

THE UNITED REPUBLIC OF TANZANIA  
***SPECIAL BILL SUPPLEMENT***

***No 2.***

***12<sup>th</sup> May, 2014***

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ACT, 2014

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**NOTICE**  
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This Bill to be submitted to the National Assembly is published for general information to the public together with a statement of its objects and reasons.

Dar es Salaam,  
9<sup>th</sup> May, 2014

OMBENI Y. SEFUE,  
*Secretary to the Cabinet*

**A Bill**

*for*

An Act to amend certain written laws.

ENACTED by 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) Act, 2014.

Amend  
ment of  
certain  
written  
laws

**2.** The written laws specified in various Parts to this Act are amended in the manner provided for in their respective Parts.

PART II  
AMENDMENT OF THE AIR TANZANIA CORPORATION (RE-  
ORGANIZATION AND VESTING OF ASSETS AND  
LIABILITIES) ACT,  
(CAP.205)

Constru-  
ction  
Cap. 205

3. This Part shall be read as one with the Air Tanzania Corporation (Re-Organization and Vesting of Assets and Liabilities) Act, hereinafter referred to as the “principal Act”.

Amend  
ment of  
section  
10

4. The principal Act is amended in section 10 by-  
(a) adding immediately after subsection (2) the following new subsections:

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Corporation.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Corporation shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Corporation.”

PART III  
AMENDMENT OF THE BANK OF TANZANIA ACT,  
(CAP. 197)

Constru-  
ction  
Cap. 197

5. This Part shall be read as one with the Bank of Tanzania Act, hereinafter referred to as the “principal Act”.

Amend-  
ment of  
section 4

**6.** The principal Act is amended in section 4, by adding immediately after subsection (2) the following new subsections:

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Bank.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Bank shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Bank.”

**PART IV**  
**AMENDMENT OF THE CASHEWNUTS INDUSTRY ACT,**  
**(CAP.203)**

Constru-  
ction  
Cap. 203

**7.** This Part shall be read as one with the Cashewnuts Industry Act, hereinafter referred to as the “principal Act”.

Amend-  
ment of  
section 3

**8.** The principal Act is amended in section 3 by adding immediately after subsection (2) the following new subsections:

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Board.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4),

the Board shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Board.”

PART V  
AMENDMENT OF THE EXECUTIVE AGENCIES ACT,  
(CAP.245)

Constru-  
ction  
Cap.245

**9.** This Part shall be read as one with the Executive Agencies Act, hereinafter referred to as the “principal Act”.

Amend-  
ment of  
section 3

**10.** The principal Act is amended in section 3 by-  
(a) deleting paragraphs (b) and (c) appearing in subsection (6) and substituting for it the following:

“(b) be capable of suing and being sued in its own name only on matters related to contract;”

(b) renaming paragraphs (d) and (e) as paragraphs (c) and (d) respectively.

(c) adding immediately after subsection (6) as amended the following new subsections:-

“(7) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Agency.

(8) Where the Attorney General intervenes in any matter in pursuance of subsection (7), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(9) For the purposes of subsections (7) and (8), the Agency shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Agency.”

PART VI  
AMENDMENT OF THE CIVIL AVIATION ACT,  
(CAP. 80)

Constru-  
ction  
Cap. 80

**11.** This Part shall be read as one with the Civil Aviation Act herein referred to as the “principal Act”.

Amend-  
ment of  
section 24

**12.** The principal Act is amended in section 24 by adding immediately after subsection (7) the following new subsection:

“(8) For the purposes of subsections (6) and (7), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

PART VII  
AMENDMENT OF THE ENERGY AND WATER UTILITIES  
REGULATORY AUTHORITY ACT,  
(CAP. 414)

Constru-  
ction  
Cap. 414

**13.** This Part shall be read as one with the Energy and Water Utilities Regulatory Authority Act herein referred to as the “principal Act”.

Amendment  
of section 5

**14.** The principal Act is amended in section 5 by adding immediately after subsection (6) the following new subsection:

“(7) For the purposes of subsections (6) and (7), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

PART VIII  
AMENDMENT OF THE FAIR COMPETITION ACT,  
(CAP. 285)

Construction  
Cap. 285

**15.** This Part shall be read as one with the Fair Competition Act herein referred to as the principal Act.

Amendment  
of section 62

**16.** The principal Act is amended in section 62 by-  
(a) adding immediately after subsection (4) the following new subsections:

“(5) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Commission.

