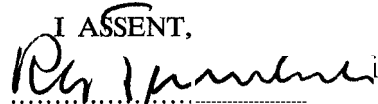


TANGANYIKA



No. 26 OF 1962

I ASSENT,  
  
Governor-General

11 TH JULY, 1962

**An Act to impose a Charge upon Passengers embarking on Aircraft at Airports**

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ENACTED by the Parliament of Tanganyika.

**1.** This Act may be cited as the Airport Service Charge Act, 1962, and shall come into operation on such date as the Minister may, by notice in the *Gazette*, appoint.

Short title  
and  
commence  
ment

**2.** In this Act, unless the context otherwise requires-  
"airport" means an area of land or water affording facilities for the take-off and landing of aircraft and appointed by the Minister to be an airport for the purposes of this Act;  
"air transport undertaking" means an undertaking whose business includes the carriage by air of passengers for hire or reward;  
"the charge" means the airport service charge imposed by section 3;  
"collection agent" means an agent appointed an agent under section 6;  
"Minister" means the Minister for the time being responsible for finance;  
"passenger" does not include a member of the crew of the aircraft concerned, or of another aircraft owned, operated or managed by the same undertaking as owns, operates or manages the aircraft concerned, when on duty.

Interpreta-  
tion

**3.** (1) Subject to the provisions of section 4 and to any exemption granted under section 5, there shall be paid by every passenger on every occasion on which he embarks on an aircraft at an airport, an airport service charge of seven shillings and fifty cents.

Imposition  
of airport  
services charge

(2) The charge shall be a debt due to the Government and shall be paid prior to embarkation to a collection agent.

**4.**(1) There shall be exempt from liability to pay the charge-

Exemptions  
from charge

- (a) any child under the age of two years;
- (b) any passenger embarking at an airport at which he is in transit.

(2) A passenger on an internal ticket who pays the charge on the occasion of his first embarking at an airport for a journey for which

such ticket is valid shall, on production of the receipt therefor, be exempt from the charge on any subsequent occasion on which he embarks for a further journey for which the same ticket is valid.

(3) A passenger who pays the charge on the occasion of his embarking on an aircraft which returns to the airport of embarkation without first landing at any other place, shall be exempt from the charge on his embarking to resume his journey on the same or any other aircraft.

(4) A passenger who embarks on an aircraft with accommodation for not more than five passengers for a journey for which neither the passenger nor any other person has paid any consideration for the passenger's carriage shall be exempt from the charge on the occasion of such embarkation.

(5) For the purposes of subsection (1), a passenger is in transit at an airport if—

- (a) he disembarks at such airport from one aircraft and re-embarks there on the same or another aircraft; and
- (b) between so disembarking and re-embarking he does not leave the airport.

(6) For the purposes of subsection (2) an internal ticket is a ticket valid for a journey to two or more places in Tanganyika or to two or more places in Tanganyika and to one or more places outside Tanganyika, which permits the person to whom it is issued to break his journey at any one or more such places.

Power to make further exemptions

**5.**-(1) The Minister may, by order published in the *Gazette*, exempt any class of persons from the liability for the charge.

(2) The Permanent Secretary to the Treasury may, by order under his hand, exempt any person or persons from liability for the charge.

(3) An exemption under this section may be granted generally or in respect of particular embarkations.

Appointment of agents

**6.** (1) The Minister may appoint any person who owns, operates or manages an airport to be the agent for the collection of the charge for that airport.

(2) The Minister may appoint any person who owns, operates or manages an air transport undertaking to be the agent for the collection of the charge for that undertaking.

Collection and payment of charge

**7.**-(1) Every agent appointed for an airport shall collect the charge from all persons liable to pay the same who embark at the airport for which he is appointed:

Provided that if the Minister has appointed an agent for the collection of the charge for any air transport undertaking, an agent appointed for an airport shall not be required to collect the charge from any persons from whom the agent appointed for that undertaking is required by subsection (2) to collect the charge.

(2) Every agent appointed for an air transport undertaking shall collect the charge from all persons liable to pay the same embarking at any airport in Tanganyika in an aircraft owned, operated or managed by, or on charter to, that undertaking or the owner of that undertaking.

(3) Where a collection agent fails or neglects to collect the charge from any person from whom he is required to collect the same, the agent himself shall be liable for the charge in, respect of that person.

(4) The amounts collected by way of charge, together with an amount for which the collection agent is liable under subsection (3) shall be paid in accordance with any directions of the Minister in that behalf by the collection agent to the Permanent Secretary to the Treasury, and the Permanent Secretary or any revenue officer may recover the same as a debt due to the Government, together with full costs of suit, in a subordinate court.

Cap. 3

(5) A subordinate court presided over by a magistrate of the first class shall have jurisdiction to bear and determine any such suit, notwithstanding that the value of the subject matter exceeds the limits prescribed in relation to such court in the Schedule to the Subordinate Courts Ordinance.

(6) All proceeds of the charge received or recovered by the Permanent Secretary or a revenue officer under this section shall be paid into the Consolidated Fund.

8.-(I) Every collection agent, and every servant or agent of a collection agent employed by such collection agent in that behalf, who collects the charge from a person liable to pay the same shall-

Issue of receipts

- (i) where such person is in possession of a ticket for the journey on which he is embarking, issue and attach to the portion of the ticket which is to be retained by the passenger a receipt in the prescribed form; and
- (ii) in any other case, issue a receipt in the prescribed form.

(2.) Any collection agent, or servant or agent of a collection agent who collects the charge from any person liable to pay the same and who intentionally omits to issue a receipt in accordance with the provisions of this section or in any manner delays or defers the issue thereof, shall be guilty of an offence and shall be liable on conviction to a fine not exceeding one thousand shillings or to imprisonment for a term not exceeding six months or to both such fine and imprisonment; and, in any prosecution for an offence under this subsection, proof of the commission of any of the acts charged shall be prima facie evidence of the intent of the defendant to commit such act.

9. Where any person liable to pay the charge refuses or neglects to pay the same, any police officer and any servant or agent of a collection agent authorized by the collection agent in that behalf may-

Power of restraint or removal

- (a) restrain such person from embarking on an aircraft; or
- (b) if such person has embarked upon an aircraft, require him to leave the aircraft, and if such person fails to do so within a reasonable time, may remove him from the aircraft,

and in restraining or removing any such person, such police officer, servant or agent may use such force as may be reasonably necessary in the circumstances.

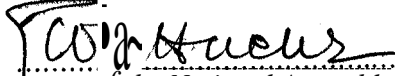
10. A revenue officer or any other person authorized in writing by the Permanent Secretary to the Treasury may enter upon the premises of any person who owns, operates or manages an airport or air transport undertaking and may require such person to produce all books, documents and records relating to the embarkation of passengers and may copy extracts therefrom.

Inspection or records

- Obstruction      **11.** Any person who obstructs or hinders a police officer or any such servant or agent aforesaid in the execution, of his powers under section 91 or a revenue officer or other authorized person in the exercise of his powers under section 10 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding five hundred shillings or to imprisonment for a term not exceeding three months or to both such fine and imprisonment.
- Regulations      **12.** The Minister may make regulations for the better carrying out of this Act and, without prejudice to the generality of the foregoing, for the rendering of returns by collection agents, and may attach to the breach of any such regulation a penalty not exceeding the penalties prescribed in section 11.

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Passed in the National Assembly on the twenty-sixth day of June, 1962.

  
Clerk of the National Assembly