

**THE TANZANIA SHIPPING AGENCIES (MISCELLANEOUS PORT
SERVICES) REGULATIONS, 2018 G.N. NO. 343 OF 2018**

GOVERNMENT NOTICE NO. 343 published on 20/07/2018

THE TANZANIA SHIPPING AGENCIES ACT
(NO. 14 OF 2017)

REGULATIONS

(Made under section 61(2)(g)(ii))

THE TANZANIA SHIPPING AGENCIES (MISCELLANEOUS PORT
SERVICES) REGULATIONS, 2018

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THE TANZANIA SHIPPING AGENCIES ACT
(NO. 14 OF 2017)

REGULATIONS

(Made under section 61(2)(g)(ii))

THE TANZANIA SHIPPING AGENCIES
(MISCELLANEOUS PORT SERVICES) REGULATIONS, 2018

PART I
PRELIMINARY PROVISIONS

- Citation 1. These Regulations may be cited as the Tanzania Shipping Agencies (Miscellaneous Port Services) Regulations, 2018.
- Application 2. These Regulations shall apply to miscellaneous port services in Mainland Tanzania.
- Interpretation 3. In these Regulations, unless the context otherwise requires-
- Cap. 413 “Act” means the Tanzania Shipping Agencies Act;
“approved charges and rates” means rates and charges approved by the Tanzania Shipping Agencies Corporation;
“bill of lading” means a document issued by ocean carrier, or its agent or master of a ship on behalf of the carrier, to the shipper as a contract of carriage of specified goods and confirms receipt for cargo accepted on board for transportation by the carrier and signifies title to goods by the holder upon its presentation, at specified destination, to the carrier or its agent;
“cargo lashing” means holding, tying, fixing of cargo in position using wires, ropes, chains, straps rods, turnbuckles, twist-locks or any other device;
“cargo trimming” means partial or total levelling of the

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- Cap. 208 cargo inside a ship's hold;
- Cap. 208 "certificate of compliance" means a certificate issued by a relevant licencing authority body to a business owner providing that the business complies with relevant law governing that business;
- Cap. 212 "certificate of incorporation" means a certificate of incorporation of a local company issued under the Companies Act;
- Cap. 212 "company" means a company incorporated under the Companies Act, or incorporated outside Mainland Tanzania and authorised by the Business Activities Registration Act to carry on business or to have a registered office in Mainland Tanzania;
- Cap. 208 "Corporation" means the Tanzania Shipping Agencies Corporation established under section 4 of the Act;
- "dunnaging" means protection of cargo on board ship or in a container from moisture and mechanical damage using materials such as plastic film, jute covering, tarpaulin, wood, matting, liner bag or any other material;
- "labour gang" means a group of workers engaged and arranged by a licensee to perform a specific port related and team oriented job on board ship or within a port terminal;
- "licence" means a miscellaneous port services licence issued by the Corporation under regulation 11 of these Regulations;
- "licensee" means a company licensed by the Corporation to provide miscellaneous port services;
- "local company" means a company incorporated in Tanzania or a foreign company registered in Tanzania and wholly owned by Tanzania citizens;
- "Minister" means the Minister responsible for maritime transport;
- "periodical performance report" means a performance report submitted quarterly by the licensee to the Corporation;
- and
- "port" means seaports or inland waterways ports;
- "shipper" means a consignor of goods in a contract of carriage by sea and inland waterways and named in the

bill of lading as such and includes a consignee when acting to protect interests in the cargo at the port of discharge;

“Supercargo” means a company engaged by a ship owner, shipping company, shipping agent, charterer of a ship or shipper of goods to supervise cargo handling operations.

PART II
CATEGORIES AND FUNCTIONS OF MISCELLANEOUS PORT SERVICES

Categories of licence

4. There shall be three categories of miscellaneous port services licences as follows-

- (a) Category A licence shall authorise a licensee to provide services prescribed under paragraph (a) of regulation 5 on board ship upon being engaged by a shipping agent on behalf of a carrier;
- (b) Category B licence shall authorise a licensee to provide services prescribed under paragraph (b) of regulation 5 on board a ship while alongside or within a port terminal upon being engaged by the port operator; and
- (c) Category C licence shall authorise a licensee to provide services for a carrier, port operator or shipper as prescribed under paragraph (c) of regulation 5 on board ship while alongside, within port terminal or any other location as may be assigned severally or jointly by carrier, port operator or shipper or their agents.

