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ACT SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 4)
ACT, 2023

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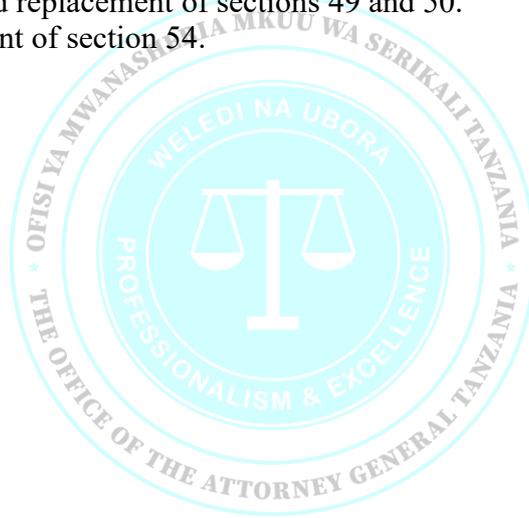
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THE UNITED REPUBLIC OF TANZANIA



NO. 12 OF 2023

I ASSENT

SAMIA SULUHU HASSAN
President

[19th November 2023]

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. 4) Act, 2023.

Amendment of certain 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 BUSINESS LICENSING ACT,
(ACT NO. 25 OF 1972)

Construction Act No. 25 of 1972

3. This Part shall be read as one with the Business Licensing Act, hereinafter referred to as the "principal Act".

Amendment of section 2

4. The principal Act is amended in section 2 by adding in their appropriate alphabetical order the following definitions:

““Chief Executive Officer” means the accounting officer of any licensing authority appointed under this Act;

“foreign owned” means-

- (a) in case of natural person, a person who is not a citizen of Tanzania;
- (b) in case of company, a company incorporated under the laws of any country other than Tanzania or a company incorporated under the laws of Tanzania in which more than fifty percent of shares are held by person who is not a citizen of Tanzania; and
- (c) in the case of partnership, a partnership in which the partnership controlling interest is owned by a person who is not a citizen of Tanzania;”.

Amendment of section 8

5. The principal Act is amended in section 8, by-
- (a) deleting subsections (5) and (6); and
 - (b) renumbering subsections (7) and (8) as subsections (5) and (6) respectively.

Amendment of section 13

6. The principal Act is amended in section 13(3) by deleting the words “Taxpayer Identification Number and”.

Addition of section 14B

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

“Cancellation or suspension of licence

14B.-(1) The licensing authority may cancel or suspend a business licence granted under this Act where it is satisfied that the holder of a business licence has breached any condition of licence.

(2) The Minister may make regulations prescribing for

procedures for cancelation and suspension of licence under this section.”.

Repeal and replacement of section 17

8. The principal Act is amended by repealing section 17 and replacing for it the following:

“Inspection

17.-(1) The Permanent Secretary, a licensing authority or any public officer authorised by a licensing authority may enter into any premise in which he reasonably suspects any person is carrying on any business and may-

(a) require such person to produce to him the business licence;

(b) inspect and examine the premises or place where business is carried; or

(c) demand the owner, occupier or other person having control of the premises to give any information relevant to the inspection.

(2) The Permanent Secretary, a licensing authority or a public officer authorised by a licensing authority may, in exercising his powers under subsection (1), seek assistance of a police officer.”.

Addition of section 18A

9. The principal Act is amended by adding immediately after section 18 the following:

“Obligation of holder of licence

18A. A holder of licence shall notify the licensing authority in which his business licence is issued where-

(a) he ceases or suspends to operate business before, or within twenty-one days after, expiry of the business licence;

- (b) he is placed under liquidation or bankruptcy;
- (c) business premises are changed; or
- (d) his line of business has changed.”.

Amendment of section 19

10. The principal Act is amended in section 19(1)-
(a) by deleting paragraph (d) and substituting for it the following:

“(d) fails to comply with the provisions of section 17;”;

(b) by adding immediately after paragraph (g) the following:

“(h) fails to comply with the provisions of section 18A;”;

(c) renaming paragraph (h) as paragraph (i); and

(d) deleting subparagraph (i) of the closing phrase and substituting for it the following:

“(i) in the case of an offence under paragraph (a) to (i), a fine of-

(aa) not less than one hundred thousand shillings but not exceeding five hundred thousand shillings for a business of national and international character; and

(bb) not less than fifty thousand shillings but not exceeding three hundred thousand shillings for a business whose licence is issued and governed by the local authorities,

or to imprisonment for a term not exceeding two years or to both.”.

Amendment of section 24

by-

11. The principal Act is amended in section 24(1),

(a) deleting paragraphs (b) and (c) and substituting for them the following:

“(b) a cancellation, suspension or revocation of a business licence under this Act;”;

(b) renaming paragraph (d) as paragraph (c); and

(c) adding the words “cancellation, suspension,” immediately after the word “refusal” appearing in the closing phrase.

PART III
AMENDMENT OF THE DAR ES SALAAM INSTITUTE OF
TECHNOLOGY ACT,
(CAP. 144)

Construction
Cap. 144

12. This Part shall be read as one with the Dar es Salaam Institute of Technology Act, hereinafter referred to as the “principal Act”.

General
amendments

13. The principal Act is amended generally by, deleting the word “Principal” wherever it appears in the Act and substituting for it the word “Rector”.

Amendment of
section 2

14. The principal Act is amended in section 2, by-

(a) deleting the definition of the term “financial year” and substituting for it the following:

““financial year” shall have the meaning ascribed to it under the Budget Act; and

Cap. 439

(b) adding in their appropriate alphabetical order the following definitions:

““Academic Committee” means the Committee established under section 9A;

“constituent college” means a semi-autonomous institution established under section 5 to offer technical education under the tutelage of the Institute;

“designated leader” means the head of the Governing Unit of the Institute including head of the constituent college, campus director and branch manager;

“governing unit” includes constituent college, campus, branch, faculty, schools, centre and directorate;”.

Amendment of section 4

15. The principal Act is amended in section 4, by-

(a) deleting paragraph (a) and substituting for it the following:

“(a) provide facilities for study and training in the principles, procedures and techniques of engineering and technology and related discipline as the Institute may decide;”;

(b) deleting the word “parastatal” appearing in paragraph (d) and substituting for it the word “private”.

