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LEGAL AND INSTITUTIONAL FRAMEWORK RELATING TO COMPENSATION TO VICTIMS OF ROAD ACCIDENTS INVOLVING GOVERNMENT-OWNED MOTOR VEHICLES IN TANZANIA

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Abstract

Victims of road accidents involving government-owned motor vehicles in Tanzania continue to face significant challenges in accessing fair and timely compensation despite constitutional guarantees of equality, justice, and the right to legal redress.[i] The existing legal framework shaped by remnants of sovereign immunity, restrictive procedural requirements, lack of compulsory insurance for State fleets, and bureaucratic claim-processing systems creates substantial barriers that undermine effective remedies[ii]. These constraints are compounded by evidentiary difficulties, institutional delays, and inadequate enforcement mechanisms, which collectively result in legal uncertainty, inconsistent compensation outcomes, and weakened public accountability[iii]. The current regime disproportionately protects government interests at the expense of victims' rights, eroding deterrence against negligence and diminishing public trust in State responsibility. This paper argues for comprehensive reforms including statutory harmonization, mandatory insurance coverage, and enhanced procedural accessibility to ensure compensation systems align with constitutional principles and international best practices for State liability.

1.0 Introduction

Road accidents involving government-owned motor vehicles raise substantial legal, constitutional, and administrative questions regarding the State's liability for harm inflicted on citizens. In Tanzania, the right to compensation for victims of such accidents is anchored in constitutional guarantees of equality before the law, human dignity, and access to justice.[1] However, the interplay between statutory protections for the Government and the principles of public accountability creates a legal landscape where victims frequently encounter barriers to adequate redress.[2]

This paper examines the legal framework governing compensation for road accident victims where government vehicles are involved, focusing on the extent to which existing laws operationalize the State's obligation to protect and remedy civil wrongs. It scrutinizes key instruments including the Government Proceedings Act[3], the Road Traffic Act[4], the Law of Torts Act[5], insurance legislation, and constitutional jurisprudence. The analysis reveals persistent challenges: remnants of sovereign immunity, strict procedural notice requirements, partial or total insurance exemptions for government fleets, bureaucratic delays, and limited enforceability of judgments against government authorities.[6]

These legal and practical constraints undermine the fundamental principle that the State should not benefit from its own wrongdoing or administrative inefficiencies. The paper argues for a modernized approach to governmental liability one that aligns with contemporary public law values, regional best practices, and international human rights standards. It emphasizes the need for clearer statutory provisions on mandatory insurance for government vehicles, enhanced transparency and accountability in accident

[1] *Masawe M.P. and Ombella. J.S, Basic of Commercial Law in Tanzania (Trust Publication Ltd 2012)*
[2] *Frank L, 'Compensation Challenges in Developed States' The Journal of Rick and Insurance (Vol. 31, No.1, 2022)*
[3] *Government Proceedings Act, Cap. 5, Revised Edition, 2002.*
[4] *Road Traffic Act, Cap. 168, Revised Edition, 2002.*
[5] *Law of Torts Act, Cap. 410, Revised Edition, 2002.*
[6] *Ray V.J, 'Legal Challenges Relating to Compensation Scheme in Motor Vehicle Insurance' (PhD Thesis, University of Mzumbe 2017)*

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investigations, and efficient compensation mechanisms that reflect both restorative justice and societal expectations of responsible governance.[7]

Ultimately, this paper demonstrates that ensuring timely and effective compensation for victims of State-operated vehicle accidents is essential not only for justice delivery but also for strengthening public trust in governmental institutions and affirming the rule of law in democratic society.

2.0 An Overview of Compensation to victims of Road Accidents Involving Government Owned Motor Vehicles in Tanzania

Compensation claims arising against government-owned motor vehicles in Tanzania are governed by an intricate matrix of public and private law principles. Despite the existence of laws such as the Government Proceedings Act[8], the Law of Torts Act[9], and the Road Traffic Act[10], significant doctrinal and structural challenges persist in translating legal rights into effective remedies. The barriers are rooted in the historical legacy of sovereign immunity, procedural rigidity, uneven insurance obligations, and institutional inefficiencies at the administrative and judicial levels.[11]

One major challenge lies in the residual application of sovereign immunity**.** Although Tanzania has statutorily waived absolute immunity, state liability remains conditional and circumscribed. Victims are compelled to comply with mandatory statutory notices, strict limitation periods, and procedural technicalities**,** failure of which renders claims inadmissible regardless of substantive merit. This creates a justice-access paradox: The State, being the principal duty-bearer for public safety, simultaneously controls the legal channels through which its liability may be contested.

Another structural impediment emerges from insurance exemptions and risk allocation policies**.** Unlike private vehicles which fall under compulsory third-party insurance schemes, many government fleets, particularly those used for security, defence, and public administration, operate under self-insurance arrangements. As a result, accident victims often depend entirely on budgetary approvals and bureaucratic discretion to obtain compensation. This not only prolongs the compensation process but also undermines the certainty, adequacy, and enforceability of awards granted by courts or tribunals.[12]

Practical challenges in accident investigation, evidence preservation, and accountability mechanisms further exacerbate delays and denial of justice. Investigations involving government vehicles especially those driven by police, military, or emergency units frequently lack transparency and are susceptible to institutional bias, resulting in delayed or compromised liability determination. Administrative actors may prioritize institutional reputation or operational mandates over victim protection, contrary to the constitutional values of human dignity, equality, and justice.[13]

Judicial enforcement challenges also remain pervasive. Even where victims secure judgments, execution against government property is restricted**,** requiring additional administrative approvals or budgetary allocations. This produces a symbolic justice phenomenon: legal rights exist in theory but remain unrealizable in practice. The systemic delays not only impose economic and psychological burdens on victims but also erode public trust in legal institutions designed to safeguard rights against State wrongs.

Moreover, the lack of harmonization among regulatory instruments creates interpretational inconsistencies and operational fragmentation. For instance, while the Road Traffic Act regulates safe use of roads, it inadequately addresses liability rules for government-operated fleets; the Government Proceedings Act governs procedural elements without articulating substantive standards of accountability; and the Law of Torts Act offers generic remedies but does not specifically confront the peculiarities of state-operated vehicle accidents. This legislative compartmentalization results in legal uncertainty and encourages strategic use of procedural defences by the State to defeat valid claims.[14]

In summary, the legal framework governing compensation for road accident victims involving government vehicles in Tanzania embodies a structurally asymmetrical regime that privileges State operational interests at the expense of victims' rights to effective remedies. Rectifying these challenges requires not merely statutory adjustments but a paradigm shift towards a public-law accountability model that fully embraces constitutional supremacy, international human rights obligations, and modern best practices in government liability.[15]

These laws and guidelines empower the said institutions to act on behalf of the government to achieve the intended results of compensating the persons who have suffered damage from road accidents caused by government-owned motor vehicles in Tanzania. The legal framework for compensating the

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[7] *Frank L, 'Compensation Challenges in Developed States' The Journal of Rick and Insurance (Vol. 31, No.1, 2022)*

[8] *Government Proceedings Act, Cap. 5, Revised Edition, 2002.*

[9] *Law of Torts Act, Cap. 410, Revised Edition, 2002.*

[10] *Road Traffic Act, Cap. 168, Revised Edition, 2002.*

[11] *Vicent P.K, Compensation Management in Developed Countries (Cambridge University Press 2017)*

[12] *Alexander C, Role of Compensation Management' Journal of Rick and Insurance (Vol. 31, No.1, 2022)*

[13] *Frank L, 'Compensation Challenges in Developed States' The Journal of Rick and Insurance (Vol. 31, No.1, 2022)*

[14] *John M, The Challenges Relating to the Implementation of Third-Party Policy in Tanzania (An International Journal of Development and Allied Issued (Vol. 9 No. 4, 2023)*

[15] *Gerald C, Victims of Road Crashes Deserves Compensation as Workers at Work Places, The Guardian, (Tanzania 30 October 2019)*

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victims of road accidents caused by government-owned motor vehicles in Tanzania includes the Constitution[16], statutes, and guidelines that establish and regulate the mechanism of compensating the victims of road accidents involving government-owned motor vehicles.[17]

2.1 Theoretical Framework Relating to Compensation to Victims of Road Accidents Involving Government-Owned Motor Vehicles in Tanzania

This paper provides for the theoretical clarifications on the legal and practical challenges of compensating the victims of government-owned motor vehicle accidents. The theory of Restorative Justice guides this paper because the theory seeks to emphasize the importance of immediate reparation of harm without the court's intervention. This theory requires the injurer to know that he has to compensate the person injured by his conduct without being compelled by any external forces.[18] The theory of Restorative Justice in this paper requires the government to smoothly compensate the victims of accidents involving government-owned motor vehicles because by doing so meets the victims' needs and respects the dignity of a person injured by such accidents.

