

Tanzania

Ferries Act

Chapter 173

Legislation as at 31 July 2002

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Ferries Act
Contents

1. Short title and interpretation 1

2. Public ferries 1

3. Public ferries vested in the Minister 1

4. Licence to ply for hire on a public ferry 1

5. Licensing officers 1

6. Exclusive and non-exclusive licences and form thereof 2

7. Period of licence 2

8. Fee for licence 2

9. A licence may be refused or issued subject to special conditions 2

10. Recovery of fee and cancellation of licence if fee unpaid 2

11. Regulations 2

12. Prohibition of maintenance of ferry within a prescribed distance of a public ferry 3

13. Penalty 3

14. Saving of permits lawfully granted by or on behalf of the Government before commencement of this Act 3

15. Exemption of ferries maintained by the Government or by local authorities 3

Section 16. *** 3

Schedule 4

Tanzania

Ferries Act Chapter 173

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[Note: This legislation has been thoroughly revised and consolidated under the supervision of the Attorney General's Office, in compliance with the Laws Revision Act No. 7 of 1994, the Revised Laws and Annual Revision Act (Chapter 356 (R.L.)), and the Interpretation of Laws and General Clauses Act No. 30 of 1972. This version is up-to-date as at 31st July 2002.]

[Ords. Nos. 32 of 1928; 11 of 1929; 46 of 1951; G.N. No. 478 of 1962]

An Act to provide for the control of public ferries.

1. Short title and interpretation

(1) This Act may be cited as the Ferries Act.

(2) In this Act—

"**Minister**" means the Minister responsible for works;

"**public ferry**" means of passage over an area of water declared to be a public ferry under [section 2](#).

2. Public ferries

(1) The Minister may by notice in the *Gazette* declare that the passage over any river, arm of the sea, lake or part of a lake from any place to which the public have access to any other such place is a public ferry.

(2) Where any such passage as aforesaid exists over any water forming a boundary of Tanzania the Minister may declare that such part of such passage as lies within Tanzania shall be a public ferry within the meaning of this Act.

3. Public ferries vested in the Minister

Upon the declaration of any ferry as a public ferry under this Act all rights in respect thereto and over the soil thereunder shall vest in the Minister.

4. Licence to ply for hire on a public ferry

No person shall for hire or reward convey passengers or cargo of any description over a public ferry unless he is authorised to do so by a licence issued under this Act.

5. Licensing officers

The Minister may appoint any person to be a licensing officer in respect of public ferries in any specified area and in default of any such appointment, the District Officer of every district shall be the licensing officer in respect of public ferries in such district.

6. Exclusive and non-exclusive licences and form thereof

- (1) A licence shall relate to not more than one public ferry and may be either exclusive or non-exclusive.
- (2) A licence shall be in the form in the Schedule hereto or to the like effect and shall specify the period for which the licence shall remain in force and the fee paid or payable in respect of that licence.

7. Period of licence

Except with the approval of the Minister no licence granted under this Act shall remain in force for longer than one year from the date of issue, provided that the licensing officer may at his discretion issue a licence for such shorter period than one year as the applicant for a licence may require.

8. Fee for licence

- (1) The fee for a licence shall be of such amount and payable in such manner as the Minister may prescribe, either generally or in respect of any specified public ferry:

Provided that the Minister may require that the right to the issue of a licence to remain in force for any specified time in respect of any specified public ferry shall be sold by public auction subject to such conditions as he may direct.
- (2) Unless determined in the manner described in subsection (1) the fee for a licence shall be of such amount and payable in such manner as may be agreed between the licensing officer and the person to whom the licence is issued.

9. A licence may be refused or issued subject to special conditions

Subject to appeal to the Minister, a licensing officer may refuse to issue a licence or may issue a licence subject to such special conditions, not inconsistent with this Act or with any regulations made hereunder, as he may consider that the circumstances require in order to ensure the efficiency and safety of the service to be rendered to the public by the licensee and any special conditions so imposed shall be endorsed by the licensing officer upon the licence.

