

G.N. No.30 (contd.)

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THE ROAD TRAFFIC ACT, 1973

(No. 30 OF 1973)

REGULATIONS

Made under sections 114 (1)(p)

**THE ROAD TRAFFIC (MAXIMUM WEIGHT OF VEHICLES)
REGULATIONS, 2001**

1. These Regulations may be cited as the Road Traffic (Maximum Weight of Vehicles) Regulations, 2001 and shall be deemed to have come into operation on the 24th day of January, 2001.

Title and
commencement

2. In these Regulations, unless the context requires otherwise-

Interpretation

“abnormal load” means or relates to a load, which by its nature (indivisible or extraordinarily large) unavoidably exceeds the legal load and or dimensional limits and thus requires a special permit to travel;

“articulated vehicle” means a combination of vehicles comprising of a motor vehicle and a semi-trailer coupled to the motor vehicle; “awkward load” means a load which by its nature or by the nature of the container of vehicle in which it is carried, is difficult to handle or store, such load is divisible and therefore not an abnormal load. Such loads are bitumen, volatile liquids or gases and perishable goods etc;

“axle load” means weight transmitted on road by an axle bearing two or more pneumatic tyres;

“authorized officer” means any person authorized to provide vehicle loading central services by the Road Authority;

“group of axles” means axle-combinations of more than one axle suspended together with spacing between the axles from 1.2 to 2.5m;

“gross vehicle mass” means the weight of the motor vehicle or the trailer together with the weight of any load (including any person or animal) thereon where any motor vehicle has any trailer together with the weight of any load be deemed to be part of the motor vehicle and references in these Regulations to a motor vehicle shall be construed as references to the motor vehicle together with such trailer.

“multi-axle combination” means a group of axles consisting of more than three (3) axles suspended together with a spacing between the axles from 1.2 to 2.5;

“overload” means that the axle load, the load from group of axles, the load from other multi-axle combinations or gross vehicle mass on a vehicle exceeds the prescribed legal limits for any particular part of public roads;

“road authority” means the authority responsible for construction, restoration, maintenance and safety of roads or its representative appointed by the Minister responsible for roads within the meaning of the High-ways Ordinance;

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“single axle” means one axle with at least two pneumatic tires;

“super load” means a load which is extraordinarily large and indivisible, and which has special route requirements, a special vehicle and a permit e.g. giant indivisible cranes or large prefabricated structures;

“super single tire” means a single mounted tire special designed for replacing the combination of dual mounted tires on axles with air suspension;

“tandem axle” means two (2) axles suspended together with spacing between the axles from 1.2m to 2.5m and interconnected in such a manner that any load imposed upon them will automatically be distributed in proportions pre-determined by the design of the suspension system, regardless of the road profile or road condition;

“triple axle” means three (3) axles suspended together with a spacing between the axles from 1.2m to 2.5m and interconnected in such a manner that any load imposed upon them will automatically be distributed in proportions pre-determined by the design of the suspension system, regardless of the road profile or road condition;

“Weights Measures Bureau” means a body permitted to certify the correctness of weighing scales as the competent authority of the state, as defined by the Weights and Measures Act.

3-(1) The Road Authority may cause weighbridges or other devices for detection to be installed on roads and may erect road signs which shall require any category of motor vehicles to be weighed or subjected to a test by any such device.

Erection of
devices for
detection

(2) Any person who, being the driver of a motor vehicle or in charge of a motor vehicle, disobeys or disregards any direction on a road sign created pursuant to the provisions of paragraph (1) or who, when required to do so by a policeman or any other public officer authorized in that behalf by the Road Authority fails or refuses to submit the motor vehicle to being weighed on a weighbridge or being tested by any such device, shall be guilty of an overload offence.