2.1.1 Just Desert Theory

Just desert theory speaks about what a person deserves.[19] According to Feinberg, the theory of just desert speaks about how a person deserves to be treated by others.[20] Feinberg identified two kinds of just desert theory, namely polar and non-polar deserts. In the Polar desert, a person deserves either good or ill or reparation of harm.[21] Feinberg mentioned three kinds of the polar desert: rewards and punishments, reparation, liability, and other modes of compensation and praise, blame, and other informal responses. Under a non-polar desert, the person deserves an award of prizes and grade assignments.[22] The theory of just desert advocates the need to compensate the person injured by the conduct of another person.[23] The person injured by the conduct of others under this theory deserves compensation, and the person who has caused injury deserves to be accountable for the harm caused by his conduct.[24] The theory of just desert emphasizes that the person injured by another person's conduct deserves compensation to offset her losses. The theory of just desert is essential in this paper because it stresses that a person injured by the conduct of others deserves compensation.[25] In this paper, the theory is useful because it provides that the victims of road accidents deserve to be compensated for the damage they have suffered from road accidents.

2.1.2 Theory of Restorative Justice

The theory of restorative justice was founded by Howard Zehr, known as the father of restorative justice, and is considered a pioneer of the modern concept of restorative justice.[26] Zehr was an early advocate who devoted his life in helping the victims of accidents to get compensation according to the practice of restorative justice. A core theme in his work was the respect for the dignity of all people.[27] The theory of restorative justice refers to responding to the crime or other types of wrongdoing, injustice, or conflict that focuses primarily on repairing the damage caused by the wrongful action and restoring the well-being of all the accused act has harmed.[28]

It includes a range of critical values, such as voluntary participation, truthful speaking, creating a safe and respectful environment, a positive commitment to repair, and a concern to clarify accountability for harm.[29] When people who have caused the injury are invited to truthfully acknowledge their wrongdoing, listen respectfully to those they have hurt, and honour their duty to put things right again, significant steps are taken to restore dignity and meet the needs of all parties.[30] While acknowledging the harm to victims is crucial, accountability also means assuming responsibility for addressing the consequences of one's actions.[31]

In restorative justice, accountability has a much more demanding character.[32] It requires three things from the offenders: the acceptance of personal blame for inflicting harm, a willingness to witness first-hand the consequences of their actions on the lives of those they hurt, and an assumption of active responsibility for doing all they can to put things right again.[33] The theory of restorative justice is essential in this paper due to its ability to repair and clarify accountability for harm.[34] This means that the injurer of any kind, according

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[16] The Constitution of the United Republic of Tanzania of 1977 (as amended).

[17] Kenneth Z, Legal Implications of Compensation Schemes in Tanzania A Law and Practice (LLM Dissertation, University of Dar es Salaam 2011)

[18] Gerald C, Victims of Road Crashes Deserves Compensation as Workers at Work Places, The Guardian, (Tanzania 30 October 2019)

[19] Garcia J, 'Two Concepts of Desert' the Journal of Law and Philosophy (Vol. 5, No. 2, 1986)45.

[20] Ibid.

[21] Ibid.

[22] Ibid.

[23] Ibid.

[24] Ibid.

[25] Luther J. M, An Overview of Traffic Situation in Tanzania, a Paper Presented at a Seminar for Regional Traffic Officer and Vehicles Inspectors in Dar es Salaam, (1996)

[26] Robbins S, Essential of Organization Behavior (Eight Revised Edition), (Pearson Education Inc. 2009)23.

[27] Ibid.

[28] Robbins S, Essential of Organization Behavior (Eight Revised Edition), (Pearson Education Inc. 2009)23.

[29] Ibid.

[30] Llewellyn D, The Evolution of Bank Business Models: Pre- and Post-Crisis. Future Risks and Fragilities for Financial Stability (Wien Publishing Co. Ltd 2012) 50.

[31] Garcia J, 'Two Concepts of Desert' the Journal of Law and Philosophy (Vol. 5, No. 2, 1986)45.

[32] Ibid.

[33] Ibid.

[34] Ibid.

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to this theory, may decide after meeting with the injured person to make good the loss without requiring the court's intervention.[35]

This theory is vital in this paper because it allows the injurer to establish a good relationship with the injured by acknowledging the harm and taking responsibility to put things right again. Under this paper, the government, as per this theory, may smoothly, without external force, communicate with the victims of road accidents involving government-owned motor vehicles for the purpose of compensating them after the victims of road accidents and the government have analyzed together and found the appropriate amount of compensation required by considering the nature and consequence of the damage caused by such road accidents.

2.2 Conceptual Framework on Compensation to Victims of Road Accidents in Tanzania

This part provides essential concepts relating to compensation to victims of road accidents involving government-owned motor vehicles.

2.2.1 Accidents

The term accident was first defined in the case of *Fenton v Thorley & Co Ltd* as an unlooked-for mishap neither designed nor expected. In the case of *United India Insurance Co, Ltd v Somari Devi*,[36] it was observed by the Patna High Court that the word accident generally denotes an event that takes place without one foresight or expectation, i.e., an event that proceeds from an unknown cause or is an unusual effect of a known cause or contingency. It is an event happening without the concurrence of the person's will by whose agency it was caused.[37] It may incidentally be stated that the term accident for law relating to compensation includes any injury not designed by the injured himself.[38] In the case of *Oriental Insurance Co Ltd v Dongkholam*,[39] it was held by the High Court that the difference between a murder, which is not an accident, and a murder, which is an accident, depends on the proximity of the cause of such murder. Suppose the dominant intention of the act of felony is to kill any particular person.

In that case, such killing is not accidental murder but is a murder simplifier, while if the cause of murder or act of murder was originally not intended and the same was caused in furtherance of any other felonious act, then such murder is an accidental murder within the meaning of Motor Vehicles Act.[40] The relevance of accidents in this paper is that they shape the paper by articulating its meaning to the reader for easy understanding whenever they are found in this paper. The word accident is essential in this paper because it explains an adverse and unexpected event a government motor vehicle may cause to road users.

2.2.2 Victims of Road Accidents

Victims of road Accidents involving government-owned motor vehicles are the key members of this paper. For the interest of this paper, it is essential to explain in detail the meaning of the word victims of road accidents involving a government-owned motor vehicle. The victim of government-owned motor vehicle road accidents is any person who has suffered damage from death or personal injury caused by a road accident involving a government-owned motor vehicle. The victims of road accidents involving government-owned motor vehicles can be the passengers of the vehicles owned by the government, the driver, and the third party who may be the road users like pedestrians, motorcyclists, and other private motor vehicle drivers involved in the accident with the government-owned motor vehicle. The victims of road accidents involving government-owned motor vehicles may be the dependent of the person killed or injured by the accident caused by government vehicles or the administrator of the deceased who died by the accident caused by the government vehicles.

