

THE PROPOSED AMENDMENTS OF THE ROADS AND FUEL TOLLS ACT, (CAP. 220)

SECTION	ISSUES	COMMENTS	RECOMENDATIONS
General Amendments of the Acts	The Act mention Roads Fund Manager, Roads Fund Accountant and Other Senior Officers while there are other employees whose appointing authority is the Board.	Mentioning " Roads Fund Manager, Roads Fund Accountant and Other Senior Officers " only does not reflect the appointing authority of the Board.	Delete the designation of Roads Fund Manager, Roads Fund Accountant and Other Senior Officers wherever they appear in the Act and replace them with " Managing Director " for " Roads Fund Manager " and " Officers " for " Roads Fund Accountant " and " Senior Officers ". The amendment proposed is as follows: "The Act is amended generally by deleting the words " Roads Fund Manager, Roads Fund Accountant and Other Senior Officers " wherever they appear in the Act and substituting for them with " Managing Director " for " Roads Fund Manager " and " Officers " for " Roads Fund Accountant " and " Senior Officers ".
General Amendments of the Acts	The word " Tanzania " is used while the Fund finances the roads in the Mainland Tanzania	The word does not reflect properly the area of application of the Act	Insert the word " Mainland " after the word Tanzania wherever it appears in the act.
General Amendments of the Regulations	The word " Board " is used to refer both the Board of Directors and the institution.	It is difficult to distinguish between the Institution and the Board of Directors.	Introduce " Tanzania Roads Fund Administration " to refer the institution that is managing the Fund.
Section 3	Interpretations of the term " classified roads "	This interpretation includes the words " urban roads " which have not been used anywhere in the Act and excludes " collector roads and community roads " which are	It is proposed the words " urban roads " be deleted and instead the words " collector roads and Community roads " be included in the interpretation. The proposed amendment is as follows: "The principal Act is amended in the interpretation of the term " classified roads " by deleting the words " urban roads " and

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		well prescribed in the Road Act Cap. 167.	substituting for them the words " Collector, Feeder and Community roads ".
Section 3	Fuel are interpreted as petrol, whether super or regular "	The interpretation does not include other sources of power for propulsion of vehicles.	<p>It is proposed to add "gas, electricity, coal, solar power or other source of power" replace the words "petrol, whether super or regular"</p> <p>The proposed amendment is as follows:</p> <p>"The principal Act is amended in the interpretation of the term "fuel" by adding the words "gas, electricity, coal, solar power or other source of power" after the word diesel.</p>
Section 3	Roads	The interpretation does not reflect the interpretation ascribed in the Roads Act, Cap 167.	<p>It is proposed to adopt the interpretation used in the Road Act, Cap 167</p> <p>The proposed amendment is as follows:</p> <p>"The principal Act is amended in the interpretation of the term "road" by replacing the words "primary, secondary or tertiary road, commonly used by the public or to which the public has access or route" with "roads as ascribed in the Road Act, Cap 167".</p>
Section 3	Interpretation of the term " Chief Executive ".	This interpretation refers to the " Chief Executive " of TANROADS only while there are other institutions that are roads agency and have persons of the similar rank.	<p>It is proposed to delete the word "TANROADS" and substituting for it the words "road agency"</p> <p>The principal Act is amended in the interpretation of the words "Chief Executive" by deleting the words "TANROADS" and substituting for it the word "road agency".</p>