(6) Where the Attorney General intervenes in any matter in pursuance of subsection (5), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(7) For the purposes of subsections (5) and (6), the Commission shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Commission.”

(b) renumbering subsections (5), (6), (7), (8) and (9) as (8), (9), (10), (11) and (12) respectively.

PART IX  
AMENDMENT OF THE GAMING ACT,  
(CAP. 41)

Construction  
Cap. 41

**17.** This Part shall be read as one with the Gaming Act herein referred to as the “principal Act”.

Amendment  
of section 4

**18.** The principal Act is amended in section 4 by-

(a) adding immediately after subsection (1) the following new subsections:

“(2) Notwithstanding the provision of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Board.

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(3) Where the Attorney General intervenes in any matter in pursuance of subsection (2), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(4) For the purposes of subsections (2) and (3), the Board shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Board.”

(b) renumbering subsection (2) as (5).

PART X  
AMENDMENT OF THE LAPF PENSIONS FUND ACT,  
(CAP. 407)

Construction  
Cap. 407

**19.** This Part shall be read as one with the Local Authorities Pensions Fund Act herein referred to as the “principal Act”.

Amendment  
of section 9

**20.** The principal Act is amended in section 9 by-

(a) adding immediately after subsection (2) the following new subsections-

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to

intervene in any suit or matter instituted by, or against the Board.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Board shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Board.”

(b) renumbering subsection (3) as (6).

PART XI  
AMENDMENT OF THE NATIONAL HEALTH INSURANCE FUND  
ACT,  
(CAP. 395)

Construction  
Cap. 395

**21.** This Part shall be read as one with the National Health Insurance Fund Act herein referred to as the “principal Act”.

Amendment  
of section 4

**22.** The principal Act is amended in section 4 by adding immediately after subsection (4) the following new subsections-

“(5) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Fund.

(6) Where the Attorney General intervenes in any matter in pursuance of subsection (5), the provisions of the



Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(7) For the purposes of subsections (5) and (6), the Fund shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Fund.”

PART XII  
AMENDMENT OF THE NATIONAL HOUSING CORPORATION  
ACT,  
(CAP. 295)

Construction  
Cap. 295

**23.** This Part shall be read as one with the National Housing Corporation Act herein referred to as the “principal Act”.

Amendment  
of section 3

**24.** The principal Act is amended in section 3 by adding immediately after subsection (2) the following new subsections:

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Corporation.

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(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Corporation

shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Corporation.”

PART XIII  
AMENDMENT OF THE NATIONAL PARKS ACT,  
(CAP. 282)

Construction  
Cap. 282

**25.** This Part shall be read as one with the National Parks Act herein referred to as the “principal Act”.

Amendment  
of section 8

**26.** The principal Act is amended in section 8 by-

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

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Authority.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

(b) renumbering subsections (2), (3) as (5), (6) respectively.

PART XIV  
AMENDMENT OF THE NATIONAL SOCIAL  
SECURITY FUND ACT,  
(CAP. 50)

Construction  
Cap. 50

**27.** This Part shall be read as one with the National Social Security Fund Act herein referred to as the “principal Act”.

Amendment  
of section 53

**28.** The principal Act is amended in section 53 by-

(a) adding immediately after subsection (2) the following new subsections-

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Authority.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (2), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (4) and (5), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

(b) renumbering subsections (3) and (4) as (6) and (7).

PART XV  
AMENDMENT OF THE NGORONGORO CONSERVATION ACT,  
(CAP. 284)

Construction  
Cap. 284

**29.** This Part shall be read as one with the

Ngorongoro Conservation Act herein referred to as the principal Act.

Amendment  
of section 4

**30.** The principal Act is amended in section 4 by adding immediately after subsection (2) the following new subsections:

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Authority.

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(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

PART XVI  
AMENDMENT OF THE PPF PENSIONS FUND ACT,  
(CAP. 372)

Construction  
Cap. 372

**31.** This Part shall be read as one with the Parastatal Pensions Fund Act herein referred to as the “principal Act”.

Amendment of section 17

**32.** The principal Act is amended in section 17 by-

(c) adding immediately after subsection (2) the following

new subsections-

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Fund.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Fund shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Fund.”