Amendment of section 5

16. The principal Act is amended in section 5, by-

(a) deleting the marginal note and substituting for it the following:

“Governing units of Institute”;

(b) deleting subsections (2), (3) and (4) and substituting for them the following:

“(2) For the purposes of extending its services, the Institute may, after consultation with the Minister, establish campuses or other governing units.

(3) Where the Institute establishes a campus or other governing unit pursuant to subsection (2), the Council may appoint a designated leader for the campus or such governing unit.

(4) The leader appointed under subsection (3) shall serve the post for the term of five years and may be re-appointed

for another one term upon satisfactory performance.”; and
(c) deleting subsections (5), (6) and (7).

Amendment of section 7

17. The principal Act is amended in section 7 by deleting the words “not more than ten” appearing in paragraph (b) and substituting for them the word “eight”.

Addition of sections 9A and 9B

18. The principal Act is amended by adding immediately after section 9 the following:

“Establishment of Academic Committee

9A.-(1) There shall be an Academic Committee of the Institute which shall consist of-

- (a) the Rector, who shall be the Chairman;
- (b) the Deputy Rector for Academic, Research and Consultancy, who shall be the Vice-Chairman;
- (c) the Deputy Rector for Planning, Finance and Administration;
- (d) designated leader of governing units;
- (e) one representative of the Students’ Organisation;
- (f) one senior representative of the academic staff appointed by the Rector;
- (g) two representatives from the Council appointed by the Chairman of the Council; and



(h) one representative from the relevant professional bodies or corresponding institutions.

(2) The council shall determine tenure of the members of the Academic Committee provided under paragraphs (e) to (h) of subsection (1).

(3) The Academic Committee may co-opt any person whose presence is, in its opinion, desirable to attend and participate in a meeting of the Committee but such person shall have no right to vote

Functions of
Academic
Committee

9B.-(1) The Academic Committee shall be responsible to the Council for the control and regulation of instruction, education, training, research and consultancy in the Institute.

(2) Without prejudice to the generality of subsection (1), the Committee shall have the following functions:

- (a) to approve the curriculum and academic standards of any course of study offered by the Institute;
- (b) to regulate the conduct of examinations of the Institute;
- (c) to consider academic recommendations

- from the Institute boards for appropriate decision as may be determined by the council;
- (d) to make proposals to the Council on matters relating to the conduct of the Institute; and
 - (e) to perform such other functions as may be conferred upon it by the Council under this Act.”.

Amendment of section 10

19. The principal Act is amended in section 10 by adding immediately after subsection (3) the following:
“(4) The Rector shall serve for a term of five years and may be re-appointment for one further term.”.

Amendment of section 11

20. The principal Act is amended in section 11 by adding the words “who shall serve for a term of four years and may be re-appointed for one further term” at the end of subsection (1).

Amendment of section 12

- 21.** The principal Act is amended in section 12, by-
- (a) adding the words “who shall serve for a term of four years and may be re-appointed for one further term” at the end of subsection (1); and
 - (b) deleting subsection (2) and substituting for it the following:
“(2) The functions of the Deputy Rector for Planning, Finance and Administration shall be to assist the Rector in respect of planning, finance and administration matters.”.

Amendment of section 15

22. The principal Act is amended in section 15 (1) by deleting the words “financial controller” and substituting for them the word “Rector”.

Amendment of section 16

23. The principal Act is amended in section 16 by deleting the words “not exceeding ten million shillings to any other item contained in such budget” and substituting for them the words “to any other items contained in such budget subject to the provisions of relevant laws”.

Repeal and replacement of section 20

24. The principal Act is amended by repealing section 20 and replacing for it the following:

“Fees and allowances

20. Members of the Council shall be entitled to fees and allowances at such rates as may be prescribed by the relevant authority.”

Amendment of Schedule

25. The principal Act is amended in the Schedule by deleting subparagraph (1) of paragraph 1 and substituting for it the following:

“(1) Members of the Council appointed under section 7(a) of the Act shall consist of-

- (a) one member of senior rank knowledgeable in science, technology from the Ministry responsible for science, technology and innovation;
- (b) one member of senior rank knowledgeable in human resources management from the Ministry responsible for public service;
- (c) one member of senior rank knowledgeable in industrial development from the Ministry responsible for industries;
- (d) a law officer representing the Attorney General;
- (e) one senior academic and registered professional member from the unit responsible for engineering in a recognised higher learning institution;
- (f) one senior staff representing staff of the Institute;

- (g) one student representing the students' organisation at Institute; and
- (h) one member of senior rank experienced in entrepreneurship from the private sector.”.

PART IV
AMENDMENT OF THE JUDGES (REMUNERATION AND
TERMINAL BENEFITS) ACT,
(CAP. 424)

Construction
Cap. 424

26. This Part shall be read as one with the Judges (Remuneration and Terminal Benefits) Act, hereinafter referred to as the “principal Act”.

Addition of
section 10A

27. The principal Act is amended by adding immediately after section 10 the following:

“Farewell
ceremony

10A.-(1) The Judiciary shall, where the Chief Justice, Justice of Appeal, Principal Judge or Judge retires, hold a farewell ceremony to such retiree:

Provided that, such ceremony shall be held once in calendar year.

(2) The expenses of the farewell ceremony under this section shall be borne by the Judiciary Fund.

(3) The Chief Justice shall make rules prescribing the manner and procedure for conducting the farewell ceremony under this section.”.

Amendment of
Schedule

28. The principal Act is amended in the Schedule by deleting the words “once in his retirement” appearing in paragraph 10(a)(iii) and substituting for them the words “in his retirement and replaceable after every seven years”.

PART V
AMENDMENT OF THE MWALIMU NYERERE MEMORIAL
ACADEMY ACT,
(CAP. 93)

Construction
Cap. 93

29. This Part shall be read as one with the Mwalimu Nyerere Memorial Academy Act, hereinafter referred to as the “principal Act”.

General
amendment

30. The principal Act is amended generally by deleting the titles “Principal” and “Deputy Principal” wherever they appear in the Act and substituting for them the titles “Rector” and “Deputy Rector” respectively.