Functions of miscellaneous port services

5.-(1) Functions of miscellaneous port services shall be:

- (a) in case of Category A licence-
 - (i) watchmanship;
 - (ii) hatch sweeping and cleaning;
 - (iii) cargo lining;
 - (iv) cargo separation;
 - (v) ship chipping and painting;
 - (vi) dunnaging;

- (vii) container or cargo lashing on board ship;
 - (viii) container or cargo unlash on board ship;
and
 - (ix) any other activity as may be determined by the Corporation.
- (b) in case of Category B licence –
- (i) supply of labour gangs to port operator for stevedoring in order to load and unload cargo on board ship, truck, trailer, wagon or other equipment used to deliver cargo in or out of a port terminal;
 - (ii) provision of gear, tools and facilities necessary for performance of stevedoring work in a port terminal;
 - (iii) cargo trimming inside a ship hatch during loading and unloading;
 - (iv) to supply labour gangs to dry port operators for performance of core functions; and
 - (v) any other service as may be determined by the Corporation through circular notice;
- (c) in case of Category C licence –
- (i) provision of pre-shipment cargo inspection;
 - (ii) conducting cargo or ship survey in order to establish the chemistry, technical composition, value, quality, quantity, measurement or other aspects necessary to determine appropriateness of cargo or ship for requisite commercial need in consideration;
 - (iii) provision of supercargo service; and
 - (iv) any other service as may be determined by the Corporation.
- (3) A licensee shall prepare quarterly reports showing operational performance and safety related matters as specified by the Corporation.

PART III

APPLICATION, GRANT AND CONDITIONS OF LICENCE

Prohibition to
operate

6. A person shall not operate miscellaneous port services

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without licence without having a valid licence issued by the Corporation.

Eligibility for licence 7.-(1) A company shall be eligible for a licence under these Regulations if that company—

- (a) is incorporated or registered in Mainland Tanzania;
- (b) has director or shareholder who has not been convicted of—
 - (i) offence against national security;
 - (ii) offence against national economy;
 - (iii) offence involving non-payment or evasion of any tax or levy payable under any written law;
 - (iv) offence against corruption; and
 - (v) offence against decency or morality;
- (c) is not determined for any misconduct in the industry;
- (d) has appropriate capital base conforming to the threshold set out in the First Schedule to these Regulations; and
- (e) meets the requirements for application of a licence under these Regulations.

(2) Notwithstanding the provisions of sub-regulation (1), an applicant shall be eligible for—

- (a) Category A or B licence if is a local company; or
- (b) Category C licence if twenty five per cent or more of its share capital is owned by a Tanzania citizen.

(3) An applicant for a licence under category C who is holding a valid business license issued under the Business Licensing Act to conduct similar business at the time of coming into force of these Regulations shall be allowed grace period of six months to comply with eligibility requirements related to ownership of share capital prescribed under sub-regulation (2).

Cap. 208

Application for licence 8.-(1) A company that intends to operate miscellaneous port services shall submit an application to the Corporation in the Form No.1 prescribed in the Second Schedule to these Regulations.

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- (2) The application for a licence in sub-regulation (1), shall be accompanied with-
- (a) proof of payment of application fee;
 - (b) Memorandum and Articles of Association;
 - (c) Certificate of Incorporation or Certificate of Compliance;
 - (d) valid business licence;
 - (e) tax clearance certificate;
 - (f) share certificate of a company's shareholder;
 - (g) proof of business premises;
 - (h) list of available cargo working equipment, working gear and working tools;
 - (i) list of available safety gear for operational workers; and
 - (j) any other document as the Corporation may require.

Licence fees

9.-(1) A company shall pay to the Corporation an application fee and licence fee as prescribed in the Third Schedule to these Regulations.

(2) A licensee, upon payment of fees in accordance with sub-regulation (1), shall not be liable to pay fee for obtaining any other permit issued by a regulated service provider for performing functions covered by a licence issued under these Regulations.

Grant of licence

10. Where the Corporation is satisfied that the provisions of these Regulations have been complied with, the Corporation shall issue the applicant with a licence in the manner set out in Form No. 4 in the Second Schedule.

Refusal to grant licence

11.-(1) Where the Corporation is satisfied that a company is not eligible or has failed to fulfil the licence requirements in accordance with these Regulations shall refuse to grant or renew a licence in a manner prescribed in Form No. 5 of the Second Schedule.

(2) Notwithstanding the provisions of sub-regulation (1), the Corporation shall not renew a licence if the applicant fails to attain performance benchmarks in the provisions of

services as set by the Corporation.

Validity and
renewal of
licence

12.-(1) A licence issued under these Regulations shall be valid for a period of one year commencing from the date of its issuance.