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Section 3	Interpretation of a term " <i>road agency</i> "	The " <i>road agency</i> " is interpreted as " <i>TANROADS or local government or institutions established for purposes of development, maintenance or management of classified roads</i> ". This is repetition since all of them are road agencies.	It is proposed to delete the words " <i>TANROADS or any local government authority and includes</i> ". The amendment interpretation shall read: The principal Act is amended in the interpretation of the words " <i>road agency</i> " by deleting the words " <i>TANROADS or any local government authority and includes</i> ".
Section 3	Interpretation of a term " <i>TANROADS</i> "	The proposed amendment make the use of this term to be redundant for use in the Act.	It is proposed to delete the interpretation. The amendment interpretation shall read: The principal Act is amended in the interpretation by deleting interpretation of " <i>TANROADS</i> "
Section 4	The section does not reflect the proper distribution and application of Fund's revenues. It also excludes the Minister responsible for roads in the consultation regarding the use of funds	(a) Money deposited into the account of the Fund cannot be redistributed to the Fund; (b) To specify road agencies that receive allocations of Tanzania shillings 263 per litre from the Fund; (c) To rectify printing error with regards to the name of TARURA; (d) To include the Minister responsible for roads in the consultation process regarding Regulations for allocation of	The principal Act is amended by: (a) designating the contents of section 4A as 4A(1); (b) amending section 4A(1) as designated by deleting paragraph (a) and substituting for it the following: "(a) Tanzania shillings 363 per litre imposed on petrol or diesel shall be deposited into the account of the Fund: Provided that, Tanzania shillings 100 per litre imposed on petrol or diesel out of the Tanzania shillings 363 per litre shall be allocated to the Tanzania Rural and Urban Roads Agency and the remaining Tanzania shillings 263 per litre shall be allocated to road agencies including the Tanzania Rural and Urban Roads Agency in the manner prescribed in the Regulations made by the Minister in consultation with the

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		<p>remaining Tanzania shillings 263 per litre of diesel or petrol;</p> <p>(e) To prescribe use of Tanzania shillings 100 per litre of petrol or diesel by TARURA;</p> <p>(f) To exclude the application of the percentage under section 4(3) and (4) with regard to Tanzania shillings 100 per litre of petrol or diesel allocated to the TARURA.</p>	<p>Minister responsible for roads and the Minister responsible for local government.”</p> <p>(c) adding immediately after subsection (1) as designated the following:</p> <p>“(2) The percentage specified under section 4(3) and (4) in relation to the monies deposited in the Fund shall not apply to Tanzania shillings 100 per litre allocated to the Tanzania Rural and Urban Roads Agency under subsection (1).</p> <p>(3) Tanzania shillings 100 per litre allocated to the Tanzania Rural and Urban Roads Agency under subsection (1) shall be used for purposes of development and maintenance of rural and urban roads as per its approved operational plans and budget.”</p>
Section 5	Sub-section 7 requires the Board to submit annual report to the Roads Minister with copies of audited Statement of accounts within three months after end of each financial year.	The audited statement of accounts are read for public use after they are presented in the Parliament. Normally the reports are presented to the Parliament nine months after end of financial year. Therefore it is not feasible to submit the report within three months.	<p>It is proposed to replace “three months” with “ten months”.</p> <p>The proposed amendment is as follows:</p> <p>“The principal Act is amended in section 5(7) by replacing “three months with “ten months”.</p>
Section 5	Use of audited statement of account instead of audited financial statements	Sub Section 7 provided audited statement of account instead of audited financial statements	<p>It is proposed to replace the words “statements of accounts” with “financial statements”.</p> <p>So the proposed amendment reads:</p> <p>“The principal Act is amended in sections 5 (7) by replacing “statements of accounts” with “financial statements”.</p>