Amendment of
section 2

31. The principal Act is amended in section 2, by-

(a) deleting the definition of the term “Registrar”;

and

(b) inserting in their appropriate alphabetical order the following definitions:

““Authority” means regulatory authority responsible for the accreditation of the Academy;

“branch” means a non-autonomous governance unit within the Academy or Campus established by a legal instrument of the Academy;

“campus” means non-autonomous governance unit of the Academy established within or outside the proximity of the Academy and it may be established in respect of an autonomous center;

“department” means a non-autonomous governance unit within a campus, school, faculty or directorate;

“faculty” means a non-autonomous governing unit established for the purpose of overseeing the department’s undertakings relating to a specific discipline;”.

Amendment of section 4

32. The principal Act is amended in section 4 by deleting the words “National Council for Technical and Vocational Education and Training” appearing in paragraph (f) and substituting for them the word “Authority”.

Repeal and replacement of section 5

33. The principal Act is amended by repealing section 5 and replacing for it the following:

“Establishment of campuses, branches, centres and departments

5.-(1) For purposes of extending its services in accordance with its objects, the Academy may establish campuses, branches and centres in Mainland Tanzania and Tanzania Zanzibar as may be required.

(2) For purposes of facilitating effective operation and administration of the campuses, branches or centres, the Governing Board may establish directorates, faculties and departments subject to guidelines issued by the Authority.”

Amendment of section 6

34. The principal Act is amended in section 6 by deleting subsection (1) and substituting for it the following:

“(1) There shall be a Governing Board of the Academy which shall consist of-

- (a) Chairman who shall be appointed by the President;
- (b) one member representing the Ministry responsible for higher education;
- (c) one member representing the Ministry of Finance;
- (d) one member representing the Workers’ Council other than members of the Management Team;

- (e) one member representing public higher learning institutions;
- (f) a Law Officer from the Office of the Attorney General;
- (g) one member representing the Academic Staff Assembly at the Academy;
- (h) the president of the students' organisation; and
- (i) one member representing the Revolutionary Government of Zanzibar.”.

Amendment of section 7

35. The principal Act is amended in section 7-

- (a) in subsection (1), by deleting the word “Council” appearing in paragraph (k) and substituting for it the words “Governing Board”; and

- (b) by adding immediately after subsection (3) the following:

“(4) In the execution of the powers and duties conferred upon it under this Act, the Governing Board may direct the Management of the Academy or recommend in writing to the Minister such necessary measures to be taken for purposes of safeguarding the management, administration and best interests of the Academy.”.

Amendment of section 8

36. The principal Act is amended in section 8, by-

- (a) adding the words “the Deputy Rectors and other leaders as defined in the organisational structure of the Academy” at the end of subsection (1); and

- (b) adding immediately after subsection (2) the following:

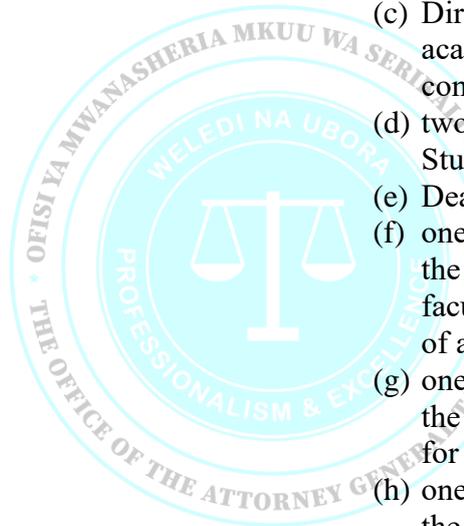
“(3) For the purpose of subsection (1), the Governing Board shall make guidelines governing the composition, procedures for the Search Committee and for the procedures of appointing other leaders who are not provided under the Academy’s organisational structure.”.

Amendment of
section 9

37. The principal Act is amended in section 9-
(a) by deleting subsection (1) and substituting
for it the following:

“(1) There shall be an
Academic Committee for the
Academy which shall consist of-

- (a) the Rector, who shall be
the Chairman;
- (b) Deputy Rector
responsible for planning,
finance and
administration;
- (c) Directors responsible for
academic, research and
consultancy;
- (d) two representatives of the
Students Organisation;
- (e) Dean of Students;
- (f) one representative from
the College, School or
faculty of Social Sciences
of accredited University;
- (g) one representative from
the Ministry responsible
for higher education;
- (h) one representative from
the Governing Board;
- (i) the Head of Quality
Assurance Unit;
- (j) Campus Directors and
Deputy Campus
Directors responsible for
academic matters;
- (k) Head of Legal Unit;
- (l) Deans of faculties;
- (m) Head of Information and
Communication
Technology Unit;



- (n) one member representing the academic staff assembly at the Academy; and
- (o) the Deputy Rector responsible for academic, research and consultancy who shall be the Secretary to the Committee.”.

- (b) in subsection (2), by deleting the words “minimum and maximum number of members and the”; and
- (c) by adding immediately after subsection (2) the following:

“(3) The Academic Committee may co-opt any member provided that such co-opted member shall have no right to vote.”.

Repeal and replacement of section 12

38. The principal Act is amended by repealing section 12 and replacing for it the following:

“Appointment of Deputy Rectors

12.-(1) Subject to the criteria set out by the Authority, the Governing Board may, on such terms and conditions as it may determine, appoint Deputy Rectors.

(2) The Deputy Rector responsible for academic, research and consultancy shall, where the Rector is unable to perform functions by reason of illness, infirmity or absence from the Academy, act as the Rector and in absence of both, Rector and Deputy Rector responsible for academic, research and consultancy, the Deputy Rector responsible for planning, finance

and administration shall act as the Rector.

(3) The Deputy Rectors shall each hold office for a term of four years and may, on satisfactory performance, be re-appointed for one further term.”.

Repeal and replacement of section 13

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

“Duties of Deputy Rectors

13.-(1) The Deputy Rector responsible for academic, research and consultancy shall-

(a) be the principal assistant and chief advisor to the Rector in all matters pertaining to academic, research and consultancy; and

(b) perform such other functions as conferred upon him by the Rector.

(2) The Deputy Rector responsible for planning, finance and administration shall-

(a) be the principal assistant to the Rector in all matters pertaining to planning, finance and administration of the Academy; and

(b) perform such other functions as conferred upon him by the Rector.”.

Repeal and replacement of section 20

40. The principal Act is amended by repealing section 20 and replacing for it the following:

“Fees and allowances

20. Members of the Governing Board shall be entitled to fees and allowances

at such rates as may be prescribed by the relevant authority.”.