(2) A licensee may apply for renewal of a licence by filling in the application form prescribed in the Second Schedule to these Regulations.

(3) An application for renewal of a licence shall be submitted to the Corporation thirty days prior to expiry of the preceding licence.

(4) Any application for renewal submitted contrary to sub-regulation (3) shall be surcharged fifty per cent of a prescribed fee and ten per cent of the accrued balance for every subsequent month on accrued balance.

Licence not
transferable

13.-(1) A licence issued under these Regulations shall not be transferred to any person without prior approval of the Corporation.

(2) Notwithstanding sub regulation (1), the Corporation may approve transfer of a licence to a person who is carrying out the similar business for which the licence was issued.

Conditions of
licence

14.-(1) A licensee shall-

- (a) maintain a level of solvency of an amount specified by the Corporation from time to time;
- (b) apply tariff or charges reviewed by the Corporation;
- (c) not transfer or assign the licence without approval of the Corporation;
- (d) not engage in shipping agency or ship operations;
- (e) employ a qualified personnel who possesses a Diploma or higher qualification in port operations or shipping operations and has relevant experience of two years or more;
- (f) establish a system of resolving complaints or disputes;
- (g) achieve performance benchmarks as may be

- determined by the Corporation from time to time;
- (h) furnish the Corporation with periodical performance reports as may be determined by the Corporation;
 - (i) maintain a register of incidents and accidents related to his services and action taken;
 - (j) not engage in corrupt or fraudulent practices;
 - (k) notify the Corporation of any changes of address and business premises within seven days from the date of such changes; and
 - (l) pay annual service levy in accordance with the Tanzania Shipping Agencies (Service Provider Levies and Fees) Rules, 2018.
- (2) Notwithstanding the provisions of sub-regulation (1):
- (a) a licensee under Category A, shall employ a qualified personnel who possesses valid seafarer's mandatory certificates; and
 - (b) a licensee under Category C, shall employ a qualified personnel who possesses valid Marine Survey Certificate from accredited institution.
- (3) A licensee who fails to meet or violates conditions of licence provided in sub-regulation (1) commits an offence.

PART IV
SUSPENSION AND REVOCATION OF LICENCE

Measures for failure to meet conditions or requirements

15.-(1) Where the Corporation is satisfied that a licensee has failed to meet or violated specific conditions or requirements under these Regulations shall impose regulatory measures depending on the gravity of failure or violation.

(2) The Corporation may impose regulatory measures against a licensee in accordance with sub-regulation (1) as follows-

- (a) warning;
- (b) fine;
- (c) warning and fine;

- (d) suspension of licence; or
- (e) revocation of licence.

Suspension of licence

16.-(1) The Corporation may suspend a licence on the ground of non-compliance with the conditions of a licence or subsequent loss of eligibility or failure to meet requirements of these Regulations.

(2) For the purpose of sub-regulation (1), breach of conditions of licence provided under regulation 14(1) (a), (b), (e), (f), (g), (h), (i), (k) and (l) shall warrant a suspension under these Regulations.

(3) Suspension of a licence shall not be effected without prior notice requiring the licensee to-

- (a) show cause in a manner prescribed in Form No. 2, within seven days, as to why a licence should not be suspended; or
- (b) take specific measures to remedy any contravention or breach of licensing conditions, or procedure.

(4) The Corporation shall assign reasons for suspension of a licence as the case may be.

(5) The Corporation shall lift the suspension upon the licensee fulfilling the requirements specified under sub-regulation (3)(b).

Revocation of licence

17.-(1) The Corporation may revoke a licence if a licensee violates conditions of a licence as provided for under regulation 14(c), (d), (j), (l) and (m).

(2) Revocation of a licence shall not be effective unless the licensee is afforded an opportunity to show cause in a manner prescribed in Form No. 2 in the Second Schedule, within seven days, as to why a licence should not be revoked.

Consequence of suspension or revocation

18.-(1) Where a licence is suspended or revoked, the licensee shall, within the time specified in the suspension or revocation notice but not exceeding thirty days after receipt of the notice of suspension or revocation-

- (a) return the licence to the Corporation; and

(b) cease to operate.

(2) A notice of suspension or revocation under this regulation shall be as prescribed in Form No. 3 in the Second Schedule.