2.2.3 Compensation

Compensation means the amount of money payable to the individual or organization in recognition of loss, suffering, or injury.[41] Compensation serves to right what would otherwise count as wrongful injuries to a person or their property. It would be wrong to presume that society can do anything it likes to people, just so long as it compensates them for their losses. This is not the rationale for compensating someone who has suffered damage from another person's conduct.[42] Compensation is paid purposely to give back what a person has lost due to the conduct of another person. Under liability rules, damage compensation can be claimed only if harm has been done. Harm is the first and foremost element of claiming compensation. Without harm, there can be no suit under liability rules even against potentially dangerous acts save for violation of legal rights, which does not need proof of damage. Therefore, a person claiming compensation for loss caused by the conduct of another person must first prove the damage he has suffered from the conduct of another person.[43] That is to say, the person claiming compensation must prove to the court that the conduct of another person has caused a loss of income or any other loss and that if the complained event had not occurred, such damage would not have happened.[44]

It is not easy to return a person to the position where he was before the occurrence of a complained event that caused damage. For instance, it is impossible to return a person who

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[35] *Ibid.*

[36] *United India Insurance Co Ltd v Somari Devi (1999) ACJ 864.*

[37] *Ramdev Singh v Chudasma (1999) ACJ 1129.*

[38] *Varkeychan v Thomman (1979) ACJ 319.*

[39] *Oriental Insurance Co Ltd v Dongkholam (2007) ACJ 1973.*

[40] *Oriental Insurance Co Ltd v Dongkholam (2007) ACJ 1973.*

[41] *Compensation claims settlement guidelines, 2023, r5.*

[42] *Demogue R, 'Validity of the Theory of Compensatory Damages' Yale Law Journal (Vol. 27, No. 5 1918) 598.*

[43] *Goodin R, 'Theories of Compensation' Oxford Journal of Legal Studies (Vol. 9, No. 1 1989)64.*

[44] *Ibid.*

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has been killed in a motor vehicle accident. Therefore, after confirming that the claimant has suffered damage, the court usually orders the injurer to pay some money to the injured.[45] The money paid to the wounded is assumed to be the media that may restore the injured to the original position that he had been before the occurrence of the act that injured him.[46] The concept of compensation is essential in this paper because it explains the idea of this paper. Under the concept of compensation, the rationale and why compensation is paid is well presented.

2.2.4 Compensation schemes

In Tanzania, the legal framework governing compensation to victims of road accidents involving Government-owned motor vehicles has not been adequately provided for a long time. This led to a violation of the right of compensation to victims of road accidents involving government-owned motor vehicles.[47] During the colonial period, the British colonial masters imported into Tanganyika through the Tanganyika Order in Council, the received laws which introduced, among other laws, the common laws, doctrine of equity, and statutes of general application.[48] In this period, there were two compensation schemes for accidents. One was through a tort liability system under which losses arising from motor accidents could only be settled or compensated upon the victim filing a claim against the party causing injury.[49] Another compensation scheme was provided only for insurance claims.[50] However, there were no clear compensation claim guidelines and claim settlements for an accident involving Government-owned motor vehicles.

Compensation schemes are plans to pay monetary compensation for any liability arising.[51] In as much as these compensation schemes generally apply to negligent acts, this paper shall review the fault-based compensation schemes from the viewpoint of motor vehicle accidents.[52]The fault-based compensation scheme is premised on the principle that the party responsible for the accident should pay the damages for any loss arising.[53] The system has been championed for providing an incentive to avoid accidents or subsequently pay for the consequences that arise thereafter.[54]

Unfortunately, the scheme has been criticized for being particularly slow in ensuring compensation for injured parties.[55] Further, the fault-based system tends to offer disproportionate compensation for the losses arising, increases the claims costs, and takes too much time during litigation when determining the parties' liability.[56]Tanzania relies on the fault-based compensation scheme.[57] The establishment of the structured compensation scheme and the capping of the maximum compensation payable by the insurance companies is an attempt to adapt the application of the fault-based compensation scheme to the prevailing economic and social circumstances unique to Tanzania.[58] This adaptation of the fault-based system to the circumstances in Tanzania has resulted in the perpetration of injustice through the infringement of some of the constitutional rights of the injured party.[59]

2.2.5 Government-owned Motor Vehicle

A government-owned motor vehicle is any motor vehicle the government has obtained through purchase, forfeiture, or otherwise for which the government holds title.[60]The provisions relating to compulsory third-party insurance do not apply to any vehicle owned by the government and used by the government for purposes unconnected with any commercial enterprise.[61]

3.2 Legal Framework Relating to Compensation to victims of Road Accidents Involving Government owned Motor Vehicles in Tanzania

Under this part, the paper analyzed the laws and guidelines related to compensation to victims of accidents caused by government-owned motor vehicles. The paper examines international and domestic laws that provide matters concerning compensation to victims of accidents involving government-owned motor vehicles. The laws in the international and domestic arena are essential in this paper because they give a position and direction on how authorities should handle matters concerning compensation to victims of accidents involving government-owned motor vehicles.

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45 *Stephenson G, Source Book on Torts (Second Revised Edition), (Cavendish Publishing Limited 2000)9.*
46 *Ibid.*
47 *Compensation claims settlement Guidelines 2023, r4.*
48 *The Judicature and Application of Laws Act, Cap 358 [R.E 2002], S2(3).*
49 *United Nations, 'Motor Insurance and compensation of motor accident victims in developing countries', conference on trade and development, (1982) 16.*
50 *The Motor Vehicles Insurance Act Cap 169 [R.E 2009], S4(3 (a).*
51 *Kenneth Z, 'Legal Implications of Compensation Schemes in Tanzania': A Law and Practice (LLM Dissertation, University of Dar Es Salaam 2011) 18.*
52 *Ibid.*
53 *Ibid.*
54 *Ibid.*
55 *Ibid.*
56 *Kenneth Z, 'Legal Implications of Compensation Schemes in Tanzania': A Law and Practice (LLM Dissertation, University of Dar es Salaam 2011) 21.*
57 *Ibid.*
58 *Ibid.*
59 *Ibid.*
60 *John M, The Challenges Relating to the Implementation of Third-Party Policy in Tanzania' An International Journal of Development and Allied Issued (Vol. 9 No. 4, 2023)4.*
61 *Ibid*

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3.2.1 International Instrument Governing Compensation to Victims of Road Accident involving Government owned Motor Vehicles

This part analyzes the law from an international perspective concerning compensation to the victims of government-owned motor vehicle road accidents. This law is essential because it provides the practical experience of international communities in dealing with matters relating to compensation to victims of road accidents involving government-owned motor vehicles.

3.2.1.1 Convention on the Contract for the International Carriage of Passengers and Luggage by Road

The Convention on the Contract for the International Carriage of Passengers and Luggage by Road (CVR) is an intergovernmental instrument designed to govern the rights and obligations of passengers and carriers in the international road transport arena. The Convention on the Contract for the International Carriage of Passengers and Luggage by Road was adopted in Geneva on 01st March 1973.[62]

The Convention on the Contract for the International Carriage of Passengers and Luggage by Road applies to all common carriers, including the government or a public body.[63]The United Republic of Tanzania is not a part of the CVR. Although Tanzania is not part of CVR, this convention is essential in this paper because it has articulated all matters concerning compensation to victims of government-owned motor vehicle accidents.

Under CVR, the carrier is required to pay compensation to passengers for any damage caused by death or personal injury to passengers as a result of an accident connected with the carriage and occurring while the passenger is inside the vehicle or is entering or alighting from the motor vehicle, or arising in connection with the loading or unloading of luggage except when circumstances beyond the capacity of the carrier caused the accident.[64] The CVR is important in this paper because it provides that the owner of the motor vehicles involved in an accident must pay compensation for harm caused by the accident.

3.2.2 Domestic Laws Governing Compensation to Victims of Road Accidents Involving Government-Owned Motor Vehicles in Tanzania

Under this part, the paper analyzed the laws enacted by the Parliament and other authorities in the United Republic of Tanzania, which regulate matters relating to Compensation to victims of accidents involving government-owned motor vehicles. The laws analyzed in this section include statutes made by parliament and guidelines made by the Ministry of Finance.