Amendment of Schedule

41. The principal Act is amended in the Schedule-
(a) in paragraph 1, by-

(i) adding the words “and may be re-appointed for one further term” immediately after the word “appointment” appearing in subparagraph (1);

(ii) deleting the words “and members appointed under paragraphs (e) and (i) of section 6(1) of the Act” appearing in subparagraph (2); and

(iii) deleting subparagraph (3) and substituting for it the following:

“(3) In case of a member appointed by virtue of his office shall cease to be a member upon ceasing to hold such office.”; and

(b) by deleting paragraph 6 and substituting for it the following:

“Meetings of Governing Board

6.-(1) The Governing Board shall meet at least four times a year.

(2) An ordinary meeting of the Governing Board shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence.

(3) Where the Chairman is unable to act by any reason, the Vice Chairman shall convene the meeting.

(4) The Chairman or, in his absence, the Vice Chairman, may, if requested in writing in that behalf by at least half of the members, convene a special meeting of the Governing Board.

(5) The Governing Board may review its own decision made under this Act.”.

PART VI
AMENDMENT OF THE POLITICAL SERVICE RETIREMENT
BENEFITS ACT,
(CAP. 225)

Construction
Cap. 225

42. This Part shall be read as one with the Political Service Retirement Benefits Act, hereinafter referred to as the “principal Act”.

Addition of
section 9A

43. The principal Act is amended by adding immediately after section 9 the following:

“*Ex-gratia* to
spouse of
former
President

9A. Where a leader who held the Office of the President ceases to hold office, his spouse shall be granted an *ex-gratia* of the sum equal to twenty-five percent of the total sum received by him as salaries when he was in office.”.

Amendment of
section 11

44. The principal Act is amended in section 11 by deleting paragraph (a) and substituting for it the following:

“(a) survivor’s pension granted monthly of a sum equal to sixty percent of the salary of the incumbent President; and”.

Addition of
section 12A

45. The principal Act is amended by adding immediately after section 12 the following:

“*Ex-gratia* to spouse of former Vice-President

12A. Where a leader who held the Office of the Vice-President ceases to hold office, his spouse shall be granted an *ex-gratia* of the sum equal to twenty-five percent of the total sum received by him as salaries when he was in office.”.

Repeal and replacement of section 13

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

“Grant of *ex-gratia* to dependants of former Vice-President

13.-(1) Where the Vice-President dies in office or where he dies after ceasing to hold office but before benefits are granted to him, the appropriate authority shall grant to his dependants an *ex-gratia* which shall be equal to the total sum received by him as salaries when he was in office.

(2) Where the former Vice-President dies, his widow or widower shall be granted by an appropriate authority-

- (a) survivor’s pension granted monthly of a sum equal to forty percent of the salary of the incumbent Vice-President; and
- (b) other benefits as stipulated in Part II of the Schedule to this Act.”.

Amendment of section 14

47. The principal Act is amended in section 14 by adding immediately after subsection (3) the following:

“(4) Notwithstanding the provisions of this section, a person who, prior to the commencement of this Act, became a former Prime Minister shall be entitled to one personal assistant.”.

Addition of section 14A

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

“Grant of *ex-gratia* to spouse of former Prime Minister

14A. Where a leader who held the Office of the Prime Minister ceases to hold office, his spouse shall be granted an *ex-gratia* of the sum equal to twenty-five percent of the total sum received by him as salaries when he was in office.”

Amendment of section 15

49. The principal Act is amended in section 15(2) by adding the words “granted monthly” immediately after the word “pension” appearing in paragraph (a).

Amendment of section 18

50. The principal Act is amended in section 18(2) by adding the words “granted monthly” immediately after the word “pension” appearing in paragraph (a).

Amendment of Schedule

51. The principal Act is amended in the Schedule-

(a) in Part IA, by-

- (i) deleting the word “two” appearing in paragraph 4 and substituting for it the word “three”;
- (ii) deleting the word “two” appearing in paragraph 15 and substituting for it the word “three”; and
- (iii) adding immediately after the word “expenses” appearing in paragraph 17 the words “for him and his spouse”;

(b) in Part IB, by-

- (i) deleting the words “one motor vehicle” appearing in paragraph 4 and

substituting for them the words “two motor vehicles”;

- (ii) adding immediately after paragraph 4 the following:

“5. A furnished house containing not less than three bedrooms of which one bedroom shall be self-contained and shall contain a servant quarter.”;

- (iii) renumbering paragraphs 5 to 8 as paragraphs 6 to 9 respectively;

- (iv) deleting subparagraph (f) of paragraph 7 as renumbered and substituting for it the following:

“(f) two drivers.”;

- (v) adding immediately after the word “expenses” appearing in paragraph 9 as renumbered the words “for him and his spouse”; and

- (vi) adding immediately after paragraph 9 as renumbered the following:

“10. Necessary security and other protection services to him and his residence.”;

- (c) in Part IC, by-

- (i) deleting the words “one motor vehicle” appearing in paragraph 4 and substituting for them the words “two motor vehicles”;

- (ii) adding immediately after paragraph 4 the following:

“5. A furnished house containing not less than three bedrooms of which one bedroom shall be self-contained and shall contain a servant quarter.”;

- (iii) renumbering paragraphs 5 to 8 as paragraphs 6 to 9 respectively;

(iv) deleting subparagraph (f) of paragraph 7 as renumbered and substituting for it the following:

“(f) two drivers.”;

(v) adding immediately after the word “expenses” appearing in paragraph 9 as renumbered the words “for him and his spouse”; and

(vi) adding immediately after paragraph 9 as renumbered the following:

“10. Necessary security and other protection services to him and his residence.”;

(d) in Part IIA, by-

(i) deleting the word “forty” appearing in paragraph 2 and substituting for it the word “sixty”;

(ii) deleting paragraphs 3 and 4 and substituting for them the following:

“3. Medical treatment borne by the Government within the United Republic or outside United Republic after the referral by the National Hospital.

4. The service of two motor vehicles to be provided by the Government of not less than 3 tonnages replaceable after every five years.”;

(iii) deleting subparagraphs (a) and (b) of paragraph 5 and substituting for them the following:

“(a) two drivers;

(b) a gardener;

(c) one cook;

(d) laundryman or domestic servant.”.

