

ACT SUPPLEMENT

to the Gazette of the United Republic of Tanzania No.7. Vol.103 dated 7th October, 2022
Printed by the Government Printer, Dodoma by Order of Government

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 2)
ACT, 2022

ARRANGEMENT OF SECTIONS

Section Title

PART I
PRELIMINARY
PROVISIONS

1. Short title.
2. Amendment of certain written laws.

PART II
AMENDMENT OF THE ANTI-TRAFFICKING IN
PERSONS ACT,
(CAP. 432)

3. Construction.
4. Amendment of section 4.
5. Amendment of section 5.
6. Amendment of section 6.
7. Amendment of section 7.
8. Amendment of section 8A.
9. Amendment of section 13.

PART III
AMENDMENT OF THE DRUG CONTROL AND
ENFORCEMENT ACT,
(CAP. 95)

10. Construction.
11. Amendment of section 2.
12. Deletion and substitution of heading to Part IV.
13. Repeal and replacement of section 32.

14. Addition of section 32A.
15. Amendment of section 48.
16. Amendment of Third Schedule.

PART IV
AMENDMENT OF THE PUBLIC LEADERSHIP CODE OF
ETHICS ACT,
(CAP. 398)

17. Construction.
18. Amendment of section 9.
19. Repeal of section 10.
20. Amendment of section 11.
21. Amendment of section 18.
22. Amendment of section 19.
23. Amendment of section 26.

THE UNITED REPUBLIC OF TANZANIA



NO.7 OF 2022

I ASSENT

SAMIA SULUHU HASSAN,
President

[30th September, 2022]

An Act to amend certain written laws.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No.2) Act, 2022.

Amendment of
certain written
laws

2. The written laws specified in various Parts of this Act are amended in the manner specified in their respective Parts.

PART II

AMENDMENT OF THE ANTI-TRAFFICKING IN PERSONS ACT,
(CAP. 432)

Construction
Cap.432

3. This Part shall be read as one with the Anti-Trafficking in Persons Act, hereinafter referred to as the “principal Act”.

Amendment of
section 4

4. The principal Act is amended in section 4(5) by deleting the words “five million shillings but not more than one hundred million shillings or to imprisonment for a term of not less than two years and not more than ten years” and substituting for them the words “to imprisonment for a term of not less than twenty years but not exceeding thirty years provided that, the court may, in addition to imprisonment, order the convicted person to pay a fine of not less than fifty million shillings but not more than one hundred million shillings”.

Amendment of
section 5

5. The principal Act is amended in section 5(3) by deleting the words “two million shillings but not more than fifty million shillings or to imprisonment for a term of not less than one year and not more than seven years” and substituting for them the words “imprisonment for a term of not less than five years but not exceeding ten years provided that, the court may, in addition to imprisonment, order the convicted person to pay a fine of not less than ten million shillings but not exceeding fifty million shillings”.

Amendment of
section 6

6. The principal Act is amended in section 6(4) by deleting the words “five million shillings but not more than one hundred and fifty million shillings or to imprisonment for a term of not less than ten years but not more than twenty years” and substituting for them the words “imprisonment for a term of not less than thirty years provided that, the court may, in addition to imprisonment, order the convicted person to pay a fine of not less than fifty million shillings but not exceeding three hundred million shillings”.

Amendment of
section 7

7. The principal Act is amended in section 7(3) by deleting the words “four million shillings but not more than one hundred and fifty million shillings or to imprisonment

for a term of not less than seven years but not more than fifteen years” and substituting for them the words “imprisonment for a term of not less than ten years but not exceeding twenty years provided that the court may, in addition to imprisonment, order the convicted person to pay a fine not less than fifty million shillings but not exceeding two hundred million shillings”.

Amendment of section 8A

8. The principal Act is amended in section 8A by deleting the words “one million shillings but not exceeding five million shillings or imprisonment for a term of not less than six months but not exceeding one year” and substituting for them the words “imprisonment for a term of not less than five years but not exceeding ten years provided that, the court may, in addition to imprisonment, order the convicted person to pay a fine of not less than five million shillings but not exceeding fifteen million shillings”.