(d) renumbering subsections (3) and (4) as (6) and (7).

PART XVII  
AMENDMENT OF THE PORTS ACT,  
(CAP. 166)

Construction  
Cap. 166

**33.** This Part shall be read as one with the Ports Act herein referred to as the principal Act.

Amendment of  
section 4

**34.** The principal Act is amended in section 4 by adding immediately after subsection (3) the following new subsection:

“(4) For the purposes of subsections (1) and (2), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

PART XVIII  
AMENDMENT OF PUBLIC SERVICE RETIREMENT BENEFITS  
ACT,  
(CAP. 371)

Construction  
Cap. 371

**35.** This Part shall be read as one with the Public Service Retirement Benefits herein referred to as the “principal Act”.

Amendment of  
section 32

**36.** The principal Act is amended in section 32 by-

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

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Board.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Board shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Board.”

(b) renumbering subsection (3) as (6).

PART XIX  
AMENDMENT OF THE RURAL ENERGY ACT,  
(CAP. 321)

Construction  
Cap. 321

**37.** This Part shall be read as one with the Rural Energy Act herein referred to as the “principal Act”.

Amendment  
of section 14

**38.** The principal Act is amended in section 14 by-

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

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Agency.

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(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Agency shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Agency.”

(b) renumbering subsection (3) as (6).

PART XX  
AMENDMENT OF THE SOCIAL SECURITY REGULATORY  
AUTHORITY ACT,  
(CAP. 135)

Construction  
Cap. 135

**39.** This Part shall be read as one with the Social Security Regulatory Authority Act herein referred to as the “principal Act”.

Amendment  
of section 4

**40.** The principal Act is amended in section 4 by adding immediately after subsection (3) the following new subsections -

“(4) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Authority.

Cap. 5 (5) Where the Attorney General intervenes in any matter in pursuance of subsection (2), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(6) For the purposes of subsections (4) and (5), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

PART XXI  
AMENDMENT OF THE SURFACE AND MARINE TRANSPORT  
REGULATORY AUTHORITY ACT,  
(CAP. 413)

Construction  
Cap. 413

**41.** This Part shall be read as one with the Surface and Marine Transport Regulatory Authority Act herein referred to as the “principal Act”.

Amendment  
of section 4

**42.** The principal Act is amended in section 4 by adding immediately after subsection (7) the following new subsection:

“(8) For the purposes of subsections (6) and (7), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

PART XXII  
AMENDMENT OF THE TANZANIA COMMUNICATION  
REGULATORY AUTHORITY ACT,  
(CAP. 172)

Construction  
Cap. 172

**43.** This Part shall be read as one with the Tanzania Communication Regulatory Authority Act herein referred to as the principal Act.



Amendment  
of section 4

**44.** The principal Act is amended in section 4 by adding immediately after subsection (7) the following new subsection:

“(8) For the purposes of subsections (6) and (7), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

PART XXIII  
AMENDMENT OF THE TANZANIA FOODS, DRUGS AND  
COSMETICS ACT,  
(CAP. 219)

Construction  
Cap. 219

**45.** This Part shall be read as one with the Tanzania Foods, Drugs and Cosmetics Act herein referred to as the principal Act.

Amendment  
of section 4

**46.** The principal Act is amended in section 4 by-

(a) adding immediately after subsection (3) the following new subsections-

“(4) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Authority.

(5) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(6) For the purposes of subsections (4) and (5), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

(b) renumbering subsection (4) as (7).

PART XXIV  
AMENDMENT OF THE TANZANIA REVENUE AUTHORITY ACT,  
(CAP. 399)

Construction  
Cap. 399

**47.** This Part shall be read as one with the Tanzania Revenue Authority Act herein referred to as the “principal Act”.

Amendment  
of section 4

**48.** The principal Act is amended in section 4 by-  
(a) adding immediately after subsection (2) the following new subsections-

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Authority.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Authority shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Authority.”

(b) renumbering subsections (3), (4), (5) and (6) as (6), (7), (8) and (9) respectively.

PART XXV  
AMENDMENT OF THE TANZANIA TOURIST BOARD ACT,  
(CAP. 364)

Construction  
Cap. 364

**49.** This Part shall be read as one with the Tanzania Tourist Board Act herein referred to as the “principal Act”.

*Written Laws*

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Amendment  
of section 4

**50.** The principal Act is amended in section 4 by-

(a) adding immediately after subsection (1) the following new subsections-

“(2) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Board.