- 4 No person shall, save under and in accordance with valid special Permit granted by the Road Authority, drive or use, or cause or permit to be driven or used, on any public road in Tanzania any motor vehicle of description specified in the first column of the First Schedule hereto except where:
- a. the gross vehicle mass of such a motor vehicle or trailer does not exceed the weight specified in relation to a vehicle of such description in the second column of the said First Schedule:
 - b. such gross vehicle mass is distributed on axles in the manner specified in the Second Schedule as provided hereto:

Grant of
Special
permit

Provided that-

- i. no axle, singly or as one of the tandem or triple axles shall carry more than ten (10) metric tones;
 - ii. the axle load limit shall not exceed the lesser of the limits set in the Schedule or the manufacturer's recommended limits;
- c. such overall dimensions of motor vehicle and trailers including when laden does not exceed the following specification:
- i. overall width 2.6m;
 - ii. overall height 4.6m from the road surface;
 - iii. overall length of rigid vehicle 12.5m
 - iv. overall length of articulated vehicles 17.0m
 - v. overall length of any combination of vehicles 22.0m,
5. A special permit issued by the Road Authority shall be in such form as may be determined and there may be annexed thereto such conditions as the Road Authority may specify,

Road
Authority to
specify the
forms

Such conditions may include-

- a. the presentation of the vehicle and load to be weighed;
- b. the provision of escorts;
- c. the use of warning lights and devices;
- d. travel times: or
- e. any other matter, which in the opinion of the Road Authority is necessary for the carriage of such load and the protection of road infrastructure and the environment.

6 Any person who-

- a. drives or uses or causes or permits to be driven, used any motor vehicle or trailer on any road in contravention of any provision of these Regulations;
- b. in any manner whatsoever fails to comply with any condition annexed to a special permit issued by the Road Authority or who with intent to deceive or defraud, alters varies, defaces, forges or otherwise in any way interferes with such permit, shall be guilty of an offence, and shall be liable on conviction to a fine not less than 2000 US\$ or its equivalent in Tshs. or to imprisonment for a term of six months or to both.

Failure to comply with the conditions

7-(1) These Regulations shall apply to vehicles of 3,500kg permissible weight or above which fall into the following overload offence categories-

Applications

- (a) A vehicle is said to be overloaded when used on a public road in contravention of weight regulations. In this context a vehicle is said to be overloaded when contravening the permissible axle(s) weight and gross vehicle mass laid down for that vehicle and allowed for the roads weight regulations laid down by prohibitions signs for a specified part of a road, or special notifications or other.
 - (b) If a special permit is issued for a vehicle, the overload is to be calculated accordingly and the corresponding fee(s) imposed.
- (2) For reasons of the distribution of the load on a vehicle, an axle or group of axles is only to be deemed overloaded if the load exceeds the legal limit after addition of five percent (5%) of allowable weight, and then rounding down to the nearest one hundred kilograms.
- (3).For each axle an additional five percent (5%) of the allowed weight may be carried further. However, if such overload is not off-loaded, the surcharge fee for carrying it further will be four times the corresponding fee for the overload. All overload beyond five percent (5%) shall be off-loaded into another vehicle unless a special permit is produced.
- (4) If it is established that a vehicle is carrying a load in excess of the legal load limit while a journey is being undertaken, the vehicle in question will not continue with its journey unless the excess load is offloaded or redistributed and the vehicle upon being re-weighed shall confirm to the legal load limit.

8-(1) The Road Authority shall impose the prescribed fees for vehicles overload offences to recover the cost of the damages to the roads and bridges caused by the overloaded vehicles; these fees shall be paid on spot to the Road Authority.

Imposition of fees

Road Traffic (Maximum Weight of Vehicles)

(2) Fees prescribed in these Regulations shall be imposed to the owner of the overloaded vehicle in question according to the specification in regulation 9.

(3) Any person who overloads his vehicle shall be guilty of an overload offence under paragraph (b) of regulation 6.

9-(1) Any motor vehicle or trailer which carries a load by its nature indivisible and unavoidable exceeds the legal dimensions but not axle load limits, shall not use the road unless an abnormal permit fee of twenty US dollars or the equivalent in Tanzania shillings, has been paid and issued a permit by the Road Authority; the cost for safe movement of the cargo shall be borne by the registered owner.

Fees and permit for an abnormal awkward and super dimension loads

(2) Where there is an abnormal load which its width exceeds 2.85m, the registered owner shall provide for escort vehicles(s) at his own expense, and the Road Authority will issue the permit to the registered owner who has provided the escort vehicles(s) and paid fees for the abnormal permit.

(3) Where a vehicle carries a super load that can cause damage to the road infrastructure, the registered owner must comply with the conditions set down in the permit by the Road Authority to prevent any part of the roads or bridges being damaged.