(iv) adding immediately after paragraph 7 the following:

“8. Security.”;

(e) in Part IIB, by-

(i) deleting paragraphs 3 and 4 and substituting for them the following:

“3. Medical treatment borne by the Government within the United Republic or outside the United Republic after the referral by the National Hospital.

4. The service of one motor vehicle to be provided by the Government replaceable after every seven years.”; and

(ii) adding immediately after paragraph 7 the following:

“8. Security.”;

(f) in Part IIC, by-

(i) deleting paragraphs 3 and 4 and substituting for them the following:

“3. Medical treatment borne by the Government within the United Republic or outside the United Republic after the referral by the National Hospital.

4. The service of one motor vehicle to be provided by the Government replaceable after every seven years.”; and

(ii) adding immediately after paragraph 7 the following:

“8. Security.”.

(g) in Part IIE, by-

(i) deleting paragraph 2 and substituting for it the following:

“2. One motor vehicle replaceable after seven years.”;

(ii) adding immediately after paragraph 6 the following:

“7. Security.

8. One personal assistant.

9. Use of VIP lounge.

10. Health insurance to him and his spouse.”; and
- (h) in Part IIF, by adding immediately after paragraph 2 the following:
- “3. One motor vehicle to be granted once and which shall be maintained by himself.
 4. Use of VIP lounge.
 5. Health insurance to himself.”.

PART VII
AMENDMENT OF THE PUBLIC SERVICE ACT,
(CAP. 298)

Construction
Cap. 298

52. This Part shall be read as one with the Public Service Act, hereinafter referred to as the “principal Act”.

Amendment of
section 25A

53. The principal Act is amended in section 25A, by-

- (a) adding immediately after subsection (2) the following:

“(3) Notwithstanding subsection (1), a spouse of the President elect, Vice-President elect or the appointed Prime Minister holding office in the Service shall retire immediately from the Service from the date the President, Vice-President or Prime Minister has been sworn in Office.”;

and

- (b) renumbering subsection (3) as subsection (4).

Amendment of
section 26

54. The principal Act is amended in section 26, by-

(a) adding immediately after subsection (2) the following:

“(3) Where the former Chief Secretary dies, his widow or widower shall be granted by an appropriate authority a pension granted monthly of a sum equal to forty percent of the salary of the incumbent Chief Secretary.”;

and

- (b) renumbering subsection (3) as subsection (4).

PART VIII
AMENDMENT OF THE SMALL INDUSTRIES DEVELOPMENT
ORGANISATION ACT,
(CAP. 112)

Construction
Cap. 112

55. This Part shall be read as one with the Small Industries Development Organisation Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

56. The principal Act is amended in section 2 by inserting in their appropriate alphabetical order the following definitions:

““industry or enterprise” means any going concern by group of persons, an individual or entity which trades in, or produces goods or services for profit;

“medium industry or enterprise” means any industry or enterprise employing between fifty and ninety nine people or with capital investment from two hundred million shillings to eight hundred million shillings;

“micro industry or enterprise” means any industry or enterprise engaging up to four people or employing capital amounting up to five million shillings;

“small industry or enterprise” means any industry or enterprise engaging five to forty nine people or with capital investment from five million shillings to two hundred million shillings.”.

Amendment of
section 5

57. The principal Act is amended in section 5, by-
(a) deleting the word “small” wherever it appears in that section and substituting for it the words “micro, small and medium”;

- (b) adding the words “trainings and” immediately after the word “promote” appearing in paragraph (i);
- (c) adding immediately after paragraph (j) the following:
 - “(k) to co-ordinate and supervise business development service providers for micro, small and medium industries or enterprises;
 - (l) to lend or advance money to any person, company, corporation, association, institution or group of persons engaged in micro, small and medium industry or enterprise;”;
- (d) renaming paragraphs (k) and (l) as paragraphs (m) and (n) respectively.

Repeal and replacement of section 6

58. The principal Act is amended by repealing section 6 and replacing for it the following:

“Power of Board 6.-(1) Subject to the provisions of this Act, the management and control of the Organization shall vest in the Board of Directors.

(2) Without prejudice to the generality of subsection (1), the Board of Directors shall have powers to-

- (a) administer properties of the Organisation, both movable and immovable;
- (b) approve the annual financial budget and annual financial statements of the Organisation;
- (c) approve Organisation

Strategic Plan, Policy Guidelines and Procedures relating to aims and objectives of the Organisation;

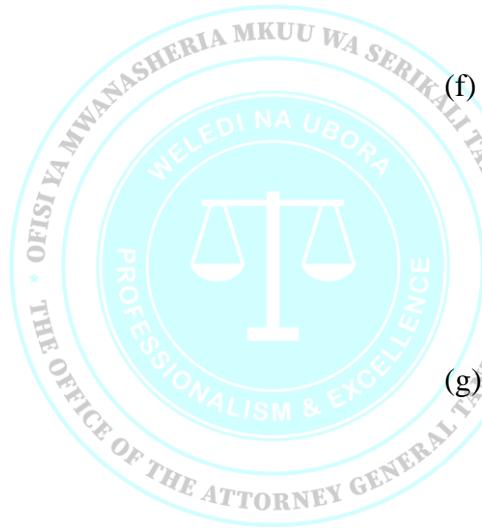
(d) review and supervise the performance of the Organisation;

(e) ensure the Act, regulations and rules made thereunder are duly observed;

(f) constitute such committees as it may deem necessary or expedient to assist the Board in the performance of its functions;

(g) appoint officers of the Organisation which it may consider necessary; and

(h) perform all other acts and things which may be provided for in this Act or as may be necessary or expedient for the proper discharge of the functions of the Organisation.”.



Amendment of section 7

59. The principal Act is amended in section 7 by adding the words “and Secretary to the Board” immediately after the word “organisation” appearing at the end of subsection (1).

Amendment of section 14

60. The principal Act is amended in section 14(8), by-

- (a) deleting paragraph (b); and
- (b) renaming paragraph (c) as paragraph (b).

Addition of section 20

61. The principal Act is amended by adding immediately after section 19 the following:

“Power to make regulations

20.-(1) The Minister may make regulations for the better carrying out of the provisions and purposes of this Act.

