

## The Establishment of the Land Transport Regulatory Authority

May 2019

The table below summarises the key changes that will take place when the LATRA Act comes into force:

Key provisions	The SUMATRA Act – as it currently stands	The LATRA Act – when it comes into force
<b>What does the act regulate?</b>	<ul style="list-style-type: none"> <li>▪ Regulates the surface and marine transport sectors; rail, ports, maritime, public passenger road and commercial road transport; and</li> <li>▪ Does not regulate underground / cable transport.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Regulates the land transport sector which includes commercial roads, rails, underground / cable transport; and</li> <li>▪ Will not regulate ports and maritime transport; this will be regulated by the Tanzania Shipping Agencies Authority (<b>TASAC</b>).</li> </ul>
<b>Date of coming into force</b>	<ul style="list-style-type: none"> <li>▪ Came into operation on 1 July 2003 via Government Notice No. 210 of 2003: Surface and Marine Transport Regulatory Authority Act No. 9 of 2001 (Commencement) Notice.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Shall come into operation on such date as the Minister for land transport may by the Land Transport Regulatory Authority Act (Date of Commencement) (Government Notice No. 358 of 2019) appoint.</li> </ul>
<b>Sector legislation</b>	<ul style="list-style-type: none"> <li>▪ Applicable legislation includes the Ferries Ordinance, the Tanzania Harbours Authority Act, the Transport Licensing</li> </ul>	<ul style="list-style-type: none"> <li>▪ Makes use of the Transport Licensing Act, the Railways Act and any other legislation regulating rail, commercial road and underground and cable transport; and</li> <li>▪ Both make use of the Transport Licensing Act and the</li> </ul>

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	Act, the Tanzania Central Freight Bureau Act and the Tanzania Railways Corporation Act.	Tanzania Railways Corporation Act.
<b>Effect of repeal</b>	<ul style="list-style-type: none"> <li>▪ Will be in force until the LATRA Act comes into force; and</li> <li>▪ Will not affect any subsidiary legislation / exemptions made under the SUMATRA Act / any written laws unless these are inconsistent with the provisions of the LATRA Act.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Will not revoke, annul / otherwise replace any documents, contracts, licences, orders, permits or resolutions made / granted / approved under the SUMATRA Act until the same are specifically revoked / annulled / rescinded / otherwise replaced; and</li> <li>▪ Will allow a holder of a licence granted prior to its commencement to continue to carry on services within the land transport sector.</li> </ul>
<b>Ground of appeal</b>	<ul style="list-style-type: none"> <li>▪ The decision made was not based on evidence produced;</li> <li>▪ Error in law;</li> <li>▪ Non-compliance that materially affects the determination of the matter on the basis of procedures and applicable statutory requirements;</li> <li>▪ SUMATRA not being in possession of evidence required for the determination of the matter; and</li> <li>▪ SUMATRA not having power to determine the matter.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The decision made was not based on evidence produced;</li> <li>▪ Error in law;</li> <li>▪ Non-compliance that materially affects the determination of the matter on the basis of procedures and applicable statutory requirements; and</li> <li>▪ LATRA not having power to determine the matter.</li> </ul> <p>Has one less ground of appeal as compared to the SUMATRA Act.</p>

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<b>Offences</b>	<ul style="list-style-type: none"> <li>▪ Liability of a person for non-compliance / contravention is a fine not exceeding TZS 3 million or to imprisonment for a term not exceeding 5 years or to both; and</li> <li>▪ Does not provide a penalty for contravention by a body corporate.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Contravention of the LATRA Act by an individual person will lead to a fine not exceeding TZS 3 million or to imprisonment for a term not exceeding 2 years or to both. Provides for less imprisonment term; and</li> <li>▪ Contravention by a body corporate will attract a fine not exceeding TZS 5 million.</li> </ul>
<b>What acts are amended?</b>	<ul style="list-style-type: none"> <li>▪ The Ferries Ordinance;</li> <li>▪ The Tanzania Harbours Authority Act;</li> <li>▪ The Transport Licensing Act;</li> <li>▪ The Tanzania Central Freight Bureau Act; and</li> <li>▪ The Tanzania Railways Corporation Act.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The Transport Licensing Act (Cap 317); and</li> <li>▪ The Railways Act No. 10 of 2017.</li> </ul>
<b>Taking precedence</b>	<ul style="list-style-type: none"> <li>▪ Where there is inconsistency between the provisions of the SUMATRA Act and sector Acts; the Ferries Ordinance, the Tanzania Harbours</li> </ul>	<ul style="list-style-type: none"> <li>▪ Where there is inconsistency between the provisions of the LATRA Act and sector legislation; the Transport Licensing Act, the Railways Act and any other legislation regulating rail, commercial road and underground and cable transport;</li> </ul>

Key provisions	The SUMATRA Act – as it currently stands	The LATRA Act – when it comes into force
	<p>Authority Act, the Transport Licensing Act, the Tanzania Central Freight Bureau Act and the Tanzania Railways Corporation Act; the SUMATRA Act will prevail.</p>	<p>the LATRA Act shall prevail.</p>
<p><b>Powers to obtain information, documents and evidence</b></p>	<ul style="list-style-type: none"> <li>▪ A SUMATRA issued summons shall specify the time and manner of compliance;</li> <li>▪ Upon conviction the fine for non-compliance will be TZS 300,000/- or imprisonment for a term not exceeding 15 months or to both fine and imprisonment;</li> <li>▪ It is an offence for a person to knowingly give false or misleading information or evidence; and</li> <li>▪ A person shall not be excused from complying with the summons on the basis of self-incrimination.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Provides for the issuance of a summons but does not provide for the time nor manner of compliance;</li> <li>▪ There is also no provision of a penalty for non-compliance;</li> <li>▪ Provides no penalty for knowingly giving false or misleading information or evidence; and</li> <li>▪ Is silent on self-incrimination as a ground of defence.</li> </ul>
<p><b>Powers to hold inquiries</b></p>	<ul style="list-style-type: none"> <li>▪ SUMATRA has powers to conduct an inquiry before</li> </ul>	<ul style="list-style-type: none"> <li>▪ LATRA has powers to conduct an inquiry before it can grant, renew, suspend or cancel a class licence. Suspension was not covered in the SUMATRA Act.</li> </ul>

Key provisions	The SUMATRA Act – as it currently stands	The LATRA Act – when it comes into force
	<p>granting, renewing or cancelling a class licence.</p> <ul style="list-style-type: none"> <li>▪ SUMATRA shall be required to publish a notice of inquiry in the Gazette and daily newspaper.</li> <li>▪ The Minister responsible for SUMATRA is required to make rules for conducting inquiries.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Does not require LATRA to publish a notice of inquiry nor does it require the Minister of land transport to make rules for conducting inquiries.</li> </ul>

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