(4) If any visible damage is done to any bridge, road structure or road furniture, the registered owner shall be required to compensate the Road Authority for such damage and shall be liable for any costs, charges or expenses in respect thereof including any axle or gross vehicle mass overload fee payable in accordance with these Regulations.

(5) If a vehicle is overloaded and the load is considered to be awkward, it shall not be off-loaded at the weighbridge station unless special and legal safety precautions are taken; in this case the registered owner of the vehicle shall be required to pay a fee for each overloaded axle or for the excess gross mass weight.

(6) If the destination is further away than the starting point, the driver shall take his vehicle to the starting point for off-loading to legal limits after having paid the overload fee and if the destination is near the vehicle may proceed after having paid the regular over-load fee and the surcharge shall be paid in accordance with sub-regulation (3) of regulation 7.

(7) A person is disqualified from being issued a permit if he has an outstanding debt in respect of any monies payable in terms of these regulations.

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10-(1) If a vehicle is found to contravene the provision of regulation 8 the registered owner shall be liable to pay fees to the Road Authority in accordance with the specifications provided under regulation 9.

Liability of owners

(2) Subject to the provisions of sub-regulation(1) the liability for an overload fee according to these Regulations shall not exclude penal sanctions for other traffic offences associated with the vehicle.

11-(1) Subject to the provisions of these Regulations the fee shall be calculated separately on each axle or group of axles according to the Schedules set out in these Regulations.

Axle or group of axles to form base of fees calculations

(2) When determining the load limit for an axle or group of axles the following shall be taken into account:-

- a. the fee to be paid for an overloaded axle or group of axles shall be as specified in the Third Schedule of these Regulations;
- b. the fee to be paid for Gross Vehicle mass overload, shall be as specified in the Fourth Schedule to these Regulations;
- c. when a vehicle is overloaded, both with respect to axle load and gross vehicle mass limits, only the Schedule giving the highest fee will be applied.

12- (1) Subject to regulation 15 the notification in the weighbridge report form gives the basis for imposing fees where the vehicle is found to be overloaded according to these Regulations; it shall be the duty of the Road Authority to impose fees.

Procedure for payment of fees

(2) It shall be the duty of the driver to notify the registered owner to an overload as shown on the weighbridge report form regarding the overload and the fee shall be paid after the issuance of the weighbridge report form.

(3) If a trailer was used in violating the overloading regulations, the registered owner of the motor vehicle pulling the trailer shall be liable for the overloading offence and shall be required to pay overloading fees.

(4) Subject to Sub-regulation (3), it shall be the duty of the owner or of any person registered as the owner of the motor vehicle pulling the overloading trailer to pay fees for an overloaded trailer or motor vehicle.

(5) In order to secure proper payment of fees, an overloaded vehicle will be detained free of charge by the Road Authority for the first three consecutive days, thereafter, a fee of twenty US dollars or its equivalent in Tanzanian shillings will be charged for each extra day until proof of payment has been produced.

(6) Subject to the provisions of this regulation detained vehicles will be held under the owner's responsibility and payment of fees shall be made either by cash or irrevocable bank cheque in US dollars or its equivalent in Tanzanian shillings.

13.-(1) If the vehicle is overloaded or is in contravention of the Road Traffic Act, 1973 or the Highways Ordinance, the Road Authority together with the police shall perform overload control and enforce these Regulations.

Authority
and the
enforce-
ment Act
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(2) Subject to Sub-regulation 1 it shall be the duty of the driver to follow all the instructions given by the Road Authority or the police so that road safety and overload control procedures can be performed in a proper way.

(3) Where a vehicle is found to have bypassed or absconded from a weigh bridge station, whether overloaded or not, the registered owner shall be liable to pay a bypassing or absconding fee of two thousand US dollars, and subject to the provisions of these regulations if the vehicle is found to be overloaded, the overloading fee and charging procedures described under these regulations shall be instituted in addition to the absconding fee.

(4) It shall be an offence when the instructions of the Road Authority or the Police are not followed, as the result of the contravention a vehicle and cargo shall be detained as long as it is necessary at the expenses and the risk of the registered owner.

(5) if the fees described in these Regulation is not paid after ninety days from the date of imposition, the Road Authority may issue a notice of sale by auction the vehicle in question and its goods.