(2) Without prejudice to the generality of subsection (1), the regulations may provide for-

- (a) recognition of private persons or institutions providing business development services for micro, small and medium industries or enterprises;
- (b) manner and procedures for recognition, nurturing and developing micro, small and medium industry or enterprise;
- (c) manner and procedures for trainings;
- (d) matters in respect of which fees and other charges shall be payable; and

- (e) prescribing any other thing which under this Act is required or permitted to be prescribed.”.

PART IX
AMENDMENT OF THE TANZANIA TRADE DEVELOPMENT
AUTHORITY ACT,
(CAP. 155)

Construction
Cap. 155

62. This Part shall be read as one with the Tanzania Trade Development Authority Act, hereinafter referred to as “the principal Act”.

Amendment of
section 3

63. The principal Act is amended in section 3 by adding in its appropriate alphabetical order the following definition:

““trade promotional events” means trade fair or exhibition, buyer-sellers meetings and trade missions, expos, festivals, trade fora and other related activities but does not include events organised for non-commercial purposes;”.

Amendment of
section 5

64. The principal Act is amended in section 5(1),
by-

- (a) adding the words “national branding and other” immediately after the word “through” appearing in paragraph (g); and
- (b) deleting the words “international trade fair exhibition” appearing in paragraph (p) and substituting for them the words “local or international trade fairs and other trade promotional events”.

Amendment of
section 20

65. The principal Act is amended in section 20 by adding the words “and Board of Internal Trade” immediately after the word “Trade”.

Addition of
section 23A

66. The principal Act is amended by adding immediately after section 23 the following:

“Authorisation
of trade
promotional
events

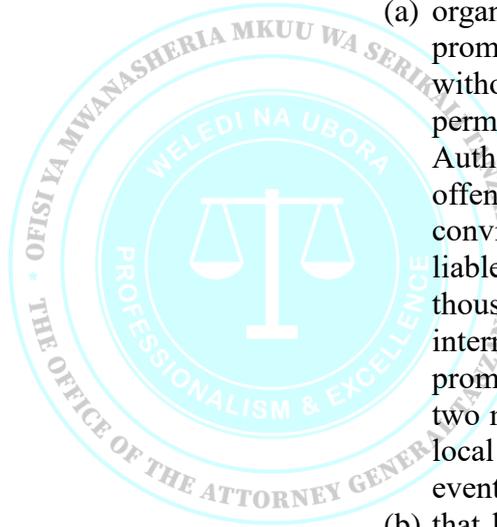
23A.-(1) A person, organisation or institution shall not organise any trade promotional event without authorisation of the Authority.

(2) The procedure for authorisation of trade promotional events shall be as prescribed in the regulations.

(3) A person, organisation or institution-

(a) organising trade promotional event without authorisation or permit from the Authority, commits an offence and upon conviction shall be liable to a fine of two thousand US Dollars for international trade promotional event or two million shillings for local trade promotional events;

(b) that breaches any terms and conditions of authorisation or permit issued by the Authority, commits an offence and upon conviction shall be liable to a fine of one thousand US Dollars for international trade promotional events or one million shillings for local trade promotional events.”.



Addition of
section 24A

67. The principal Act is amended by adding immediately after section 24 the following:

“Compounding
of offences

24A.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act, the Director General or any officer authorised by him in writing may, subject to the regulations made under this Act at any time prior to the commencement of the proceedings by a court of competent jurisdiction, compound such offence and order such person to pay a sum of money not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where a person fails to comply with the compounding order issued under this section within the prescribed period, the Director General or an officer authorised by him may, in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where a person fails to comply with subsection (2), the Director General may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Director General shall submit quarterly report of all compounded offences under this section to the Director of Public Prosecutions.

(5) Moneys charged under this section shall be paid into the Consolidated Fund through the Government Electronic Payment System.

(6) Where an offence is compounded in accordance with subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged has been compounded under subsection (1).

(7) The sum to be charged for every compoundable offence, forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”.

PART X
AMENDMENT OF THE TOWNS PLANNERS (REGISTRATION)
ACT,
(CAP. 426)

Construction
Cap. 426

68. This Part shall be read as one with the Town Planners (Registration) Act, hereinafter referred to as the “principal Act”.

Addition of
section 10A

69. The principal Act is amended by adding immediately after section 10 the following:

“Categories of
town planners

10A. Registration of town planners shall be based on the following categories:

- (a) consulting town planners;
- (b) fully registered town planners;

- (c) graduate town planners; and
- (d) technician town planners.”.

Amendment of section 11

70. The principal Act is amended in section 11, by-

- (a) deleting the words “qualifications for” appearing in the marginal notes;
- (b) deleting subsection (1) and substituting for it the following:

“(1) Subject to the provisions of this Act, a person shall be eligible for registration as a town planner on making an application to the Board in the prescribed manner and upon payment of the prescribed fees.”; and

- (c) deleting the words “subsection (1)” appearing in subsection (2) and substituting for them the words “this Act”.

Addition of sections 11A, 11B, 11C and 11D

71. The principal Act is amended by adding immediately after section 11 the following:

“Registration of consulting town planner

11A. A person may be registered as a consulting town planner after satisfying the Board that he-

- (a) is a citizen of Tanzania;
- (b) has a practical experience as a fully registered town planner for a period of not less than ten years;
- (c) has proven intergrity and professionalis;
- (d) has not been convicted with fraud, tax evasion and

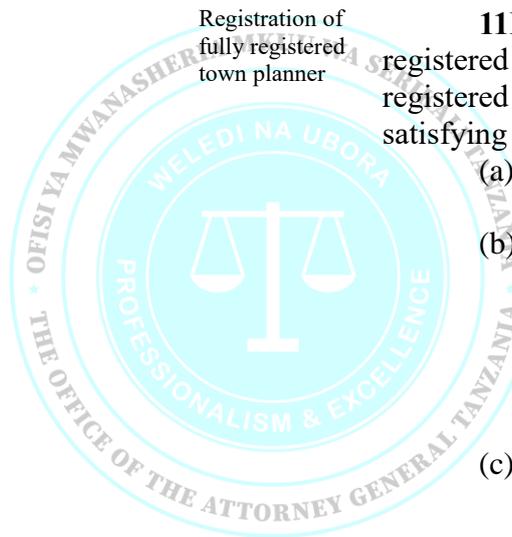
other
misconducts;
and

- (e) has accumulated a required number of points from continuous professional development as may be prescribed in the regulations.