(3) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government

Cap. 5

(4) For the purposes of subsections (2) and (3), the Board shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Board.”

(b) renumbering subsection (2) as (5).

PART XXVI  
AMENDMENT OF THE TEA INDUSTRY ACT,  
(CAP. 275)

Construction  
Cap. 275

**51.** This Part shall be read as one with the Tea Industry Act, hereinafter referred to as the “principal Act”.

Amendment  
of section 3

**52.** The principal Act is amended in section 3 by:

(a) adding by immediately after subsection (2) the following new subsections:

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Board.

(4) Where the Attorney General

intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Board shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Board.”

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

PART XXVII  
AMENDMENT OF THE TOBACCO INDUSTRY ACT,  
(CAP.202)

Construction  
Cap. 202

**53.** This Part shall be read as one with the Tobacco Industry Act, hereinafter referred to as the “principal Act”.

Amendment  
of section 3

**54.** The principal Act is amended in section 3 by-

(c) adding immediately after subsection (2) the following new subsections:

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Board.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Board shall have a duty to notify

the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Board.” and  
(d) renumbering subsection (3) as subsection (4).

PART XXVIII  
AMENDMENT OF THE TREASURY REGISTRAR (POWERS  
AND FUNCTIONS) ACT,  
(CAP. 370)

Construction  
Cap. 370

**55.** This Part shall be read as one with the Treasury Registrar (Powers And Functions) Act, hereinafter referred to as the “principal Act”.

Amendment of  
section 3

**56.** The principal Act is amended in section 3, by adding immediately after subsection (2) as amended, the following new subsections:

“(3) Notwithstanding the provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by, or against the Office of the Treasury Registrar.

(4) Where the Attorney General intervenes in any matter in pursuance of subsection (3), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by, or against the Government.

(5) For the purposes of subsections (3) and (4), the Office of the Treasury Registrar shall have a duty to notify the Attorney General of any impending suit or intention to institute a suit or matter by, or against the Office.”

PART XXIX  
AMENDMENT OF THE FERTILIZERS ACT,  
(CAP. 378)

Construction  
Cap. 378

**57.** This Part shall be read as one with the Fertilizers Act, hereinafter referred to as the “principal Act”.

Addition of  
section 34A

**58.** The principal Act is amended, by adding immediately after section 34 the following new section-

“Control  
of  
substanda  
rd  
fertilizer

**34A.**-(1) Where an inspector is satisfied that the fertilizer or fertilizer supplement regulated under this Act is unfit for use for the intended purpose, he may without compensation, destroy or dispose of that fertilizer or fertilizer supplement at the owner's cost.

(2) Before destroying or disposing of any fertilizer or fertilizer supplement in a manner other than in accordance with subsection (1), the inspector shall-

- (a) record or cause to be recorded-
  - (i) the description or other particulars of the fertilizer lot;
  - (ii) the description of premises where the fertilizer was found;
  - (iii) name and address of any witness and the signature;
  - (iv) the grounds upon which the seizure was effected; and
- (b) forward to the Director General the report containing particulars stipulated in paragraph (a).”

Amendment  
of section 36

**59.** The principal Act is amended in section 36, by deleting subsection (3).

*Written Laws*

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Repeal of  
section 37

**60.** The principal Act is amended by repealing section 37 and substituting for it the following:

“  
Hearing of an appeal  
**37.** After hearing and considering the appeal, the Minister may-

- (a) confirm, set aside or vary the decision of the Director; or
- (b) order the Director to execute the decision.”

Amendment  
of section 40

**61.** The principal Act is amended in section 40(2), by deleting subsection (2) and substituting for it the following:

“(2) Any person who contravenes this Act or subsidiary legislation made under this Act, shall, except as is otherwise provided, be liable on conviction, to a fine of not less than one hundred million shillings and not more than five hundred million shillings or to imprisonment for a term of not less than three years and not exceeding seven years or to both.”

Addition of  
section 40A

**62.** The principal Act is amended by adding immediately after section 40 the following new section:

“Compounding of offences  
**40A.**-(1) Where a person admits commission of an offence under this Act, the Authority may compound the offence by accepting from such person a lesser sum of eighty million shillings.