PART V
OFFENCES AND PENALTIES

Offences and penalties

19. A person who-

- (a) carries on the business of miscellaneous port services without a valid licence;
- (b) in relation to an application for a licence, makes any statement which is false;
- (c) furnishes to the Corporation with record, statement, declaration, written information or explanation containing particulars which to his knowledge are false or incorrect;
- (d) fails to exhibit or produce a licence upon being required to do so;
- (e) hinders or obstructs an officer of the Corporation, or any other prescribed officer in the performance of their duties under the Act or these Regulations;
- (f) fails to surrender the licence granted to him when required to do so; or
- (g) fails to comply with any provisions of these Regulations,

commits an offence and on conviction, shall be liable to a fine of not less than twenty million shillings but not exceeding forty million shillings or to imprisonment for a term of not less than two years but not exceeding five years or to both.

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Power to
compound
offences

20.-(1) Notwithstanding the provisions of regulation 18, where a person admits in writing to the Corporation that he has committed an offence, an authorized officer of the Corporation may, at any time prior to the commencement of the hearing by a Court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such an offence.

(2) Subject to sub-regulation (1), where an offence is compounded and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the Court that the offence with which the offender is charged was compounded by the Corporation.

Compounding
amount

21. The Corporation may compound offences with the compounding amount as provided in the Fourth Schedule to these Regulations.

Mode of
payment and
default

22.-(1) Where the person admits the offence to be compounded, he shall pay the compounded amount within seven days to the Corporation's bank account physically or electronically and submit the evidence of payment to the Corporation.

(2) Where the licensee fails to pay the compounded amount within the specified time, the Corporation shall charge interest of five per centum and five per centum of the accrued amount after every thirty days.

Failure to pay
compounded
amount

23. Where a person fails to comply with the order to pay the compounded amount within the period prescribed under these Regulations, the Corporation may enforce the order in the same manner as a decree of a Court for the payment of the amount stated in the order.

PART VI
GENERAL PROVISIONS

Safety,
security and
marine
environment

24. A licensee shall abide by maritime safety, security and marine environment rules, orders, and procedures in port or other cargo terminals as may be issued by relevant authorities.

Monitoring of
compliance

25. The Corporation may, for a purpose of monitoring compliance with conditions of licence, enter premises or place of work or facility of a licensee during working hours in order to inspect anything which is related to the licensee's functions as a miscellaneous port service provider.

Complaints
handling

26. A person who is aggrieved by a decision made under these Regulations may complain in accordance with the Tanzania Shipping Agencies Act (Complaints Handling) Regulations, 2018.



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS, TRANSPORT AND
COMMUNICATION
TANZANIA SHIPPING AGENCIES
CORPORATION
(TASAC)



FIRST SCHEDULE

(Made under regulation 7(1)(d))

CAPITAL BASE OF LICENSEE

CATEGORY OF LICENCE	ISSUED SHARE CAPITAL (USD)	
	Sea Port	Lake Port
A	5,000.00	2,000.00
B	20,000.00	8,000.00
C	100,000.00	40,000.00

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SECOND SCHEDULE			
			Form No 1
<i>(Made under regulation 8(1))</i>			
APPLICATION FOR MISCELLANEOUS PORT SERVICES LICENCE			
CATEGORY OF LICENCE APPLIED FOR:			
A <input type="checkbox"/>		B <input type="checkbox"/>	
		C <input type="checkbox"/>	
1.	Name of Applicant:		
2.	Postal Address:.....		
	Tel. No.:		
	Fax No.:		
	Email Address.....		
3.	Certificate of Incorporation No:.....	Date of issue:	
4.	Physical address of place of business:		
	Street:	Plot No:	
	House/ Building No:	District:.....	Region: ..
5.	Type of Licence:	New <input type="checkbox"/>	Renewal <input type="checkbox"/>
6.	Previous Licence No.	Year:	
7.	Particulars of Current Shareholders		
	NAME	NATIONALITY	ADDRESS
8.	Any other business carried on by the company.....		

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9. Particulars of Current Management and other Staff:

S/N	FULL NAME	DESIGNATION/ POSITION	CITIZENSHIP	AGE	QUALIFICATION		YEARS OF EXPERIENCE	DATE OF APPOINTMENT TO PRESENT POSITION
					ACADEMIC	PROFESSIONAL		
1.								
2.								
3.								
4.								
5.								
6.								
7.								
8.								
9.								
10.								

I/We declare to the best of my/our knowledge and belief that all the statements contained in this application are true and correct.

I/We undertake to notify the Corporation in case of any changes in the shareholding and location of business premises.