3.2.2.1 Constitution of the United Republic of Tanzania

The Constitution of the United Republic of Tanzania is the mother law of all laws in Tanzania. All laws receive their legitimacy from the Constitution of the United Republic of Tanzania.[65] Under the Constitution of the United Republic of Tanzania, the President has been given the power to appoint the minister of Finance and Planning to manage and supervise the collection and use of public money in Tanzania.[66]

The public money collected under the supervision of the Minister of Finance and Planning is used to pay compensation to victims of accidents involving government-owned motor vehicles.[67]The CURT requires all persons who have been injured by the conduct of others to receive compensation in accordance with the laws of the United Republic of Tanzania.[68] The CURT does not expressly state that the victims of accidents caused by government-owned motor vehicles shall be compensated. However, the compensation requirement to all persons whose conduct of others has injured covers the compensation to victims of accidents caused by the drives of government-owned motor vehicles.[69]

The CURT is the mother law, which requires all private and government institutions in Tanzania to compensate the person who has suffered damage from the conduct of others, including the victims of accidents involving government-owned motor vehicles.70 Therefore, all laws connected with issues concerning compensation to victims of accidents involving government-owned motor vehicles should implement the spirit of the Mother Law, which compensates the victims of accidents involving government-owned motor vehicles.

3.2.2.2 Public Finance Act

The Public Finance Act provides Matters relating to the Control, Management, and Regulation of the collection and use of the finances of the United Republic and for enhancing parliamentary control and supervision of public funds and resources.[71] Under this Act, the function of the Paymaster General and Accountant General in the use and collection of Public money is well articulated.[72] Under this Act, the Permanent Secretary of the Ministry of Finance has been given power as the paymaster general of all payments of the Government and is responsible for paying all money on behalf of the Government.[73]

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[62] <***https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XI-B-26&chapter=11&clang=_en***> *accessed 15 October 2025*

[63] *Convention on the Contract for the International Carriage of passengers and Luggage by Road, art1(3).*

[64] *Ibid, art11-13.*

[65] *The Constitution of United Republic of Tanzania, Cap.2 [R.E 2002], Art 64(5).*

[66] *Ibid, art 36(2).*

[67] *Public Finance Act Cap.348 [R.E. 2020], s7.*

[68] *Loc. Cit. 97, art 107A (1)(c).*

[69] *Ibid.*

[70] *Op. Cit. 97, Art 64(5).*

[71] *Public Finance Act Cap.348 [R.E. 2020], Preamble.*

[72] *Ibid, s6(7).*

[73] *Ibid.*

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The Public Finance Act has not expressly provided matters concerning the submission and settlement of compensation claims to victims of accidents caused by government-owned Motor vehicles.[74] However, because the Paymaster General and Accountant General are the one who has the mandate to manage, regulate, and supervise the collection and use of Public Money, they are also responsible for matters concerning claims of compensation to victims of accidents caused by government-owned motor vehicles and is accountable to pay compensation to victims of accident involving the Government owned Motor Vehicles.[75]

Under Compensation Claims Settlement Guidelines, the Ministry of Finance is responsible for all matters concerning claims management and payment of compensation to victims of accidents caused by government-owned Motor vehicles.[76] Under the Public Finance Act, the Permanent Secretary is responsible for managing and supervising the collecting and use of Public Money, including compensating victims of government-owned motor vehicle accidents.[77] The Compensation Claims Settlement Guidelines are made under section 6 of the Public Finance Act and operate under the authority of the Public Finance Act.[78]

3.2.2.3 Motor Vehicle Insurance Act

The Motor Vehicle Insurance Act provides matters relating to the compulsory use of third-party insurance policy to all motor vehicles operated on a public road.[79] Under this Act, it is not lawful for any person to use, or to cause or permit any other person to use, a motor vehicle on a road unless there is in force concerning the use of the vehicle by that person or that other person, as the case may be, such a policy of insurance or such a security in respect of third party risks.[80]

Any person who does not have an insurance third party policy while operating the motor vehicle on a public road shall be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding six months, or to both such fine and imprisonment, and may be disqualified for holding or obtaining a driving license for twelve months from the date of the conviction or more extended period if the court found to be necessary for the interest of justice.[81]However, the law excluded government-owned motor vehicles from the compulsory requirement of having a third-party insurance policy as required by this Act.[82]

In that manner, the government-owned Motor vehicles are not within the ambit of this Act and remain uninsured.[83]Reviewing this Act in this paper is important because it informs the reader that government-owned motor vehicles are not covered by any insurance law in Tanzania. Therefore, all government-owned motor vehicles are not insured by any insurance policy regarding third-party risk and are not obliged to have insurance from third-party police by any law in Tanzania.

3.2.2.4 Road Traffic Act

The Road Traffic Act provides for the control and regulation of road traffic. Under the Road Traffic Act, the requirements and procedures for registering all motor vehicles are well-provided.[84] The Road Traffic Act requires a person who owns motor vehicles to obtain from the Tanzania Revenue Authority, with the approval of the Police force, a valid driving license or a valid learners driver's license in respect of such class of motor vehicle.[85]

The Road Traffic Act provides a set of obligations for all drivers when driving on public roads, like switching lights on when driving at night, observing parking signals, and observing all traffic signs and regulations for the safety of third parties and the driver himself.[86] Under the Road Traffic Act, any person who causes bodily injury or death to any person by riding a motorcycle, tricycle, or bicycle carelessly, recklessly, or dangerously shall be guilty of an offence and shall, on conviction, be liable to a fine of not less than thirty thousand shillings but not exceeding one hundred thousand shillings or to imprisonment for six months.[87] Under the Road Traffic Act, a person who causes an accident or collision on a public road by driving or riding carelessly, recklessly, or dangerously a motor vehicle, motorcycle, or trailer that is not insured under the Motor Vehicle Insurance Act shall be liable to cover all damages arising from such accident.[88]

The Road Traffic Act is important in this paper because it provides the obligation to a person who causes an accident or collision on a public road by driving or riding carelessly, recklessly, or dangerously a motor vehicle, motorcycle, or trailer that is not insured under the Motor Vehicle Insurance Act shall be liable to cover all damages arising from such accident. Government-owned Motor vehicles are not insured against third-party risks. Thus, according to the Road Traffic Act, the government should compensate the victims of accidents caused by government-owned motor vehicles.

3.2.2.5 Law of Limitation Act

The Law of Limitation Act prescribes the law for limiting the actions in civil proceedings and related matters. The court is required to dismiss any claims instituted in the court of law in contravention of the Law of Limitation.[89] The Claim of Compensation to victims of accidents involving government-

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[74] *Ibid.*
[75] *Ibid.*
[76] *Ibid.*
[77] *Public Finance Act Cap.348 [R.E. 2020], s5.*
[78] *Ibid, s6.*
[79] *The Motor Vehicle Insurance Act Cap. 169 [R.E 2009], s4(1).*
[80] *Ibid.*
[81] *Ibid.*
[82] *Ibid.*
[83] *Ibid.*
[84] *The Road Traffic Act Cap.168 [R.E 2009], s8.*
[85] *Ibid, s19.*
[86] *Ibid, part IV.*
[87] *Road Traffic (Amendment) Act No. 7 of 2021, s42A.*
[88] *Ibid, s42B.*
[89] *The Law of Limitation Act Cap.89 [R.E 2019], s3.*

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owned motor vehicles must be presented to the court of law or the Ministry of Finance and Planning by following the limitation of time provided under the Law of Limitation Act.[90] The importance of the Law of Limitation in this paper is that the claimant is required to claim compensation arising from an accident involving government-owned motor vehicles within the limitation of time provided by the Law of Limitation Act.

3.2.2.6 The Police Force and Auxiliary Services Act

The Police Force and Auxiliary Service Act provides for the organization, discipline, powers, and duties of the Police Force, a Police Reserve, and an Auxiliary Police Force.[91] Under this Act, the Police Force has been vested with responsibilities of preservation of the peace, the maintenance of law and order, the prevention and detection of crime, the apprehension and guarding of offenders and the protection of property, and the performance of all such duties and shall be entitled to carry arms.[92]

Under the Police Force and Auxiliary Service Act, the Police officer has been given the power to regulate and control Public roads, to keep order, and prevent obstruction on public roads, streets, thoroughfares, landing places, or other places of public resort or to which the public have access, or on the occasion of assemblies and processions on public roads and streets, or in the neighbourhood of places of public worship during the time of worship therein, or in any case when any road, street, thoroughfare or landing place may be thronged or may be liable to be obstructed.[93]

Under this Act, the Police officers are responsible for attending the road accident, recording all details of motor vehicles and individuals involved, and providing an accident report, including Police Form No. 3, 90, 93, and 115.[94] The relevance of the Police Force and Auxiliary Service Act in this paper is that it is the Act that established the Police force charged with functions and duties, among other things as attending road accidents and providing an accident report as well as PF3 that is important in submitting the claims of compensation to the Ministry of Finance and Planning.

