

**The Establishment of the Land Transport Regulatory Authority**

**May 2019**

The table below summarises the key changes in the LATRA Act:

Key provisions	The SUMATRA Act	The LATRA Act
<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>▪ Does not regulate ports and maritime transport; this is 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>▪ Came into operation on 29 April 2019 via the Land Transport Regulatory Authority Act (Date of Commencement) Notice No. 358 of 2019.</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 Act, the Tanzania Central</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>

Key provisions	The SUMATRA Act	The LATRA Act
	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>▪ Has not revoked, annulled / otherwise replaced 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or resolutions made / granted / approved under the SUMATRA Act until the same are specifically revoked / annulled / rescinded / otherwise replaced; and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>▪ Allows 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>

Key provisions	The SUMATRA Act	The LATRA Act
<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 Authority Act, the Transport Licensing Act, the Tanzania Central Freight Bureau Act and</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; the LATRA Act shall prevail.</li> </ul>

Key provisions	The SUMATRA Act	The LATRA Act
	<p>the Tanzania Railways Corporation Act; the SUMATRA Act will 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 granting, renewing or cancelling a class licence.</li> <li>▪ SUMATRA shall be required to publish a notice of inquiry in</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> <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>

Key provisions	The SUMATRA Act	The LATRA Act
	<p>the Gazette and daily newspaper.</p> <ul style="list-style-type: none"> <li>▪ The Minister responsible for SUMATRA is required to make rules for conducting inquiries.</li> </ul>	

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