(2) Subject to sub-section (4), where proceedings are brought against a person for an offence under this Act, it shall be a defence if that person proves that the offence against which he is charged was compounded.

(3) Any sum of money received under this section shall be treated as a fine imposed by a court for the offence.

(4) Where an offence is compounded under this section, the court

may make an order under section 40 as if the person concerned was convicted by the court.

(5) The order referred to in subsection (4) shall not be made unless the against whom the order is to be made is given an opportunity to show cause why the order should not be made.”

Amendment  
of section 41

**63.** The principal Act is amended in section 41, by-

- (a) designating the contents of that section as subsection (1) of that section; and
- (b) adding the following provision after subsection (1) as designated:

“(2) For the purpose of subsection (1), a court, where a person is convicted by a court of any offence for contravention of section 40, and it appears from the evidence of Director, Inspector, Sampler or Analyst that some other person, has suffered material loss or personal injury in consequence of the offence committed and that substantial compensation is, in the opinion of the court, recoverable by that person by civil suit, the court may, in its discretion and in addition to any other lawful punishment, order the person convicted to pay to that other person such compensation, in kind or in money as would fairly mitigate the loss suffered.”



PART XXX  
AMENDMENT OF THE HIGHER EDUCATION STUDENTS'  
LOANS BOARD ACT, CAP. 178

Construction  
Cap. 178

**64.** This Part shall be read as one with the Higher Education Students' Loans Board Act, hereinafter referred to as the "principal Act".

Amendment  
of  
section 3

**65.** The principal Act is amended in section 3, by deleting-

- (a) the definition of the term "accredited institutions" and substituting for it the following:  
"accredited institution" means an institution which is licensed to offer courses leading to attainment of:
- (a) postgraduate diploma in practical legal training;
  - (b) degree;
  - (c) higher diploma;
  - (d) diploma in teacher education (science, mathematics); and
  - (e) diploma in teacher primary education (science, mathematics and reading, writing and arithmetic (3R))."
- (b) the definition of the term "student" and substituting for it the following:  
"student" means a person admitted to an accredited institution;"

Amendment  
of  
section 17

**66.** The principal Act is amended in section 17(1) by deleting the word applicant appearing in paragraph (e).

PART XXXI  
AMENDMENT OF THE PROCUREMENT AND SUPPLIES  
PROFESSIONALS  
AND TECHNICIANS BOARD ACT,  
(CAP. 179)

Construction  
Cap. 179

**67.** This Part shall be read as one with the Procurement and Supplies Professionals and Technicians Board Act, hereinafter referred to as the “principal Act”.

Amendment  
of section 6

**68.** The principal Act is amended in section 6(1), by deleting the phrase “not more than three”.

Amendment  
of section 7

**69.** The principal Act is amended in section 7, by-

- (a) adding immediately after paragraph (j) the following paragraph:  
“**(k)** prescribed fees payable to the Board;”
- (b) renaming paragraphs (k) and (l) as paragraphs (l) and (m) respectively.

Addition of  
section 7A

**70.** The principal Act is amended by adding immediately after section 7 the following section:

“Board to  
prescribe fees

**7A.** The Board may prescribe fees payable for-

- (a) admission to any course offered by the Board;
- (b) examination to be held or conducted by the Board;
- (c) application for registration and extraction of copies;
- (d) annual subscription; and
- (e) any other service offered or anything carried out by the Board for better implementation of the provisions of this Act.”

Amendment  
of section 31

**71.** The principal Act is amended in section 31:

(a) in subsection (1), by-

(i) deleting the word “Ministry” appearing in paragraph (b) and substituting for it the word “institution”;

(ii) deleting paragraph (c) and substituting for it the following:

“(c) a public officer nominated by the Permanent Secretary to the Treasury who is a registered Procurement and Supplies Professional;”;

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

“(3) The tenure of office of members the Appeals Board shall be three years.”

Amendment  
of section 49

**72.** The principal Act is amended in section 49, by:

(a) deleting paragraphs (f), (g), (j) and (1); and

(b) renaming paragraphs (h) to (n) as paragraphs (f) to (j).