3.2.2.7 Public Service Act

The Public Service Act provides matters concerning the public service of the United Republic of Tanzania and its functions and obligations. Under the Public Service Act, the Public Service Commission has been established. Under this Act, the President can appoint a permanent secretary to work in various ministries.[95] Under the Ministry of Finance and Planning, a permanent secretary is appointed by the President of URT.[96]The Permanent Secretary of Finance and Planning, appointed by the President of URT under the Public Service Act, is mandated to supervise the collection and use of public money.[97] Under the Permanent Secretary office, an office of AO and PST is responsible for receiving and paying compensation claims to victims of accidents involving government-owned motor vehicles. This Act is relevant in this paper because it provides the authority to appoint the Permanent Secretary of the Ministry of Finance and Planning, whose office is responsible for receiving and paying compensation claims to victims of government-owned Motor vehicle accidents.

3.2.2.8 Government Proceeding Act

The Government Proceeding Act provides matters relating to rights and liabilities of the Government in civil matters for the procedure in civil proceedings by or against the Government. Under the Government Proceeding Act, any person who wants to sue the Government shall first provide ninety days' notice to the Government of the intention to sue to afford the Government time to consider the claim and to decide if the said claims can be settled without the intervention of the Court.[98] Under this Act, the claimant must file a case against the Government by suing the PSE concern and the Attorney General.[99]

The relevance of this Act in this paper is that the victims of an accident involving government-owned motor vehicles may institute a suit against the PSE who caused damage to them. Suppose the victims of an accident opt to bring a case against a PSE. In that case, he must issue a ninety-day notice to the PSE concern, the Attorney General, and the Solicitor General. After ninety days' notice expires, the victims of the accident involving the PSE motor vehicles will be required to file a case against PSE and the Attorney General in the High Court of Tanzania for determination.[100]

3.2.2.9 Office of the Attorney General (Re-Structure) Order

Regulation 4 of the Office of the Attorney General (Re-Structure) Order, along with Article 59 of the Constitution of URT, established the office of the Attorney General. Under Article 59, the President has the power to appoint an Attorney General, the government's adviser on legal and legislative matters.[101] Before honouring the compensation claim, the PST and AO must consult the AG or the SG for legal opinion and recommendation concerning the claims submitted to the AO and PST.[102] Therefore, the Attorney General's office is vital in

[90] *Compensation Claims Settlement Guidelines of 2023, g8.5.*
[91] *The Police Force and Auxiliary Service Act Cap. 322 [R.E 2002], s3.*
[92] *Ibid.s27.*
[93] *Ibid, s39-40.*
[94] *The Police Force and Auxiliary Service Act Cap. 322 [R.E 2002], s27.*
[95] *The Public Service Act Cap. 298 {R.E 2019], s5-6.*
[96] *Ibid.*
[97] *Public Finance Act Cap.348 [R.E. 2020], s6.*
[98] *The Government Proceedings Act Cap. 5 [R.E. 2019], s6.*
[99] *Ibid.*
[100] *Ibid.*
[101] *The Office of the Attorney General (Re- Structure) Order GN. No.48 of 2018, r4.*
[102] *The compensation Claims Settlement Guidelines, r10(3).*

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administering compensation to victims of accidents involving government-owned Motor Vehicles.

3.2.2.9.1 Office of the Solicitor-General (Establishment) Order

Regulations 2 and 5 of the Office of the Solicitor General (Establishment) Order, along with Article 36 of the Constitution of URT, established the office of the Solicitor General. Under Article 36, the President has the power to establish an office and appoint any person to be the head of the said office. The Solicitor General's office was established under this Act.[103] The President appointed the Solicitor General as the head of the office of the Solicitor General, whose function is to take and conduct civil litigation and arbitration on behalf of the Government, coordinate civil litigation in the courts of law and arbitral tribunals on matters to which the Central Government, independent department executive agency or local government is a party or has an interest, prepare and institute suits, claims in subordinate courts, the High Court, the Court of Appeal and arbitral tribunals in that behalf, carry out the general supervision of Law Officers, State Attorneys and other officers or staff appointed, employed or designated for the Office of the Solicitor-General.[104] Before admitting the claim of compensation brought before them by the victims of an accident involving government-owned motor vehicles, the PST and AO must first consult the AG or the SG for legal opinion and recommendation concerning the claims submitted to them. Therefore, the Solicitor General's office is essential in administering compensation to victims of accidents involving government-owned Motor Vehicles.

3.2.2.9.2 Compensation Claims Settlement Guidelines

The victims of accidents involving government-owned Motor Vehicles have the right to receive compensation for losses they suffered from the accident involving the government asset. However, since the independence of the United Republic of Tanzania, no laws have regulated the procedure and mechanism of compensating the victims of accidents involving government-owned assets.[105] That being the case, the government was paying compensation to victims of government-owned assets without any law regulating the exercise and procedure of paying compensation to victims of accidents caused by government-owned assets.[106]

The lack of formal laws regulating paying compensation to victims of accidents involving government-owned assets stemmed from unnecessary delays, fraud, and double payment.[107] Hence, the Ministry of Finance, which is charged with the mandate of compensating the victims of an accident involving government-owned assets, decided to develop the compensation claims Settlement Guidelines to address the shortcomings observed when compensation to victims of accidents involving government-owned assets was being paid without having any legal regulation in place.[108]

The Ministry of Finance enacted these guidelines to ensure consistency in handling such claims, reduce costs and time in administering compensation to the victim of an accident involving government-owned assets, and improve trust and confidentiality throughout compensating the victims of accidents involving government-owned assets.[109]These Guidelines come into force on the 31st March, 2023.[110] These guidelines were enacted to cover matters concerning compensation to victims of an accident involving government-owned assets not covered by any other scheme, court orders, out-of-court settlement, and any other claims payable by accounting officers or permanent secretary treasury.[111]

Under these Guidelines, the claimant must submit the claim to the AO where the claim originated vide form No. CF1 and other relevant supporting documents.[112] If the Claim results from the court order, the Claimant shall submit the certificate of payment with supporting documents to the appropriate authority as ordered.[113] The claimant shall submit the claim in Swahili or English language.[114] When the supporting document is in any language other than English or Swahili, the claimant shall submit a translation thereof.[115]

Under these regulations, the claimant shall submit the compensation claim to AO where the claim originates according to the Law of Limitation Act or any other Law where the Law of Limitation Act is silent.[116] The PST or AO is required under these Guidelines to acknowledge the receipt of the Claim in writing within seven days of the claim's receipt.[117]The AO or PST shall verify the completeness of the documents submitted, and they may either admit the claim or communicate with the claimant to submit further information within 14 working days.[118] The AO and PST shall abide by fraud detection procedures while handling claims.[119]

The AO and PST shall verify the claims and consult with the Attorney General or the solicitor General before making Payment within 14 days.[120] Under these Guidelines, the AO

103 *Office of the Solicitor-General (Establishment) Order GN No. 50 of 2018, r2,4,5.*
104 *Office of the Solicitor-General (Establishment) Order GN No. 50 of 2018, r4.*
105 *Compensation Claims Settlement Guidelines 2023, Preface.*
106 *Ibid.*
107 *Ibid.*
108 *Compensation Claims Settlement Guidelines 2023, Preface.*
109 *Ibid.*
110 *Ibid, r2.*
111 *Ibid, r3.*
112 *Ibid, r8(1).*
113 *Ibid, r8(2).*
114 *Ibid, r8(4).*
115 *Ibid, r8(4).*
116 *Ibid, r8(5).*
117 *Ibid, r9.*
118 *Compensation Claims Settlement Guidelines 2023, r10.*
119 *Ibid, r10(2).*
120 *Ibid, r10(3).*

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and PST shall notify the Claimant of the decision made over the Claims and the reasons thereof within fourteen working days from the decision date.[121] After assessment of the claim, the AO or PST may subject the claim submitted to negotiation by nominating a negotiating team of senior officers of the compensator where the claim originates, the office of AG, SG, and any other officer deemed necessary.[122]Where the Settlement is reached, a deed of settlement shall be drawn and signed by parties involved in such settlement and registered in a court of law.[123] When the claimant has submitted the claim to AO or PST for verification, and the same claim is well verified by PST or AO, the PST or AO shall ensure the compensation is paid and finalized.[124]

The AO and PST shall maintain a separate register of all claims. The registers shall be electronically centralized for analysis and decision-making.[125] All the claims shall be reported quarterly to the PSE's Management.[126] All approved claims by the AO or PST that have not been paid at the end of the financial year shall be treated as payables in the financial statement.[127]Upon completeness of compensation payment, the claimant shall surrender the salvage to the respective AO or PST.[128] These Guidelines are essential in this paper because they provide the mechanism for compensating victims of government-owned motor vehicle accidents.

