
- (f) makes, or has in possession of any document, plate, or mark so closely resembling to a licence, or any such document plate or mark, which is intended to deceive or forges or alters an entry in a record made under these Regulations;
- (g) fails to comply with any provision of these regulations or conditions of a licence; and
- (h) intends to evade the payment of fee and willfully does or omits to do any act or thing,

commits an offence and upon conviction shall be liable to a fine of two hundred thousand shillings but not exceeding five hundred thousand shillings or imprisonment for a term of not less than five months and not exceed one year or to both .

(2) A person who knowingly makes any false statement-

- (a) for the purpose of obtaining a licence for himself or for another person; or

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(b) for the purpose of preventing the grant of a licence or of procuring the imposition of any condition or limitation in relation to a licence, commits an offence and upon conviction shall be liable to a fine of two hundred thousand shillings but not exceeding five hundred thousand shillings or imprisonment for a term of not less than five months and not exceed one year or to both.

Compoundi
ng of
offences

24. The Authority may compound offences in accordance with the Third Schedule to these Regulations.

Notificatio
n of
offence

25.-(1) The Authority shall, after identifying the offence contravening these Regulations, notify the offender electronically or manually in the Notification Form prescribed in the fourth schedule to these Regulations on the-

- (a) offence committed;
- (b) penalty provided for the offence;
- (c) amount to be compounded;
- (d) the date and manner in which such money shall be paid to the Authority; and
- (e) any other information as the Authority may deem relevant.

(2) The offender may admit or refuse to admit the Commission of the offence to be compounded by signing the Notification Form as prescribed under the Fourth schedule to these Regulations.

Mode of
payment
and default

26. Where the person admits the offence to be compounded, he shall pay the compounded amount within fourteen days into the Authority's bank account physically or electronically and submit evidence of such payment to the Authority's offices.

Failure to
pay
compounde
d amount

27. Where a person fails to comply with the order to pay the compounded amount issued under these Regulations within the specified time, the Authority-

- (a) shall charge interest of five per centum and five per centum of the accrued amount after every thirty days for a period not exceeding twelve months; or
- (b) may enforce the order in the same manner as a decree

of a Court for the payment of the amount stated in the order.

Failure to
sign
Notification
of
offence
form

- 28.** Where a licensee or driver-
- (a) does not admit the offence, he shall, within fourteen days from the date of commission of such offence submit a duly filled in notification form to the Authority for court appearance; or
 - (b) fails to appear at the Authority within the prescribed time he shall be deemed to have admitted the offence and shall be required to pay the penalty as stipulated in these Regulations.

PART VII GENERAL PROVISIONS

Charging of
prescribed
tariff

- 29.** Subject to the provisions of these Regulations, an applicant of the licence shall charge a client the amount which does not exceed the approved cap rates by the Authority.

Power to
stop
and inspect
motor
vehicle

- 30.-(1)** An officer of the Authority or a police officer may stop and search a motor vehicle with a view to ascertaining whether or not these Regulations are complied with and may demand for inspection, production of any licence or document of any description which may be required to be carried on such motor vehicle.

(2) Where an officer of the Authority or Police officer in the course of inspection discover that's part of these Regulations are not complied with, may confine non compliant vehicle in safe place until fine payment is made and receipts for payment is issued by the Authority.

(3) Any person who obstructs an officer of the Authority or police officer in the exercise of the powers as per subregulation (1), commits an offence and upon conviction shall be liable to a fine of three hundred thousand shillings but not exceeding five hundred thousand shillings or imprisonment for a term of not less than five months and not exceed one year or to both.

Disposal of
motor
vehicles

- 31.** Where a licensee disposes off any motor vehicle to which the licence relates or otherwise ceases to be the owner of

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that motor vehicle, he shall within seven days notify the Authority and return the licence together with any other document called for by the Authority.