PART XXXII  
AMENDMENT OF THE SEEDS ACT,  
(CAP. 308)

Constructio  
n  
Cap. 308

**73.** This Part shall be read as one with the Seeds Act, hereinafter referred to as the “principal Act”.

Repeal of  
section 8

**74.** The principal Act is amended by repealing section 8 and substituting for it the following section:

“Seed  
Inspector,  
Sampler and  
Analyst

**8.**-(1) The Minister shall, by notice published in the *Gazette*, appoint or designate qualified persons to be Chief Seeds Certification Officer, Seeds Inspectors, Samplers and Analysts who

shall exercise powers in accordance with the provisions of this Act.

(2) For proper seeds inspection, the Minister may in consultation with the Minister responsible for Local Government establish the modalities for the appointment and accountability of the Inspectors, Samplers or Analysts of the local government authorities levels.

(3) Every officer appointed or designated pursuant to subsection (1) shall issued a certificate, identity card or a document as a proof of his appointment or designation and such documents shall be produced on entering at any place in the exercise of powers under this Act.

(4) The Chief Seeds Certification Officer may permit an analyst to perform internal seeds quality control for a private specified producer, processor, and seller or as the case may be distributor of seeds.”

Addition of section 8A

**75.** The principal Act is amended by adding immediately after section 8 the following new section:

“Engagement in the seed activities

**8A-(1)** A person shall not, while holding the office of Chief Seeds Certification Officer, Inspector, Sampler or Analyst, engage in any business connected to seeds production, process, marketing, importation, exportation or distribution either by himself or by agent.

(2) Any person who contravenes subsection (1), commits an offence and shall, on conviction, be liable to a fine of not less than five million shillings and not more than ten million shillings or to imprisonment for a term of not less than

three years and not more than five years or to both”.

(3) For the purposes of section 8 and this section “authorized Inspector, Inspector Sampler and Analyst” means a persons authorized to undertake seeds quality control activities for and on behalf of the Tanzania Official Seed Certification Institute.”

Repeal of  
section 14

**76.** The principal Act is amended by repealing section 14 and substituting for it the following new section:

“Seeds  
standards

**14.-(1)** Any person who-

- (a) sells, display for sale, imports, exports any seed under a class name or designation so closely resembling a class name prescribed under this Act so as is likely to be mistaken; or
- (b) applies, to any seed or package containing seed, a class name prescribed under this Act so as is likely to be mistaken,

shall have the duty to ensure that, the seed meets the requirements prescribed for the class name and is marked, packed and labeled according to the provisions of this Act.

(2) Any person who, produces or acquires any prescribed seed which has not been tested pursuant to this section or deemed to have been tested under this Act and intends to sell the same for sowing, shall, prior to offering the same for sale, cause a sample to be taken in the manner prescribed, and delivered to the Institute together with a written statement

specifying the origin, kind, variety and quantity of the seed, and other particulars as may be prescribed and pay the fees required for testing.

(3) Any person who sells for sowing, any prescribed seed which has been tested or deemed to have been tested in accordance with the provisions of this Act and found to conform to the prescribed standards shall-

(a) if the prescribed seed is sold in sealed containers, cause to be printed or stamped upon each container a label attached or enclosed in clear and legible letters or figures, the following particulars-

- (i) the name and address of the dealer;
- (ii) the seed class;
- (iii) the name and percentage by weight of each in the mixture, in order of its predominance;
- (iv) the name of the variety of each plant species in the mixture;
- (v) the germination percentage of each component of the mixture, in order of its predominance;
- (vi) month and year of germination test;

- (vii) in the case of a seed that is imported, the name of the country of production; and
  - (viii) such other particulars as may be prescribed in the regulations.
- (b) if the prescribed seed is sold in bulk quantities and a seller is-
- (i) a person who caused the test to be made, furnish to the buyer at the time of sale a statement in writing in the prescribed form, containing the name and address of the Certifying Agency where the test was made, the date of the test, and a declaration of the seller that the bulk quantity sold is all or part of that from where tested was taken, together with such other

- particulars as may be prescribed in the regulations;
- (ii) not a person who caused the test to be made or furnished a copy of the statement to the buyer at the time of sale, in accordance with the provisions of sub-paragraph (i);
- (iii) a person who caused such test to be made, shall endorse thereupon a declaration that the bulk quantity sold is all or part to which the statement related at the time he procured the same, together with a statement of the seller containing other particulars as may be prescribed in the regulations.