(6) Subject to Sub-regulation 5 before the goods are disposed off by auction the Road Authority shall by notice published in the *Gazette* and in two national newspapers within fourteen days after the vehicle in question has been compounded require the owner of the motor vehicle or trailer to claim for the goods failure of that the goods will be disposed off by auction.

(7) The proceeds of any such sale shall first be used to cover the charges resulted by sale, including the cost of the advertisement and removal of the vehicle or trailer while the remaining proceeds, if any, shall be payable to the registered owner, or, where the owner fails to claim within six months of the sale the proceeds shall be deposited to the Road Authority.

(8) For security reasons the Road Authority shall notify the nearest police station within 24 hours regarding which vehicle is being detained at the weigh bridge stations.

14. An Authorized officer may-

- a. require the driver of a vehicle to stop the vehicle for the purposes of weighing and inspecting vehicles;

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- b. Enter the vehicle;
- c. Inspect-
 - i. any load being carried in or on the vehicle; and
 - ii. any record relating to any load carried in or on the vehicle
- d. weigh the vehicle and any load being carried in or on the vehicle;
- e. weigh the amount of weight being borne by an axle or an axle group of the vehicle;
- f. inspect any record relating to, issued or required under any transport legislation;
- g. inspect any record, object or thing that relates to the vehicle, its operation or any load carried in or on the vehicle;
- h. make inquiries of any person operates the vehicle inspected under this section; and
- i. perform or cause to be performed tests or examinations of or in respect of the vehicle or any load carried in or on the vehicle;
- j. impose any other damage caused by a transporter.

15.-(1) It shall be the duty of the authorized officer to make sure that a scale is always set to zero before weighing starts.

Weighing
procedures

(2) An overload fee related to axles or gross vehicle mass shall be calculated by weighing the individual axle or group of axles; and alternatively, the gross vehicle mass may be calculated by weighing a vehicle in one operation.

(3) When using single axle weighbridges, the gross vehicle mass shall be calculated on the basis of the sum of weight of the different axles.

(4) Only scales authorized by “Weights and Measures Bureau” shall be used.

(5) The authorized officer shall fill in a weigh bridge report form, which must be signed by the driver, who by signing the form shall be an indication that he has agreed on behalf of the owner that the vehicle particulars and weighing scale reading at that particular time of weighing are correctly reported on the form; failure of a driver to sign the weighbridge report form does not prevent the Road Authority from imposing a fee.

(6) In case where the load complies with legal axle weights and gross vehicle mass, a weigh bridge report form shall be deemed to be a compliance permit in accordance to the Road Traffic Regulations, the driver shall carry the permit

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throughout the journey and if there is reason to believe that the vehicle subsequent to the control has been reloaded or tampered with in any way, a new weigh bridge report form must be issued.

(7) The registered owner shall keep the weigh bridge report form and a permit for a period of one year from the date of issue, if demanded by the Road Authority; the registered owner must present the weigh bridge report forms.

16-(1) In special circumstances the Roads Authority in consultation with the Minister may refrain from imposing a fee or waive or reduce an imposed fee, the waiver or reduction of fees shall be considered if-

Adminis-
tration
appeals

- a. the matters are of national security;
- b. it is for bilateral agreements between government;
- c. the motor vehicles are used as a result of natural disaster relief or for emergency infrastructure restoration.

(2) Notwithstanding the provisions of sub-regulation (1) the conditions spelt therein shall be a special permit stating the circumstances of the waiver or reduction be issued by the Roads Authority prior to the journey,

17.-(1) Any person aggrieved by the decision of the authorized officer or the Road Authority refusing to grant a weigh bridge report or any permit required to be granted under these Regulations may appeal against that decision to the Minister.

Appeals

(2) Where a person is not satisfied by the decision of the Minister he may appeal to the High Court and the provisions of the Criminal procedure Act, shall apply.

18.-(1) The Road Traffic (Maximum Weight of Vehicles) Regulations Government Notices No.54 of 1975; 625 of 1987 and 263 of 1993 are hereby revoked.

Repeal
and
Savings

(2) notwithstanding Sub-regulation (1) any exemption or permit, which was granted by the Road Authority in terms of the regulations referred above and which are in force shall continue to be in force as if they have been made under these Regulations, and may be amended or repealed accordingly.