Death or
incapacity of
licensee

32. Where licensee of the motor vehicle dies or is incapacitated, undergoes bankrupt or ceases to be the user of the licence, a person who intends to carry on business on his behalf shall-

- (a) within thirty days after the death or incapacity of the licensee, notify the Authority that the licensee ceased to be the owner of the motor vehicles and report the name of the person by whom the business is being carried on; and
- (b) apply for a new licence within one month after notifying the Authority,

Provided that during the period which such person be deemed to be the licensee shall, in no case extend beyond the date on which the licence would have expired.

Duty to
search for
information

33. A person who intends to possess a motor vehicle or employ a driver may consult the Authority for the purpose of obtaining appropriate information in respect of a motor vehicle or driver.

Duty to
provide
information

34. A licensee shall notify the Authority within thirty days on the change of office address and any other information or change in any of the terms provided during the application of a licensee.

Revocation
GN. No.
390 of
2012

35. The Transport Licensing (Goods Carrying Vehicles) Regulations, 2012 are hereby revoked.

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FIRST SCHEDULE

(Made under regulation 5)

APPLICATION FOR CARRIER'S LICENCE

Nature of application: ☐ New ☐ Renewal ☐ Replacement

Period applied for:

A. PARTICULARS OF APPLICANT

1. Business Name in full
(Company/Partners/Sole Trader- in BLOCK LETTERS)
2. Postal address Tel.
Fax: E-mail:
3. Do you hold or previously held a Transport Licence? ...Yes/No
if Yes, state licence numberand date of expiry ...and where issued
4. Have you had a previous application refused/suspended or revoked ?.....Yes/No
If Yes, state when and where previous application refusal, licence suspension or revocation was made, State reasons for application refusal, licence suspension or revocation :and date

B. PARTICULARS OF VEHICLE FOR WHICH LICENCE IS SOUGHT

- i. Reg. No : ii. Make:
- iii. Model : iv. Town where Vehicle Based:
- (b) Number of axles for goods carrying vehicles:
- ☐ Prime-mover 2 axles ☐ Prime-mover 3+ axles ☐ Semi-Trailer ☐ Full Trailer

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☐ Truck 2 axles ☐ Truck 3 axles ☐ Truck 4+axles Others Specify

c) Classes and Types of services

(Please specify services according to design of vehicle. i.e For carrying refrigerated goods, medicine, cattle, dangerous goods, etc.)

vi. Carrying capacity

C. DOCUMENTS TO BE ATTACHED

This application must be accompanied by the items listed below. The licensing may require more particulars.

(1) FIRST APPLICATION

- (a) a copy of Motor Vehicle Registration Card
- (b) Proof of payment of licence fees
- (c) Vehicle road worthiness certificate; and
- (d) Any other document(s) that may be requested by the authority.

Additional documents in case of a company

- (a) a copy of the certificate of incorporation
- (b) a safety management plan
- (c) an emergency response plan; and
- (d) any other documents as the Authority may at any time require.

(2) RENEWAL

- (a) proof of payment of the Authority's levy for the preceding year;
- (b) a certified copy of the vehicle inspection report; and
- (c) any other document as the Authority may at any time require.

D. DECLARATION

I/We hereby declare that to the best of my/our knowledge and belief all the information provided in this application is true.

Name in full:

Signature: Date:

FOR OFFICIAL USE ONLY

Amount paid:	Receipt No.	Date: Signature:
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Verification and Recommendation

Comments:

Start Date: ... Expiry Date:

Officer's name in full:

Designation:

Signature: Date :

Approval

Comments

Start Date: Expiry Date:

Officer's name in full:

Designation:

Signature: Date:

OPERATOR'S FILE NUMBER	LICENCE NUMBER	ROUTE ID
.....