3.2.2.9.3 Public Assets Management Guidelines

The government enacted the Public Assets Management Guideline through the Ministry of Finance to provide means and mechanisms for managing the public assets in central and local government authorities to bring about accountability and responsibility for public officers in managing public assets.[129] The Public Assets Management Guideline provides means and mechanisms for managing public assets, including movable, immovable, and intangible assets. Under these guidelines, public assets are defined as a resource with economic value that a public entity owns or controls with the expectation that it will provide a future benefit.[130] According to these definitions, the assets include the motor vehicles that the government owns.[131] Under these Guidelines, through the Public Assets Management Guideline, the Government Assets Management Division (GAMD) prescribes procedures for acquisition, allocation, maintenance, valuation, accounting, disposal, and other activities involved in managing public assets.[132]

Under these Guidelines, the PST is a principal custodian of all public assets.[133] The Accounting Officer is the custodian of all public assets on behalf of the PST in a particular PSE.[134] Under these Guidelines, government assets may be insured through a reputable insurance company.[135] The applicable government insurance policy shall be applied.[136] Accounting Officers shall budget for funds to cater for insurance premiums in the event of accidents and related liabilities.137 The Accounting Officer shall inform the Paymaster General of issues relating to accidents involving government-owned motor vehicles within twenty-one working days from the day of the occurrence.[138]

The Public Assets Management Guideline is important in this paper because it provides means and mechanisms for managing public assets in central and local government authorities to bring about accountability and responsibility for public officers in managing such assets, including government-owned motor vehicles.[139] These Guidelines provide the PST as the principal custodian of all government-owned motor vehicles and the AO as custodian of all government-owned motor vehicles, in particular PSE on behalf of the PST.[140] The PST or AO named in these Guidelines as custodian of all government-owned motor vehicles is responsible for compensating victims of government-owned motor vehicle accidents.

3.2.3 Institutional Framework Governing Compensation to Victims of Road Accidents Involving Government-Owned Motor Vehicles in Tanzania

In this section, the researcher intensively analyzes the organizations and offices that directly connect with matters concerning compensation for victims of accidents involving government-owned motor vehicles. These institutions are essential in dealing with all issues regarding compensation for damage caused by accidents caused by government motor vehicles. The following are the institutions that have a direct connection with this paper.

3.2.3.1 President of URT

The President of the United Republic of Tanzania is the Head of the State and Commander in Chief of the armed forces.[141] As a Head of the State, the President appoints various government officers, including those charged with compensating the victims of government-owned motor vehicle accidents.[142] The President may establish or abolish

[121] *Ibid, r11.*
[122] *Ibid, , r12.*
[123] *Ibid.*
[124] *Ibid, r13.*
[125] *Ibid, r14.*
[126] *Ibid, r14(3).*
[127] *Ibid, r14(4).*
[128] *Ibid, r14.*
[129] *Public Assets Management Guidelines of 2019, r1.*
[130] *Ibid, Definitions.*
[131] *Ibid.*
[132] *Ibid, r6(4).*
[133] *Ibid, r6(1).*
[134] *Ibid, r6(2).*
[135] *Ibid, r24.*
[136] *Ibid.*
[137] *Ibid.*
[138] *Ibid, r25.*
[139] *Public Assets Management Guidelines of 2019, preface.*
[140] *Ibid, r6 (1)-6(2).*
[141] *The Constitution of United Republic of Tanzania, Cap.2 [R.E 2002], art 33.*
[142] *Ibid, art 36(2).*

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any office in Tanzania.[143]The President can appoint an Attorney General with the unique mandate of providing legal recommendations and advice concerning the claims submitted to AO or PST.[144]The President of URT has the power to appoint the Minister of Finance, the boss of the Ministry of Finance, who is charged with supervising, among other things, the payment of compensation to victims of accidents caused by government-owned motor vehicles.[145]

The President of URT is responsible for appointing the Accountant General and Permanent Secretary-Treasurer, whose offices are obligated to receive claims and pay compensation to victims of government-owned motor vehicle accidents.[146]The officers in the office of the Permanent Secretary of the Ministry of Finance are working on behalf of the President of the URT because all works in Tanzania are conducted on behalf of the President of URT.[147] Therefore, by his/her appointing power, the President of URT is indirectly responsible for supervising matters concerning compensation to victims of accidents involving government-owned motor vehicles.

3.2.3.2 Ministry of Finance

The Ministry of Finance is the office that controls all activities conducted within its realm, including matters concerning compensation for victims of accidents involving government-owned motor vehicles.[148] The Ministry is responsible for collecting, using, and managing public money, of which a part of the public money collected by the Ministry of Finance is allocated to a budget for compensating the victims of government-owned motor vehicle accidents.[149]The Ministry of Finance has been divided into thirteen divisions to facilitate the ministry's effectiveness.[150] One of its divisions called the Government Assets Management Division, is tasked with a duty, among other things, to process and control accident losses and compensation claims.[151]

All claims concerning compensation to victims of accidents involving government-owned motor vehicles are directed to the Ministry of Finance in the Government Assets Management Division for consideration.[152] The Government Assets Management Division has to receive all compensation claims for processing, verifying, and assessing such claims to see whether a valid claim must be responded to by compensation.[153] The Government Assets Management Division is responsible for receiving all compensation claims for more actions.[154] The Paymaster General, Accountant General, and AO from the Ministry of Finance are responsible for obtaining and evaluating all compensation claims.[155]

After due diligence, these officers will decide to pay or not to compensate victims of accidents caused by government-owned motor vehicles, depending on the merit of each case.[156] Generally, compensation is paid to victims of accidents caused by government-owned motor vehicles, supervised and managed by the Ministry of Finance of the United Republic of Tanzania.[157] The Ministry of Finance developed the Compensation Claims Settlement Guidelines to ensure compensation to victims of accidents involving government-owned motor vehicles goes without unnecessary delays, fraud, and double payment.[158]

3.2.3.3 Paymaster General/ Permanent Secretary-Treasurer

The permanent Secretary of the Ministry of Finance is the C.E.O of the Ministry of Finance appointed by the President of URT.[159]The Permanent Secretary of the Ministry of Finance is also the Paymaster General of the Government.[160] The paymaster general is the principal custodian of all public assets, including government.[161] The Permanent Secretary is the one who appoints the Accounting Officer (AO) who works in each PSE and is charged with the duty of accounting for public assets concerning the money that has been appropriated by the National Assembly or any person to whom issues are made from the consolidated fund.[162]

The Compensation Claims Guidelines were enacted by the office of the Permanent Secretary and signed by the Permanent Secretary to make such Guidelines into force. The Permanent Secretary of URT appoints the Accountant officer.[163] The Permanent Secretary's office is charged with.[164] Under the Government Proceeding Act, the PST or AO is tasked to pay damages as directed by the court.[165] The office of the Permanent Secretary is the key office in URT, which is charged with receiving, evaluating, and deciding the payment

