

CHAPTER 173
THE FERRIES ACT
[PRINCIPAL LEGISLATION]
ARRANGEMENT OF SECTIONS

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SCHEDULE

CHAPTER 173

THE FERRIES ACT

An Act to provide for the control of public ferries.

[15th November, 1929]

Ords. Nos.	Acts Nos.	G.N. No.
32 of 1928	11 of 2000	478 of 1962
11 of 1929	9 of 2001	
46 of 1951	14 of 2017	
	13 of 2019	

Short title and
interpretation
Acts Nos.
13 of 2019 s. 10
14 of 2017 s. 76
Cap. 245
Cap. 415

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

(2) In this Act, unless the context otherwise requires-

“Agency” means Tanzania Electrical Mechanical and Electronics Services Agency established under the Executive Agencies Act;

“Corporation” means the Tanzania Shipping Agencies Corporation established under section 4 of the Tanzania Shipping Agencies Act;

“ferry” includes a boat or ship other than boat or ship owned or operated by security forces, whether owned by the Government or private person, for conveyance of passengers or goods in a passage over any river, arm of the sea, lake or part of a lake from any place to which the public has access to any other place;

“Minister” means the Minister responsible for works;

“public ferry” means a passage over an area of water declared to be a public ferry under section 2;

“ship” means a floating vessel which is self-propelled and capable of carrying passengers or cargo and includes every description of vessel used in navigation;

“Tribunal” means the Fair Competition Tribunal established by section 84 of the Fair Competition Act.

Cap. 285

Public ferries
Act No.
13 of 2019 s. 11
GN. No.
478 of 1962

2.-(1) The Minister may, by notice published 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.

Public ferries
vested in the
Minister
Act No.
13 of 2019 s. 12
GN. No.
478 of 1962

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

Responsibilities
of Agency
Act. No.
13 of 2019 s. 13

4.-(1) The Agency shall be responsible for-

- (a) management and operation of Government owned ferries;
- (b) provision of ferry services;
- (c) management and control of public ferries; and
- (d) maintenance of safe and efficient ferry services.

(2) In exercising its responsibilities, the Agency shall have regard to the principle of safety, security and protection of environment as provided for under the Merchant Shipping Act.

Cap. 165

[s. 3A]

Regulatory roles
of Corporation
Act No.
13 of 2019 s. 13

5.-(1) The Corporation shall regulate compliance of the Agency or such other person licenced to provide ferry services on matters relating to safety, security and prevention of pollution.

(2) In exercising its regulatory role under this Act, the Corporation shall comply with the provisions of the Merchant Shipping Act.

Cap. 165

[s. 3B]

Licence to ply for
hire on public
ferry

6. A person shall not 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.

[s. 4]

Mandate to
provide ferry
services
Act No.
13 of 2019 s. 14

7.-(1) The Agency shall have exclusive mandate to provide ferry services on a public ferry.

(2) Notwithstanding the provisions of subsection (1), the Agency may, upon consultation with the Corporation, license any person to provide ferry services on a public ferry.

(3) The Minister may make regulations for-

(a) issuance and management of licence;

(b) fees for issuance for licence; and

(c) any other matter that he considers necessary for better implementation of this section.

[s. 5]

Repealed

8.-10. [Repealed by Act No. 13 of 2019 s 15.]

[ss. 6-8]

Complaints
handling and
court redress
Act No.
13 of 2019 s. 16

11.-(1) A person aggrieved by the decision of the Agency under this Act may, within twenty one days from the date of the decision, lodge a written complaint to the Minister.

(2) The manner and procedure of handling complaints by the Minister shall be as prescribed in the regulations.

(3) A person aggrieved by a decision of the Minister made or given pursuant to this Act may, within thirty days from the date on which the decision is given or made, seek redress in the High Court.

[s. 9]

Recovery of fee
and cancellation
of licence if fee
unpaid

12. 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.

[s. 10]

Regulations
Act No.
13 of 2019 s. 17
GN. No.
478 of 1962

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

- (a) prescribing the fees which may be charged for the conveyance of passengers or cargo of any description over any public ferry;
- (b) ferry services management and operations; and
- (c) any other matters for which the Minister considers necessary for proper implementation of this Act.

[s. 11]

Prohibition of
maintenance
of ferry within
prescribed
distance of public
ferry
Act No.
13 of 2019 s. 18

14.—(1) A person shall not establish, maintain or operate a ferry within two miles upon either side of a public ferry or within such distance as the Minister may prescribe.

(2) A person shall not carry on any activity within the prescribed distance of a public ferry which is likely to interfere with ferry service operations or pollute public ferry environment.

(3) A person who contravenes the provisions of this section commits an offence and on conviction shall be liable to fine of not less than fifty thousand shillings but not exceeding ten million shillings or to imprisonment for a term not exceeding six months or to both.

[s. 12]

General penalty
Act No.
13 of 2019 s. 19

15. A person who contravenes any of the provision of this Act for which no specific penalty is provided, commits an offence and on conviction shall be liable to a fine of not less than fifty thousand shillings but not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.

[s. 13]

Savings of
permits lawfully
granted by or
on behalf of
Government

16. 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.

[s. 14]

Repealed **17.** [Repealed by Act No. 13 of 2019 s. 20.]

[s. 15]

Omitted **18.** [Omitted.]

[s. 16]

SCHEDULE

[Omitted]

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