Name in full:

Position/Designation:

Signature:

Date:

(Stamp or Seal)

Tanzania Shipping Agencies (Miscellaneous Port Services)

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FOR OFFICIAL USE ONLY

	<u>Approval</u>	<u>Disapproval</u>
Comments:		
Start Date:		Expiry Date:
Licence No.....		
Name:		Designation:
Signature:		Date:



**THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS, TRANSPORT AND
COMMUNICATION
TANZANIA SHIPPING AGENCIES
CORPORATION
(TASAC)**



(Made under Regulation 16(3)(a) and 17(2))

NOTICE TO SHOW CAUSE

To: M/s with Registration No.....

Pursuant to the provisions of the Tanzania Shipping Agencies Act No. 14 of 2017, I hereby notify you that on expiry of days from the date hereof, I intend to suspend/revoke your licence unless, before the expiration of such period, cause is shown to my satisfaction why such registration should not be suspended/revoked.

Grounds for suspension/ revocation of your certificate of registration are:

- (1)
- (2)
- (3)
- (4)
- (5)

Dated at this..... day of 20.....

**Director General
TANZANIA SHIPPING AGENCIES CORPORATION**



**THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS, TRANSPORT AND
COMMUNICATION
TANZANIA SHIPPING AGENCIES
CORPORATION
(TASAC)**



(Made under Regulation 18(2))

SUSPENSION/ REVOCATION OF LICENCE

To:

You are hereby informed that your certificate of registration as a provider of miscellaneous port services under the Tanzania Shipping Agencies Act No. 14 of 2017, is hereby **SUSPENDEND/REVOKED.**

Grounds for suspension/revocation are:

- (1)
- (2)
- (3)
- (4)
- (5)

Dated at this..... day of 20.....

**Director General
TANZANIA SHIPPING AGENCIES CORPORATION**

Tanzania Shipping Agencies (Miscellaneous Port Services)

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Form No. 4



THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS, TRANSPORT AND
COMMUNICATION
TANZANIA SHIPPING AGENCIES
CORPORATION
(TASAC)



(Made under regulation 10)

Licence No.:

LICENCE TO CARRY ON THE BUSINESS OF MISCELLANEOUS PORT SERVICES

Messrs: of
P.O Box is hereby authorized to carry on the
Business of Miscellaneous Port Services in Mainland Tanzania.
This Licence shall be valid from to Licence
Fees USDPaid vide Receipt No.: of

.....
Director General
(Signature and Rubber stamp or seal)

Date of issue:
Important: This licence is not transferrable



**THE UNITED REPUBLIC OF TANZANIA
MINISTRY OF WORKS, TRANSPORT AND
COMMUNICATION
TANZANIA SHIPPING AGENCIES
CORPORATION
(TASAC)**



(Made under Regulation 11(1))

REFUSAL TO GRANT LICENCE

To:.....

You are hereby notified that your application for a Miscellaneous Port Services licence under the Tanzania Shipping Act No. 14 of 20167 has been REFUSED for the following reasons -

- (1)
- (2)
- (3)
- (4)
- (5)

However, your application may be reconsidered under the following conditions -

- (1)
- (2)
- (3)
- (4)
- (5)

Dated at this..... day of 20.....

Director General
TANZANIA SHIPPING AGENCIES CORPORATION

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THE UNITED REPUBLIC OF TANZANIA
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(TASAC)



THIRD SCHEDULE

(Made under regulation 9(1))

APPLICATION AND LICENCING FEES

TYPE OF FEE		AMOUNT (USD)	
		Sea Port	Inland Waterways Port
Application Fee		40.00	10.00
Licence Fee:	Category A	400.00	100.00
	Category B	1,000.00	200.00
	Category C	5,000.00	1000.00



**THE UNITED REPUBLIC OF TANZANIA
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(TASAC)**



FOURTH SCHEDULE

(Made under regulation 21)

OFFENCES AND PENALTIES COMPOUNDED

No.	Nature of Offence	Regulation	Compounded Amount (TZS)
1.	Carrying on the business of miscellaneous port services without a valid licence.	19(a)	10,000,000.00
2.	In relation to an application for a licence, making any statement which is false.	19(b)	5,000,000.00
3.	Furnishing to the Corporation with record, statement, declaration, written information or explanation containing particulars which to your knowledge are false or incorrect.	19(c)	1,000,000.00
4.	Failure to exhibit or produce a licence upon being required to do so.	19(d)	250,000.00
5.	Hindering or obstructing an officer of the Corporation, or any other prescribed officer in the performance of their duties under the Act or these Regulations.	19(e)	5,000,000.00
6.	Failure to surrender the licence granted to him when required to do so.	19(f)	5,000,000.00

Dodoma,
18th July, 2018

ISACK A. KAMWELWE
Minister for Works, Transport and Communicatio