143 *Ibid, art 36(1).*
144 *Ibid, art59.*
145 *Ibid, art 55-58, and The Public Finance Act Cap. 348 [R.E. 2020], s5.*
146 *Public Finance Act Cap. 348 [R.E. 2020], s6,8.*
147 *The Constitution of United Republic of Tanzania, Cap.2 [R.E 2002], art 35.*
148 *Ibid, art 36(1).*
149 *Public Finance Act Cap. 348 [R.E. 2020], s5.*
150 *<**https://www.mof.go.tz/divisions**> assessed 24 October 2025*
151 *Ibid.*
152 *Compensation Claims Settlement Guidelines 2023, r8,10.*
153 *Ibid.*
154 *Compensation Claims Settlement Guidelines 2023, r8-10.*
155 *Ibid.*
156 *Ibid and Public Finance Act Cap. 348 [R.E. 2020], s5,6,8.*
157 *Ibid.*
158 *Compensation Claims Settlement Guidelines 2023], Preface.*
159 *The Public Service Act Cap. 298 [R.E 2019], s5(1)(a).*
160 *Ibid, s6(7).*
161 *Public Assets Management Guideline of 2019, r.6(1).*
162 *Public Finance Act Cap. 348 [R.E 2020], s9.*
163 *Ibid.*
164 *Compensation Claims Settlement Guidelines 2023, s2,8,9,10.*
165 *Government Proceeding Act Cap. 5 [R.E 2019, s16 (2).*

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of compensation to victims of accidents caused by government-owned motor vehicles.[166]

For all payments, the court has directed that PST should pay such payments, and the payments that were not honoured by AO for some reasons advanced by AO himself and referred to PST for consideration shall be paid by PST.[167] All payments that require vast amounts of money are mainly directed to the PST. Under compensation Claims Settlement Guidelines, the claimant may choose to submit the claim of compensation directly to the PST office in Dodoma through the office of the Government Assets Management Division if such a claim cannot be honoured by AO or when the court has provided a certificate of payment, which require that the PST implement such order.[168]

3.2.3.4 Accounting Officer

An accounting officer is any officer charged with the duty of accounting public money in respect of the Public Sector Entity (PSE) where the claim originates.[169] An Accounting Officer is any officer appointed by the Paymaster General and charged with the duty of accounting for service in respect of which money has been appropriated by the National Assembly or any person to whom issues are made from the consolidated fund. The PST appoints the accounting officer.[170]

Accounting officer (AO) is part of the Government Assets Management Division of the Ministry of Finance through the Regional Government Assets Management Offices. The Accounting Officer can be found in different government authorities like TRA and UDOM, as well as agencies like TARURA, ministries and district councils, regional authorities, township authorities, city municipal and town councils, etc. These PSEs own motor vehicles that help them perform their daily activities. Although the PSE is the one who owns the motor vehicles but, the Accounting Officer (AO) is the custodian of all public assets on behalf of the Paymaster General in a particular vote.[171]

During their daily activities, PSE motor vehicles may cause accidents that may kill or injure a person in society. When the victims want to claim compensation for damage caused by accidents involving government-owned motor vehicles, the law requires them to submit the claim according to the law of limitation to the AO found in the PSE who owns such motor vehicles for more action.[172] The AO shall acknowledge the receipt of the claim in writing within seven days.[173] Upon receipt of the claim, the AO shall verify the completeness of the submitted documents and either admit or communicate to the claimant for the addition of further information within fourteen working days.[174] The AO shall verify the claims and consult with the AG or SG within fourteen days before making payment.[175] After verification and assessment of the claim, the AO shall notify the claimant of the decision made over the claim and reasons thereof within fourteen working days from the decision date.[176]

The AO may call for negotiation with the claimant after assessment and verification of the claim by nominating a negotiation team comprising of senior officers of the compensator where the claim originated, as well as the officer from the office of the AG or SG and any other necessary officer.[177] Parties shall draw and sign the settlement deed where the settlement has been reached. The AO shall ensure that a claim is finalized and paid.[178] If the AO fails to honour the submitted claim, the AO shall state the reasons and request the PST to make such payment together with all relevant supporting documents.[179] Therefore, the AO is important in this paper because the AO has the power to receive, decide, and pay compensation to the victims of accidents involving government-owned motor vehicles.

3.2.3.5 Accountant General

The Accountant General is the officer in the Ministry of Finance appointed by the President of the URT.[180] The Accountant General is the principal adviser of the Paymaster General on matters relating to accounts and financial management.[181] The Accountant-General is responsible to the Permanent Secretary or Paymaster General for compiling and managing the accounts and the custody and safety of the public money.[182] The accountant general is the one who manages all public money, and all payments made by the Accounting Officer are within the supervision of the Accountant General.[183] The Accountant General is required to consolidate assets statements from public entities when finalizing the financial accounts.[184]

Accountant General may refuse payment on any voucher that is wrong or deficient in content or that contravenes any subsidiary legislation or instructions properly made or given in pursuance of the provisions of the Constitution, this Act, or any other written law for the management of public money, or that is in any way unacceptable in support of a charge on

166 *Compensation Claims Settlement Guidelines 2023, r2, 8, 9, 10.*
167 *Ibid, r8.3.*
168 *Ibid, 9.2.*
169 *Ibid, r5.*
170 *Public Finance Act Cap. 348 [R.E 2020], s4.*
171 *Public Assets Management Guideline of 2019, r6.2.*
172 *The Compensation Claims Settlement Guidelines of 2023, r8(1).*
173 *Ibid, r9.3.*
174 *Ibid, r8-12.*
175 *Ibid, r8(1).*
176 *Ibid.*
177 *Ibid.*
178 *Ibid.*
179 *Ibid.*
180 *The Public Service Act Cap. 298 [R.E 2019], s8(1).*
181 *The Public Assets Management Guidelines of 2019, r6.3.*
182 *The Public Service Act Cap. 298 [R.E 2019], s8 (2).*
183 *The Public Assets Management Guidelines of 2019, r6.3.*
184 *Ibid.*

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public funds.[185] Under this circumstance, the Accountant General is part and parcel of compensating the victims of accidents involving government-owned motor vehicles based on his supervisory role of all public money.[186]

3.2.3.6 Attorney General and Solicitor General Office

The office of the Attorney General is established under Article 59 of the Constitution of the United Republic of Tanzania and the Office of the Attorney General (Re-structure) Order, 2018, under the Government Notice No. 48 of 2018.[187] The Office of the Attorney General is headed by the Attorney General appointed by the President.[188]Also, the Office of the Solicitor-General (Establishment) order of 2018 established the Office of the Solicitor-General (Establishment).[189] Likewise, the office of the Solicitor General is headed by the Solicitor General appointed by the President. When the claims of compensation have been submitted to the AO or PST, the AO or PST shall verify the claims submitted by the victims of an accident caused by Government-owned motor vehicles and consult with the Attorney General or the Solicitor General for legal consideration and recommendation before making a payment to the victims of an accident caused by Government-owned motor vehicles.[190]

The office of the Attorney General or Solicitor General is essential in the process of compensating the victims of an accident caused by government-owned motor vehicles because the office of the Solicitor general or Attorney General will inform the AO or PST of the legal issues analyzed by the claims submitted by the said victims which will assist the AO or PST in deciding on whether to pay or not to pay compensation to victims of an accident caused by government-owned motor vehicles.

3.2.3.7 The Judiciary of the United Republic of Tanzania

The Judiciary of Tanzania is vested with powers to administer justice under Article 107A of the Constitution of the United Republic of Tanzania.[191] Under the Constitution of URT, the judiciary has the power to award compensation to any person whose conduct of others has injured.[192] Under the Constitution of URT, all persons whose rights have been violated by others have the right to knock on the court door for redress.[193] Under this manner, the victims of an accident involving Government-owned motor vehicles have the right under the Constitution of the United Republic of Tanzania to bring a suit to the court of law for determination.[194]

The suit will be instituted against the government institution owning motor vehicles and the Attorney General.[195] Before the institution of the said Suit, the claimant must provide a notice of ninety days to the Government to allow the Government to determine whether it may settle the claim without going to the Court.[196]After deciding the claim, the Court may pronounce the judgment the claimant shall submit the payment certificate to AO or PST for implementation.[197]The Judiciary of the United Republic of Tanzania is essential in this paper because it is the organ that can award compensation to the victims of accidents involving government-owned motor vehicles and order the Government to pay the said compensation as ordered by the Court.