FIRST SCHEDULE

Made under Regulation 4(a)

Maximum Gross Vehicle Mass

Vehicle Description	Maximum Gross Vehicle Mass (KGs)
a. Two axle vehicle	18,000
b. Three axle vehicle	26,000
c. Four (or more) axle vehicle	28,000
d. Vehicle plus semi-trailer with 3-axles	28,000
e. Vehicle plus semi-trailer with 4-axles	36,000
f. Vehicle plus semi-trailer with 5-axles	44,000
g. Vehicle plus semi-trailer with 6-axles	50,000
h. Vehicle and draw-bar trailer with 4-axles	37,000
i. Vehicle and draw-bar trailer with 5-axles	45,000
j. Vehicle and draw-bar trailer with 6-axles	53,000
k. Vehicle and draw-bar trailer with 7-axles(or more)	56,000

SECOND SCHEDULE

Made under Regulation 4(b)

<i>Type of axle/group of axles</i>	<i>No. of tyres</i>	<i>Max load on axle/group of axles</i>
a. Single steering drive operated	2	8
b. Two steering drive operated	4	14
c. Single steering draw bar controlled	4	9
d. Single non steering	2	8
e. Single non steering	4	10
f. Tandem non steering	4	12
g. Tandem non steering	6	15
h. Tandem non steering	8	18
i. Tandem steering (dolly)	8	16
j. Triple non steering	10	21
k. Triple non steering	12	24
l. Triple super single tires	6	24

THIRD SCHEDULE

Made under Regulation 11(a)

Schedule of Overloading Fees for an Axle and Group of Axles

Overload up to (Kilograms)	Fees US \$ Fees	Overload up to (Kilograms)	Fees US \$ Fees
100	8	5100	836
200	16	5200	864
300	25	5300	892
400	34	5400	921
500	43	5500	950
600	52	5600	980
700	62	5700	1010
800	72	5800	1041
900	82	5900	1073
1000	92	6000	1106
1100	103	6100	1138
1200	114	6200	1172
1300	126	6300	1206
1400	137	6400	1241
1500	149	6500	1276
1600	161	6600	1312
1700	174	6700	1349
1800	187	6800	1387
1900	200	6900	1425
2000	214	7000	1464
2100	228	7100	1503
2200	242	7200	1543
2300	257	7300	1584
2400	272	7400	1626
2500	287	7500	1688
2600	303	7600	1711
2700	319	7700	1755
2800	335	7800	1799
2900	352	7900	1845
3000	369	8000	1891
3100	387	8100	1937
3200	405	8200	1985
3300	425	8300	2033
3400	443	8400	2083
3500	462	8500	2133
3600	482	8600	2183
3700	502	8700	2235
3800	523	8800	2288
3900	544	8900	2341
4000	566	9000	2395
4100	588	9100	2450
4200	610	9200	2506
4300	633	9300	2563
4400	657	9400	2621
4500	681	9500	2679
4600	705	9600	2739
4700	730	9700	2799
4800	756	9800	2860
4900	782	9900	2923
5000	800	10000 or more	2986
or more			

FOURTH SCHEDULE –

Made under Regulation 11(b)

Schedule of Overloading Fees for Maximum Group Vehicle Mass

<i>Overload up to (Kilograms)</i>	<i>Fees US \$</i>	<i>Overload up to (Kilograms)</i>	<i>Fees US \$</i>
500	22	16500	2331
1000	45	17000	2536
1500	70	17500	2760
2000	95	18000	3006
2500	122	18500	3275
3000	150	19000	3569
3500	180	19500	3893
4000	211	20000	4248
4500	244	20500	4638
5000	279	21000	5067
5500	316	21500	5538
6000	355	22000	6057
6500	397	22500	6628
7000	441	23000	7258
7500	489	23500	7952
8000	539	24000	8716
8500	593	24500	9560
9000	651	25000	10491
9500	712	25500	11519
10000	779	26000	12653
10500	850	26500	13906
11000	926	27000	15291
11500	1009	27500	16821
12000	1098	28000	18512
12500	1195	28500	20381
13000	1299	29000	22448
13500	1412	29500	24735
14000	1535	30000	27264
14500	1668	30500	30062
15000	1813	31000	33158
15500	1971	31500 and above	35000
16000	2143		

Dar es Salaam; MOHAMED S. KHATIB, *Minister for Home Affairs*
26th January, 2001