Registration of
fully registered
town planner

11B. A person may be registered as a fully registered town planner after satisfying the Board that he-

- (a) is a citizen of Tanzania;
(b) has a first degree in town planning or its equivalent from a recognised higher learning institution;
(c) has a practical experience of not less than three years under supervision of a fully registered town planner;
(d) has accumulated a required number of points from continuous professional development as may be



- prescribed in regulations;
- (e) has not been convicted of fraud, tax evasion and other misconduct; and
 - (f) has passed an examination set by the Board.

Registration of graduate town planner

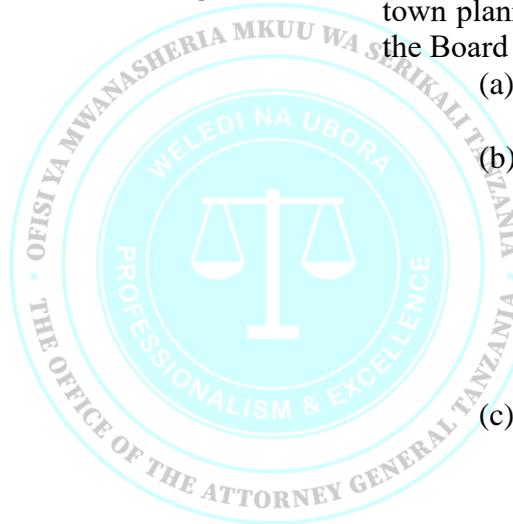
11C. A person may be registered as a graduate town planner after satisfying the Board that he-

- (a) is a citizen of Tanzania;
- (b) has a first degree in a town planning or its equivalent from a recognised higher learning institution; and
- (c) has complied with any additional requirements as may be specified by the Board.

(2) A person registered under this section shall work under supervision of a fully registered town planner.

Registration of technician town planner

11D. A person may be registered as a technician town planner after satisfying the Board that he-



- (a) is a citizen of Tanzania;
- (b) has attended training in town planning and been awarded National Technical level 6, Diploma or Full Technician Certificate; and
- (c) has passed an examination set by the Board.”.

Amendment of section 12

by-

72. The principal Act is amended in section 12(1),

- (a) adding the words “fully registered” immediately before the word “town” appearing in paragraph (c); and
- (b) adding the words “for the duration of the specific assignment” after the word “planner” appearing in the closing phrase.

Repeal of section 13

73. The principal Act is amended by repealing section 13.

Addition of section 24A

74. The principal Act is amended by adding immediately after section 24 the following:

“Registration of town planning projects

24A.-(1) A town planner or town planning firm shall, upon payment of prescribed fees and before undertaking any town planning project, register such project to the Board.

(2) Subject to subsection (1), the nature, size or threshold of the project to be registered shall

be prescribed in the regulations.

(3) The Registrar shall keep a register of town planning projects registered under subsection (1).”.

Amendment of section 31

by-

75. The principal Act is amended in section 31(2),

(a) adding immediately after paragraph (c) the following:

“(d) procedures for application to be registered as a town planner;

(e) town planning activities to be carried out by each category of registered town planner;” and

(b) renaming paragraphs (d) and (e) as paragraphs (f) and (g) respectively.

Amendment of First Schedule

Schedule-

76. The principal Act is amended in the First

(a) in paragraph 1, by-

(i) deleting the words “Town Planners Association of Tanzania” appearing in item (b) and (f) and substituting for them the words “a registered association of town planners”;

(ii) deleting the words “three persons” appearing in paragraph (c) and substituting for them the words “one person”; and

(iii) adding immediately after item (d) the following:

“(e) one qualified human resource officer nominated from the Ministry responsible for public service;

(f) an accountant specialised in finance nominated by the

National Board of Accountants and Auditors;” and

(iv) renaming paragraphs (e) and (f) as paragraphs (g) and (h) respectively; and

(b) in paragraph 2(2), by-

(i) deleting the words “Town Planners Association of Tanzania” appearing in item (a) and substituting for them the words “a registered association of town planners”; and

(ii) deleting item (b) and substituting for it the following:

“(b) if he ceases to hold the office upon which he was appointed to be a member;”.

PART XI
AMENDMENT OF THE WEIGHTS AND MEASURES ACT,
(CAP. 340)

Construction
Cap. 340

77. This Part shall be read as one with the Weights and Measures Act, hereinafter referred to as the “principal Act”.

General
amendment

78. The principal Act is amended generally by deleting the words “for use for trade” wherever they appear in the Act and substituting for them the words “for trade use”.

Amendment of
section 2

79. The principal Act is amended in section 2(1)-
(a) in the definition of the term “approved pattern”, by deleting the word “Minister” and substituting for it the word “Commissioner”;
(b) in the definition of the word “premises”, by deleting the word “ship” and substituting for it the words “marine vessel, wagon”;

(c) in the definition of the word “trade”, by adding immediately after paragraph (c) the following proviso:

“Provided that, paragraphs (b) and (c) shall apply to a measuring instrument which is subject to legal metrology;”;

(d) by deleting the definition of the terms “inspector”, “measuring instrument”, “measuring system”, and “quantity” and substituting for them the following:

““inspector” means the weights and measures officer appointed under section 14(2) and includes the Commissioner;

“measuring instrument” means any device used or intended to be used to make measurements, alone or in conjunction with one or more supplementary devices and includes a measuring system;

“measuring system” means one or more measuring instruments used independently or in conjunction with other devices not subject to legal metrology control;

“quantity” includes any measurement of mass, length, time, number, electric current, thermodynamic temperature, amount of substance and luminous intensity;”;

(e) by adding in its appropriate alphabetical order, the following definition:

““testing” means comparison with appropriate standards to determine metrological characteristics of measuring instruments or measuring systems or pre-packed goods according to a given procedure;”.

Amendment of section 5

80. The principal Act is amended in section 5 by deleting the word “Minister” appearing in subsections (1) and (2) and substituting for it the word “Commissioner”.

Amendment of section 6

81. The principal Act is amended in section 6 by deleting the words “except that the conditions of their custody may be determined by the Minister”.

Repeal and replacement of section 7

82. The principal Act is amended by repealing section 7 and replacing for it the following:

“Periodic verification of secondary standards”
7. Once in every two years, the Commissioner shall cause each of the secondary standards to be compared with the national standards.”.