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Section 6	Sub-section 1 is about three months of the establishment	The Provision is outdated as the Board is in operation for more than the period and employees appointed.	It recommended to delete the sub-section and renumbering the section. And shall read: "The principal Act is amended by deleting section 6(1) and renumbering the section".
Section 6	This section makes provisions of appointment of the employee registered by relevant bodies.	This suggest that all appointment will involve professionals who are registered by respective bodies. This is not always the case as there are professionals not regulated by any body.	It is proposed to add the words " where applicable " at the end of subsection (4)(a) and shall read: "The principal Act is amended by adding the words " where applicable " at the end of section 6(4)(a).
Section 7	Subsection 7 empowers the Minister to change second schedule.	The Minister may change the first schedule only in the way he is empowered to publish them under sub-section 4.	It is proposed to delete the words " or the Second " and shall read: "The principal Act is amended by delete the words " or the Second "
First Schedule	This Schedule specifies rates and charges to be charged to vehicle with foreign registration.	Although this Schedule is meant to provide for tolls and charges for vehicles with foreign registration but the heading does not reflect so.	It is proposed to amend the heading by replacing the words " OF VEHICLE " with the words " WITH FOREIGN " and shall read: "The principal Act is amended in the First Schedule by replacing the words " OF VEHICLE " with the words " WITH FOREIGN " appearing in the heading of this Schedule."
Fourth Schedule	Paragraph 1(3) provide for tenure of office of members and Chief Executive.	The Chief Executive mentioned is not member of the Board.	It is proposed to delete the designation " Chief Executive " "The principal Act is amended in the Fourth Schedule by deleting the words " Chief Executive " appearing in paragraph 1(3).

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	Co-opt any Person for expertise	There is no provision that allow Board to co-opt any expert to attend Board meeting if the Board deem fit to do so for any reason.	<p>It is proposed to include a paragraph which will allow the Board to co-opt any person who may give expertise in any matter before it.</p> <p>“The principal Act is amended in the Fourth Schedule by-</p>	
			(a) Adding section 7 under fourth schedule, to allow the Board to Co-opt any person to attend Board meeting	
			Marginal note: co-option	7. The Board may Co-opt any person to attend its meeting but such person shall not take part in any decision reached by the Board.”

THE PROPOSED AMENDMENTS OF THE ROADS AND FUEL TOLLS REGULATIONS, 2016

REGULATION	ISSUES	COMMENTS	RECOMMENDATIONS
General Amendments of the Regulations.	The term " Implementing Agency " is not used in the CAP 220	Use of the term may create confusion.	Replace the term " Implementing Agency " with the term " Road Agency " wherever it appears in the Regulations and refer to meaning as described in the Act.
General Amendments of the Regulations	Interpretation of " TANROADS '	Proposed to be deleted in the Act	Delete the word " TANROADS " wherever it appear in the Regulations
General Amendments of the Regulations	The "Board: is used to refer both the governing members and the institution.	It is difficult to distinguish between the Institution and those charged with responsibility to govern it.	Introduce the " Tanzania Roads Fund Administration " to refer the Institution that manages the Fund.
General Amendments of the Regulations	Council Directors no longer manage road works.	Delete the term " Council Directors '	Delete the term " Director " and " Council Directors " wherever it appears in the Regulations
General Amendments of the Regulations			Delete the term " TANROADS or " wherever it appears in the Regulations.
Regulation 14(3)	The Regulation refers to road works executed by TANROADS Regional Managers and excludes road works executed by TARURA.	Amend the Regulation to include road works executed by TARURA.	Delete the term " executed by regional managers '

Regulations 15	The Regulation excludes monitoring of road works by Ministry responsible for works.	Add monitoring of road works by Ministry responsible for works.	Insert the word " and Ministry responsible for works " after the word " government "
Sub-regulation 17(2)	Repetition of sub-regulation 17(1)	Delete sub-regulation 17(2)	Delete sub regulation 17(2)
Side notes on Regulation 21	To align with the main functions of the Board, the side notes should change to read " Technical and financial monitoring "	To read " Technical and financial monitoring "	To replace " Technical and financial audit " with " Technical and financial monitoring "
Sub-regulation 21(3)	The Board usually conducts preventive technical monitoring and not preventive technical audit	Proposed to replace the word " audit "	Delete the word " audit " and replace it with " monitoring " so as to read " preventive technical monitoring ".
Sub-regulation 24(1) para (c)	The opinion of the CAG on audited financial statement is presented by CAG	Proposed to be deleted	Delete 24(1) (c)