Amendment of section 13

9. The principal Act is amended in section 13 by deleting the words “more severe penalty” and substituting for them the words “fine of not less than one hundred million shillings but not exceeding two hundred million shillings”.

PART III
AMENDMENT OF THE DRUG CONTROL AND
ENFORCEMENT ACT,
(CAP. 95)

Construction Cap. 95

10. This Part shall be read as one with the Drug Control and Enforcement Act, hereinafter referred to as the “principal Act”.

Amendment of section 2

11. The principal Act is amended in section 2, by-
(a) inserting the words “precursor chemicals, substances with drug related effects and substances used in the process of manufacturing drugs” between the words

- “psychotropic substance” and “any substance” appearing in the opening phrase of definition of the term “trafficking”;
- (b) inserting the words “precursor chemicals, substances with drug related effects and substances used in the process of manufacturing drugs” between the words “psychotropic substance” and “or” appearing in paragraph (a) in the definition of the term “trafficking”;
 - (c) inserting the words “precursor chemicals, substances with drug related effects and substances used in the process of manufacturing drugs” between the words “psychotropic substance” and “or” appearing in paragraph (b) in the definition of the term “trafficking”; and
 - (d) inserting the words “precursor chemicals, substances with drug related effects and substances used in the process of manufacturing drugs” between the words “psychotropic substance” and “by” appearing in paragraph (d) in the definition of the term “trafficking”; and
 - (e) inserting in their appropriate alphabetical order the following new definitions:
 - ““Commissioner General” means the Commissioner General of the Authority appointed under section 6 of the Act;
 - “officer in charge of police station” has the meaning ascribed to it under the Criminal Procedure Act”.

Cap 20

Deletion and substitution of heading to Part IV

12. The principal Act is amended by deleting the heading of Part IV and substituting for it the following:

“PROCEDURE RELATING TO INVESTIGATIONS”

Repeal and replacement of section 32

13. The principal Act is amended by repealing section 32 and replacing for it the following:

“Powers of officers of Authority

32.-(1) The officers of the Authority shall have powers of arrest, search, seizure and investigation in relation to offences committed under this Act and other related offences.

(2) Except where this Part provides otherwise, an officer of the Authority shall exercise the powers of arrest, search, seizure, investigation and recording of statements in relation to this Act as if such officer is a police officer exercising powers under the Criminal Procedure Act or customs officer under the Customs (Management and Tariff) Act.

(3) The officers of the Authority shall, in exercising the powers under subsections (1) and (2), and where the circumstances so require, consult and cooperate with other relevant authorities.

(4) For the purpose of exercising the powers referred to under subsection (2), the Authority may upon approval by the Minister establish cells or facilities for keeping a person arrested under the Act.

(5) The safety and rights of the person detained under subsection (4) and other matters relating to sending such person before the court

Cap. 20

Cap. 403

shall be as provided for under other written laws.”

Addition of section 32A

14. The principal Act is amended by adding immediately after section 32 the following:

“Authority to conduct search and seizure

32A.- (1) The Commissioner General or police officer in charge of a police station may, by writing, authorise any officer to-

- (a) search any person, if it is reasonably suspected that such person has committed an offence under this Act; or
- (b) search any premises, vessel, boat, aircraft or other vehicle whatsoever in or upon which there is reasonable cause to believe that any substance which is prohibited under this Act has been placed, deposited or concealed.

(2) The officer authorised to conduct search under this section may exercise such powers, at any time and may, in the course of conducting the search-

- (a) be accompanied by such other persons as he considers necessary to assist him; or

(b) use reasonable and proportionate force, into or upon any premises, vessel, boat, aircraft or any other vehicle whatsoever.

(3) The officer referred to under subsection (1) may, at any time-

(a) enter into and search any building, conveyance or place;

(b) in case of resistance, break open any door or remove any obstacle to such entry;

(c) seize-

(i) anything with respect to which any offence has been or is suspected to have been committed;

(ii) anything with respect to which there are reasonable grounds to suspect that it will afford evidence as to the commission of any offence; or

(iii) anything in respect of which there are reasonable grounds to suspect that it is intended to be used for the purpose of committing any offence.