10. Recovery of fee and cancellation of licence if fee unpaid

Any part of the fee for a licence which remains unpaid after the licence shall have become due may be recovered as a debt due to the public revenue of the Government:

Provided that if any part of such fee shall remain unpaid for twenty-one days or more after the licence shall have become due, the Minister may, without prior notice to the licensee, cancel the licence, without prejudice to recovery of such part of the fee which shall then be due and unpaid.

11. Regulations

The Minister may make regulations for any of the following purposes:

- (a) maintaining the safety and efficiency of the service to be provided at public ferries by the holders of licences under this Act;
- (b) prescribing the fees which may be charged for the conveyance of passengers or cargo of any description over any public ferry;
- (c) prescribing the size or description of boats or other vessels which may be used at public ferries by the holders of licences;
- (d) providing for the inspection and maintenance in proper condition and for the identification and registration of such boats or other vessels used at public ferries;

- (e) prescribing the crew and the maximum load to be carried over a public ferry by boats or vessels of any description;
- (f) prescribing the type of boat or vessel which shall be used and the nature of the accommodation which shall be provided for the carriage over a public ferry of passengers or of cargo of any description;
- (g) prescribing the number of boats or other vessels to be maintained at any public ferry by the holder of a licence and the hours during which the public ferry shall be available for the use of the public;
- (h) regulating the traffic at public ferries;
- (i) generally for giving effect to the objects of this Act.

12. Prohibition of maintenance of ferry within a prescribed distance of a public ferry

- (1) Subject as provided in subsection (2) of this section, no person shall establish or maintain a ferry within two miles upon either side of a public ferry or within such other distance as the Minister may direct.
- (2) Nothing in subsection (1) of this section shall be construed as preventing the operation of a ferry by any person authorised in writing by the Minister so to do.
- (3) A written authority under subsection (2) of this section shall be subject to such conditions, if any, as the Minister may think fit to impose, and may be cancelled by the Minister if any such condition has been broken.

13. Penalty

Any person who commits an offence under this Act or of any regulation made hereunder, or of any special conditions endorsed upon a licence granted to him under this Act, is liable to a fine not exceeding one thousand shillings or to imprisonment for a period not exceeding six months or to both such fine and imprisonment, and the Court may order that any licence held by any such person under this Act shall be cancelled.

14. Saving of permits lawfully granted by or on behalf of the Government before commencement of this Act

No permit or other authority lawfully granted before the commencement of this Act by or on behalf of the Government to any person for the carriage of passengers or cargo of any description over any public ferry for hire or reward shall be deemed to be abridged by anything contained in this Act, provided that the exercise of any right under any such permit or authority shall be subject to any regulations made under this Act in the same manner as the exercise of any right granted by a licence under this Act.

15. Exemption of ferries maintained by the Government or by local authorities

Nothing in this Act shall apply to the conveyance of passengers or cargo of any description over any public ferry by a service maintained by the Government or, with the approval of the Minister, by a local authority:

Provided that the Minister may order that any regulations made under [section 11](#) shall apply to the conveyance of passengers or cargo of any description over any public ferry by any such service.

16. ***

[Omitted]

Schedule

Form of licence (Section 6)

The Ferries Act (Cap. 173)

(Name of public ferry to which the licence relates)

EXCLUSIVE LICENCE

OR

NON-EXCLUSIVE LICENCE

Licence is hereby granted to _____ of _____ to ply for hire upon the public ferry between _____ and _____ from the _____ day of _____ 20 ____ until the _____ day of _____ 20 ____ subject to the terms of the Ferries Act, and of any regulations in force thereunder at any time during the currency of this licence and to the special conditions endorsed hereon (delete if no special conditions).

Fee Shs. _____ paid in advance, or payable as follows—

Shs. _____ paid in advance and Shs. _____ to be paid on the first day of each month during the currency of the licence, or as the case may be.

SPECIAL CONDITIONS

Station _____

Date _____

Licensing Officer