**MAONI YA WADAU KUHUSU MAPENDEKEZO YA KUREKEBISHA VIFUNGU VYA SHERIA YA TOZO ZA
BARABARA NA MAFUTA, SURA 220**

Na.	Taasisi	Suala	Maoni	Maoni ya Wizara
1.	Katibu Mkuu Wizara ya Ujenzi na Uchukuzi, (Ujenzi) S.L.P 2888 DODOMA			
2.	Katibu Mkuu Wizara ya Fedha na Mipango S.L.P 2802 DODOMA			
3.	Katibu Mkuu Ofisi ya Rais - TAMISEMI S.L.P 1923 DODOMA			
4.	Mtendaji Mkuu Wakala wa barabara Tanzania (TANROADS) P.O. Box 11364 Dar es Salaam			
5.	Mtendaji Mkuu Wakala wa barabara za mjini na vijijini (TARURA) P.O Box 11042, Dodoma.			

Na.	Taasisi	Suala	Maoni	Maoni ya Wizara
6.	Kamishina Mkuu Mamlaka ya mapato Tanzania P.O.Box 11491 Dar es Salaam			
7.	Mwanasheria Mkuu wa serikali Tanzania (Attorney General) S.L.P. 630 Dodoma			
8.	Mwenyekiti Chama cha wamiliki Malori (TATOA) Changombe Mchicha Area, Kitalu na kiwanja no. Tem-4-129AY2 9F/C/J, barabara ya Nyerere , P.O.Box 40827, Dar es Salaam			
9.	Mwenyekiti Wakala wa Biashara, Viwanda na Kilimo Tanzania (TCCIA) S.L.P. 9713 Dar es salaam			
10.	Tanzania Association of Tour Operators (TATO)			

Na.	Taasisi	Suala	Maoni	Maoni ya Wizara
	11 Simeon Road, Philips Area. P.O.Box 6162 Arusha			
11.	OILCOM (T) Limited, P.O. Box 20831, DAR ES SALAAM			
12.	Oryx Energies, P.O. Box 9540, Plot No. 34/1, Tan House, Bagamoyo Road Victoria, Area Kinondoni, DAR ES SALAAM			
13.	Total Tanzania Ltd, P.O. Box 1503, Msasani Peninsula, Haile Selassie Road, Plot No. 1720, DAR ES SALAAM			
14.	GBP Tanzania Limited, P.O. Box 3728, DAR ES SALAAM			
15.	The Energy and Water Utilities Regulatory Authority (EWURA) Head Quarters are located in Dodoma City at EWURA House, Plot No 3, Block AD, Medeli West. P.O Box 2857, Dodoma			

Na.	Taasisi	Suala	Maoni	Maoni ya Wizara
16.	Registrar, Contractor Registration Board, P.O. Box 13374, DAR ES SALAAM			
17.	The Controller and Auditor General, National Audit Office, P.O.Box 950, Tambukareli, 41104 Dodoma			
18.	Commissioner General, Tanzania Revenue Authority, Edward Sokoine Drive,11105 Mchafukoge, Ilala CBD, P.O.Box 11491, Dar es salaam, Tanzania			
19.	Director General, Tanzania Ports Authority, P.O. Box 9184, DAR ES SALAAM			
20.	Tanzania Private Sector Foundation, Plot No. 1288 Mwaya Road, Msasani Peninsula, P.O. Box 11313, DAR ES SALAAM			
21.	Tanzania Roads Assciation (TARA), Pamba House – Pamba			

Na.	Taasisi	Suala	Maoni	Maoni ya Wizara
	Road/Garden Avenue, P.O. Box 2028, DAR ES SALAAM			
22.	Tanzania Freight Forwarded Association, Gerezani Area, Plot No. 75, House #. 31, Behind Railway Club, P.O Box 7900, Dar es salaam -Tanzania			
23.	Engineers Registration Board (ERB) Tetex Building (2nd and 4th Floor) P.O.Box 14942, Dar es Salaam - Tanzania.			