3.2.3.8 Police Force

The Police force was established under Section 3 of the Police Force and Auxiliary Service Act.[198] Under the Act, the Police Force has to be employed in and throughout the United Republic of Tanzania for the preservation of the peace, the maintenance of law and order, the prevention and detection of crime, the apprehension and guarding of offenders, and the protection of property, and for the performance of all such duties and shall be entitled to carry arms.[199]

The Police Force has given the power to regulate and control traffic, to divert all or any particular kind of traffic, when in the opinion of the officer in charge of the police, it is in the public interest to do so, to close any street to prevent the interruption of any public proceedings by the noise or presence of street traffic, to keep order and prevent obstruction on public roads, streets, thoroughfares, landing places, or other places of public resort or to which the public have access, or on the occasion of assemblies and processions on public roads and streets, or in the neighbourhood of places of public worship during the time of worship therein, or in any case when any road, street, thoroughfare or landing place may be thronged or may be liable to be obstructed.[200]In this regard, the Police force is mandated to enforce the laws relating to public roads.[201]

185 *The Public Service Act Cap. 298 [R.E 2019], s8(3)(b)*
186 *The Public Assets Management Guidelines of 2019, r6.3.*
187 *The Office of the Attorney General (Re-structure) Order GN No. 48 of 2018, r2(1) and The Constitution of United Republic of Tanzania, Cap.2 [R.E 2002], art 59.*
188 *The Office of the Attorney General (Re-structure) Order GN No. 48 of 2018, r2(1) and The Constitution of United Republic of Tanzania, Cap.2 [R.E 2002], art 59.*
189 *Office of the Solicitor-General (Establishment) Order GN. No. 50 of 2018, r2(1).*
190 *Compensation Claims Settlement Guidelines 2023, r10.3.*
191 *The Constitution of United Republic of Tanzania, Cap.2 [R.E 2002], art 107A.*
192 *Ibid, art 107A(2)(c).*
193 *Ibid, art30(3).*
194 *Ibid, art 30(3).*
195 *The Government Proceedings Act Cap. 5 [R.E. 2019], s6.*
196 *Ibid.*
197 *Compensation Claims Settlement Guidelines 2023, r10.3.*
198 *The Police Force and Auxiliary Services Act Cap. 322 [R.E 2002], s3.*
199 *Ibid, s5.*
200 *The Police Force and Auxiliary Services Act Cap. 322 [R.E 2002], s40.*
201 *Ibid.*

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The Police Force is responsible for attending to the road accident and providing a report, including the number of dead or injured, the name of the driver involved, and the vehicles.[202] These reports usually assist the AO or PST in determining and verifying the claim before them.[203]The Police Force is necessary for this paper because it is the first institution to witness the accident and provide a report concerning the accident. The report and evidence provided by the Police Force concerning the accident are important in verifying the claims of compensation submitted to the AO or the PST.

4.0 Conclusion

Key instruments provide limited accessibility to compensation due to strict procedural notice requirements, jurisdictional barriers, and government-favouring protections in the execution of judgments. Institutionally, weaknesses in accident reporting, investigation transparency, evidentiary access, and enforcement mechanisms further constrain the realization of victims' rights. These challenges impede accountability and dilute the deterrent effect of liability rules on negligent conduct by public drivers and agencies. For instance, the Compensation Claims Settlement Guidelines require the victims of road accidents involving government-owned motor vehicles to submit the compensation claim to the PST or AO for determination and decision-making. However, the Guidelines do not provide the timeframe for the PST to pay compensation. The absence of the timeframe has caused a delay in the payment of compensation. The Guidelines have allowed the PST to judge the case, which is a part of such a case. Allowing the government to judge its own case violates the rights of the claimant and the victims' interests. The PST or AO can provide a decision that favours his interest over the claimants'. Furthermore, the paper found that there is a challenge in executing the court order against the government. The paper has affirmatively confirmed that the laws and practices in Tanzania do not guarantee adequate, just, and timely compensation to victims of accidents involving government-owned motor vehicles. And, the procedure of compensating the victims of road accidents in Tanzania has been tainted with practical challenges, such as the cost of submitting claims to the court of law, lack of Consistency in Handling Compensation Claims, and uncertainty on the channel of submitting the compensation claim.

5.0 Recommendations

The recommendations have considered the theme of this paper as follows;

i. Amend the Government Proceedings Act to remove outdated procedural barriers and residual sovereign immunity rules that limit direct suits against the State for example, section 4(3)(a) of the Motor Vehicles Insurance Act should be amended in order to add the Government motor vehicles within the mandatory requirement of having a third-party insurance policy or any other security concerning third-party risk.

ii. Section 4 of the Motor Vehicle Insurance Act should be amended to order the insurance company that has insured the motor vehicles involved in public road accidents to pay compensation within seven days after receiving the police report concerning the accident in question.

iii. Section 42B of the Road Traffic Act should be amended to order the government department that owns the motor vehicles engaged in road accidents and is not insured under the Motor Vehicles Insurance Act to pay compensation to the victims of the accident within fourteen days after receiving the claim and the police report concerning the accident in question.

iv. Section 16(3) of the Government Proceeding Act should be amended to remove the requirement of ninety days' notice for cases arising from road accidents and allow those suits arising from road accidents to be filed to the court of law under a certificate of urgency while allowing the court to execute its order arising from public road accidents by attachment of several government motor vehicles which has a value equal to the decree of the court as expressed in the certificate of payment.

v. The Government should plan to install CCTV traffic cameras on all public roads to reveal the identity of all government motor vehicles involved in accidents to curb the behaviour of hit and run, which has been developed by many government motor vehicles that are causing accidents without stopping.

vi. The government shall initiate the electronic system purposely to submit and receive the claim of compensation from the victims of accidents caused by government-owned motor vehicles. Such a system would require the victims of accidents involving the government-owned motor vehicle to fill in the electronic form their particulars, their bank account, history of accidents, damage suffered from accidents, the plate number of government motor vehicles involved in the accidents, and attach the police report form.

vii. Create a specialized Road Accident Compensation Tribunal with simplified procedures and binding jurisdiction over claims involving government vehicles to reduce delays and forum inconsistencies especially in the Road Traffic Act should be amended to provide the amount of compensation that the victims of accidents involving government-owned motor vehicles should be paid according to outcomes of accidents like death, amputation of leg, hand, etc.

viii. Strengthen enforcement of judgments through statutory timelines for compensation payments, penalty interest on delayed execution, and a Government Judgment Settlement Account to ensure liquidity for payouts; Also, the Road Traffic Act should be amended to establish a specific fund that will be used to pay

[202] *Ibid, s3.*

[203] *Compensation Claims Settlement Guidelines 2023, appendices.*

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compensation to the victims of accidents involving government-owned motor vehicles that are not insured by third-party insurance policy. The source of the fund should come from water bills and taxes, which should be taxed from the salary and accommodation of members of Parliament and Ministers.

ix. The PST should establish a division in the Ministry of Finance called the Electronic System Government Compensation Claim (e-government Compensation Claim), which will be responsible for receiving the claim submitted and processing it within fourteen days.

x. Introduce compulsory third-party insurance for all government motor fleets and establish a Government Vehicle Insurance Fund to guarantee swift settlement of compensation awards for instance, the Motor Vehicles Insurance Act should be amended to provide that the third-party insurance policy purchased by the government concerning the motor vehicles engaged in the accidents should, immediately after the occurrence of the accidents, be used as health insurance which will cover all medical bills until the recovery of the victims or otherwise.

xi. The Road Traffic Act should be amended to provide that the government should cover all medical bills immediately after accidents until the recovery of the victims or otherwise for all injuries caused by accidents involving government-owned motor vehicles not insured by a third-party insurance policy.

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