Caution

Knowingly making a false statement for the purpose of obtaining the grant of a licence is an offence is punishable by fine or imprisonment

SECOND SCHEDULE

(Made under regulation 7(3) and 9)

SCHEDULE OF LICENCE FEES FOR LOCAL AND FOREIGN CARRIER VEHICLES

S/n	Description	Annual fees Tshs	Annual fees US \$
1	Not exceeding one ton	10,000/=	20
2	1 tons but not exceeding 5 tons	20,000/=	50
3	Exceeding 5 tons but not exceeding 10 tons	45,000/=	95
4	Exceeding 10 tons but not exceeding 15 tons	50,000/=	115
5	Exceeding 15 tons but not exceeding 20 tons	75,000/=	160
6	Exceeding 20 tons but not exceeding 25 tons	90,000/=	195
7	Exceeding 25 tons but not exceeding 30 tons	110,000/=	230
8	Above 30 tons	120,000/=	250

NB: This Fees Schedule is based on carrying capacity (payload) and not on Gross Weight. Also, all vehicles are grouped together irrespective of their status, whether single unit or trailers

Other fees/charges

- For application form10,000/= (10 USD)
- For a duplicate copy of a lost, destroyed or defaced licence20,000/= (15 USD)
- Cross border permit application fees 10,000/= (10 USD)
- A certificate of registration for a transport company100, 000/= (100USD)

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THIRD SCHEDULE

(Made under regulation 24)

OFFENCES AND PENALTIES COMPOUNDED BY LATRA

No.	Nature of Offences	Regulation	Compounded Amount
1.	Operating a goods carrying vehicle without a valid Carriers Licence.	4; 22(a)	250,000/=
2.	Failure to exhibit or produce or surrender a licence upon being required to do so by an officer of the Authority.	22(c)	100,000/=
3.	Hindrance or obstructing an officer of the authority or a police officer of the rank of inspector to perform his duties under the act and these regulations.	22(f)	250,000/=
4.	Being in possession of any document, plate or mark so closely resembling to a licence or any such document, plate or mark which is intended to deceive, forges or alters any entry in a record made under these Regulations.	22(f)	100,000/=
5.	fails to comply with any provision of these regulations or conditions of a licence;	22(g)	100,000/=

FOURTH SCHEDULE

(Made under regulation 25)

NOTIFICATION AND COMPLIANCE FORM FOR LICENSEE

SECTION I: PARTICULARS OF OFFENCE

To:

Address:

1 You are charged with the offence of.....

Particulars of the offence(s) number(s):

That on the day of year.....

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At (place)..... you (brief facts of the offence):

- (a)
- (b)
- (c)
- (d)

- 2 If you DO NOT ADMIT to have committed the offence(s), complete Section III “A” of this Notification Form.
- 3 If you ADMIT commission of the offence(s), complete Section III “B” of this Notification Form.
- 4 The compounded amount SHALL be paid to the Authority’s bank account number.....

SECTION II: PARTICULARS OF A DRIVER

I bearer of Driving Licence No. Class a driver of a goods carrying vehicle with Reg. No trading as hereby acknowledge receipt of Notification No. for the offence No.and I undertake to submit the notification to the licensee of the above mentioned vehicle.

Signature Date

Witness’s Name Signature

Date Region:

SECTION III: PARTICULARS OF A LICENSEE

PART A: INTENTION TO ANSWER CHARGES

I, a licensee of goods carrying vehicle with Reg. No. of (residential or business address) Admit receipt of this notification and intend to answer in Court the charge for the commission of offence of contrary to regulation of the Transport Licensing (Goods Carrying Vehicles) Regulations, 2020.

Name:

Signature

PART B: ADMISSION OF OFFENCE

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I, a licensee of goods carrying vehicle with Reg.
No. of (residential or business address)
..... Admit receipt of this
notification and plea guilty to the offence of
contrary to regulation of the Transport Licensing (Goods Carrying
Vehicles) Regulations, 2020.

I request the offence(s) be compounded as per regulation of the Transport
Licensing (Goods Carrying Vehicles) Regulations, 2020.

I shall pay a fine of Tshs.....within fourteen days (14) days from the
date of this notification being the compounded amount of the offence(s).

Name:

Signature

Identity

No.

Issued by:

Dodoma,
28th January, 2020

ISACK ALOYCE KAMWELWE,
Minister for Works, Transport and Communications