Repeal and replacement of section 8

83. The principal Act is amended by repealing section 8 and replacing for it the following:

“Cancellation of secondary standards”
8. The Commissioner may cancel any secondary standard and direct that it may no longer be used as a secondary standard.”.

Amendment of section 9

84. The principal Act is amended in section 9 by deleting the word “Minister” and substituting for it the word “Commissioner”.

Amendment of section 10

85. The principal Act is amended in section 10(3) by deleting the word “Minister” and substituting for it the word “Commissioner”.

Repeal and replacement of section 14

86. The principal Act is amended by repealing section 14 and replacing for it the following:

“Appointment of Commissioner and inspectors”
14.-(1) The President shall appoint a public officer to be Commissioner for Weights and Measures.

(2) The Commissioner shall appoint inspectors of weights and

measures as may be required in carrying out the purpose of this Act.

(3) The Commissioner may, for the purpose of carrying out verification under this Act, appoint private inspectors.

(4) The Commissioner shall, by notice in the *Gazette*, publish the names of inspectors and private inspectors appointed under this section.”.

Amendment of section 16

by- **87.** The principal Act is amended in section 16,

(a) designating the contents of section 16 as subsection (1);

(b) deleting paragraph (a) of subsection (1) as designated and substituting for it the following:

“(a) to carry out verification or inspection of measuring instruments and goods;” and

(c) adding immediately after subsection (1) as designated the following:

“(2) An inspector shall, in exercising his duties under subsection (1), comply with the provisions of this Act, regulations made under this Act and recognised regional and international instruments for legal metrology.”.

Amendment of section 18

by- **88.** The principal Act is amended in section 18,

(a) deleting the word “for” appearing in the marginal note and substituting for it the word “and”; and

(b) deleting the word “Minister” appearing in subsections (1) and (2) and substituting for it the word “Commissioner”.

Amendment of
section 19

89. The principal Act is amended in section 19-
(a) by deleting subsection (1) and substituting for it the following:

“(1) An inspector shall, within his area of jurisdiction, for the purpose of verifying measuring or measuring system, require a person to produce at such time and place as he may specify any weight, measure, weighing or measuring instrument or measuring system in his possession which is used or intended to be used in trade.”;

(b) in subsection (2), by deleting the words “even if notice under subsection (1) was not issued” and substituting for them the words “for verification”;

(c) by adding at the end of subsection (3) the words “in a manner prescribed in regulations”; and

(d) in subsection (8), by deleting the words “any notice issued by an inspector under”.

Amendment of
section 21

90. The principal Act is amended in section 21(2) by deleting the word “equipment” wherever it appears in that subsection and substituting for it the words “measuring instrument”.

Amendment of
section 23

91. The principal Act is amended in section 23 by-

(a) deleting the word “test” appearing in the opening phrase and substituting for it the words “examination or testing”;

(b) deleting the word “instruction” appearing in paragraph (c) and substituting for it the words “measuring instrument or measuring system”;

(c) deleting the words “upon approval by the Commissioner” appearing in paragraph (b) of the proviso; and

(d) deleting the word “owner” appearing in paragraph (c) of the proviso and substituting

for it the words “person in charge of such measuring instrument or measuring system”.

Amendment of section 24

92. The principal Act is amended in section 24 by adding the words “or measuring instrument” immediately after the word “measure” appearing in the opening phrase.

Amendment of section 26

93. The principal Act is amended in section 26-
(a) in subsection (1), by deleting the words “Subject to the provisions of section 27”; and
(b) by adding at the end of subsection (3) the words “and in addition to any penalty the court may impose, such goods may be liable to be forfeited”.

Amendment of section 39

94. The principal Act is amended in section 39 by inserting the word “measure” between the words “weight” and “measuring”.

Amendment of section 42

95. The principal Act is amended in section 42-
(a) in the marginal note, by deleting the word “weight” and substituting for it the word “measure”; and
(b) in subsection (1), by deleting the words “weight, measure, gauge, class or grade” and substituting for them the word “measure”.

Amendment of section 48

96. The principal Act is amended in section 48-
(a) by deleting the marginal note and substituting for it the following:
 “Powers of inspector”;
(b) in subsection (1), by-
 (i) adding immediately after paragraph (e) the following:
 “(f) seize and detain any goods which, after inspection, found to be contrary to the provisions of this Act;
 (g) seal the premises where he has reasonable grounds to believe

that any offence under this Act has been, is being or is likely to be committed in such premises;”;

- (ii) renaming paragraphs (f) and (g) as paragraphs (h) and (i); and
- (c) in subsection (2), by adding the words “breaks a seal or” immediately after the word “who”.

Repeal and replacement of sections 49 and 50

97. The principal Act is amended by repealing sections 49 and 50 and replacing for them the following:

“Judicial notice of documents

49. A document purporting to be signed by an inspector and certifying that a weight, measure, measuring instrument or measuring system or goods specified therein was inspected or verified by him on a specified date and the finding of his verification or inspection shall be received in any court on production by any person and without further proof as *prima facie* evidence of the facts stated therein.

Forfeiture

50.-(1) Where the owner or possessor of the weight, measure, measuring instrument, measuring system or goods cannot appear in court and show cause within the prescribed time after the seizure, such weight, measure, measuring instrument, measuring systems or goods shall be forfeited.

(2) All weights, measures, measuring instruments or measuring systems or goods or other item forfeited under this Act shall be disposed of as the court may direct.”.

Amendment of
section 54

- 98.** The principal Act is amended in section 54(1)-
- (a) in paragraph (e), by deleting the words “or marking of” and substituting for them the words “of marking”;
 - (b) by deleting paragraph (h) and substituting for it the following:
 - “(h) the fees that may be demanded by inspector during verification of any weight, measure or measuring instrument or inspection of pre-packed goods;”;
 - (c) in paragraph (r), by deleting the words “checked and stamped” and substituting for them the word “verified;”;
 - (d) in paragraph (x), by adding the words “and disposal” immediately after the word “forfeiture;”;
 - (e) in paragraph (y), by deleting the words “Tenth, Eleventh and Twelfth”.

Passed by the National Assembly on the 31st October, 2023

NENELWA JOYCE MWIHAMBI
Clerk of the National Assembly