(4) Where an officer takes down any information or records grounds for arrest, he shall immediately thereafter submit a copy

of the information or record to his immediate superior.

(5) Anything seized or recorded by the officer shall, subject to the law relating to evidence, be admissible in court as evidence.

(6) In case of emergency, the officer authorised to conduct search may exercise such powers in accordance with section 42 of the Criminal Procedure Act.”

Cap. 20

Amendment
of section 48

15. The principal Act is amended in section 48-
- (a) by deleting its marginal note and substituting for it the following:

“Procedure on arrest, search, seizure and investigation”;
 - (b) in subsection (2)(d), by-
 - (i) inserting the words “if available” between the words “person” and “who” appearing in subparagraph (i); and
 - (ii) deleting the words “evaluate and determine” appearing in subparagraph (iii) and substituting for them the words “cause to be evaluated and determined”.
 - (c) by deleting the word “section” appearing in subsection (6) and substituting for it the word “Act”;
 - (d) by adding immediately after subsection (6) as amended the following:

“(7) For the purpose of this section, receipt includes form No. DCEA 003 prescribed in the Third Schedule.”.

Amendment
of Third
Schedule

16. The principal Act is amended in the Third Schedule by adding immediately after form DCEA 003 the following:

“The Drug Control and Enforcement Act, CAP. 95

THE UNITED REPUBLIC OF TANZANIA
DRUG CONTROL AND ENFORCEMENT AUTHORITY

FORM NO. DCEA 003A

SEARCH ORDER
(Made under section 32A)

Whereas I am led to believe on the following grounds-

That

.....
.....

That the things specified below, namely

.....
.....
.....
...

which are necessary for the purpose of my investigation into the offence of..... are likely to be found in (description of place):

.....
.....

And whereas, in my opinion, the above-mentioned thing(s) cannot otherwise be obtained without undue delay, I therefore, as provided for in section 32A of the Drug Control and Enforcement Act, have made this record before searching or causing a search to be made for the said thing(s) in such place.

And whereas I am unable to conduct the search in person for the reasons

.....
.....
.....

I require,

Name

to make search for the thing(s) specified at the place described overleaf.

Date issuing officer

Time”

PART IV
AMENDMENT OF THE PUBLIC LEADERSHIP CODE OF ETHICS
ACT,
(CAP. 398)

Construction
Cap. 398

17. This Part shall be read as one with the Public Leadership Code of Ethics Act, hereinafter referred to as the “principal Act”.

Amendment
of section 9

18. The principal Act is amended in section 9(1) by deleting the word “at” appearing at the beginning of paragraph (c) and substituting for it the words “within three months prior to”.

Repeal of
section 10
Amendment
of section 11

19. The principal Act is amended by repealing section 10.
20. The principal Act is amended in section 11(2),
by-
(a) adding new paragraphs (a) to (c) as follows:
 “(a) residences, recreational property;
 (b) works of art, antiques and collectibles;
 (c) motor vehicles and other personal means
 of transportation;” and
(b) renaming paragraphs (a) to (h) as paragraphs (d)
 to (k).

Amendment
of section 18

21. The principal Act is amended in section 18 by adding the words “A Deputy Minister and” at the beginning of subsection (2).

Amendment
of section 19

22. The principal Act is amended in section 19(2) by adding immediately after paragraph (e) the following:
 “(f) providing ethics education to public leaders;
 (g) conducting research on the status of ethics in
 the country;
 (h) advising on matters relating to integrity in
 the country; and
 (i) devising strategies for promoting ethics in
 the country.”;

Amendment
of section 26

23. The principal Act is amended in section 26 by inserting the words “Deputy Minister” immediately after the word “Minister” appearing in subsections (1) and (2).

Passed by the National Assembly on the 14th September, 2022.

NENELWA JOYCE MWIHAMBI
Clerk of the National Assembly