(4) A registered seed dealer shall not produce, process, test, sale, import, export or distribute any seed unless-

- (a) such seed is an approved variety for use in Tanzania and its production, processing, testing, sale or importation has been made subject to conditions or limitations prescribed in this Act;
- (b) such seed is conforms to the standards of germination and purity and other requirements prescribed;
- (c) such seed is packed in a container that complies with the requirements prescribed in the regulations;
- (d) if it is imported, the genus, species and variety of such seed, and the country of its origin, is shown in the invoice or delivery note accompanying such seed at the time of its importation;
- (e) such seed has previously been tested in accordance with the provisions of this Act and has been found to be of standards of germination and purity prescribed for such seed.

(6) Any person who-

- (a) sells seed which is not certified under the

- provisions of this Act;
- (b) sells or intends to sale or distribute any seed which upon test by the authorized Inspector or the Institute is found not to conform to the standards of germination and purity prescribed for such seed, or is one reported in the prescribed test results not be sold by any person for sowing;
  - (c) sells for sowing, any prescribed seed under any description other than its varietal name;
  - (d) sells in bulk quantities, any seed for sowing, without having in his possession or under his control, a prescribed certificate or a copy issued or furnished under this Act;
  - (e) sells certified seed or imported certified seed, for sowing, and fails to furnish to the buyer, at the time of such sale, a prescribed certificate or a copy of certificate required to be so furnished in respect of such seed; or
  - (f) tests, or purports to test, any prescribed seed, in any place not being so registered or approved by the Institute,
- commits an offence and upon conviction, shall be liable to a fine of

not less than one hundred million shillings and more than five hundred million shillings or to imprisonment for a term of not less than five years and not more than twelve years or to both.

(7) Upon conviction for an offence under this section, the court may in addition to a penalty imposed, order any seed or equipment used in commission of offence to be forfeited destroyed, without compensation.

(8) It shall be a responsibility of a seed dealer to ensure quality of his own seed by establishing internal system of quality control and adherence to the provisions of this Act.

Compensation  
for loss caused  
by seed

**14A.**-(1) Where a person is convicted by a court of any offence for contravention of section 14, and it appears from the evidence of Chief Seeds Certification Officer, Inspector, Sampler or Analyst that some other person, being a farmer or a person who ordinarily is expected to use seeds which are the subject of the offence committed, has suffered material loss or personal injury in consequence of the offence committed and that substantial compensation is, in the opinion of the court, recoverable by that person by civil suit, the court may, in its discretion and in addition to any other lawful punishment, order the person convicted to pay to that other person such

compensation, in kind or in money, as the court deems fair and reasonable.

(2) Where a person is convicted of any offence under section 14 of this Act, the power conferred on the court by subsection (1) shall be deemed to include a power to award compensation to any purchaser of any seeds in good faith in relation to which the offence was committed for the loss of crops that ordinarily would have been grown or such other pecuniary loss that is a direct or indirect caused if the seed failed to grow or is destroyed or otherwise declared to be unfit for use.”

Repeal of  
section 15

**77.** The principal Act is amended by repealing section 15 and substituting for it the following new section:

“Registra  
tion of  
seed  
seller

**15.-**(1) A person shall not deal in seed business in Tanzania, unless he is registered in accordance with the provisions of this Act.

(2) A person who imports, exports, produces, process, distributes or sells shall, before commencing the business, register with the Institute.

(3) A person, who owns or operates a seed processing factory or seed testing laboratory shall, before commencing business, obtain certificate of registration from the Institute.

(4) An application for registration under this section shall be made to the Institute in the form and manner prescribed in the regulations.

(5) The Chief Seeds Certification Officer shall, after receipt of application and upon being-

(a) satisfied that the applicant

complies with the prescribed requirements, enter the name, address and principal business address of the applicant in the appropriate register as a registered seed dealer and issue certificate of registration in the prescribed form; or

(b) not satisfied that the applicant complies with the prescribed requirements, require the applicant to correct the defects in the application or refuse to register the applicant.

(6) The Institute shall, if it deems necessary for the purposes of consideration of the application make inspection on such holdings, warehousing, storage and other facilities which the applicant proposes to use in the business of a seed dealer.

(7) Any registration under this section shall, unless cancelled, be valid until the expiry of time provided for in the registration certificate.

(8) Any person who contravenes preceding provisions of this section commits an offence and shall on conviction be liable to a fine of not less than five million shillings and more than ten million or to imprisonment for a term of not less than three years and not more than five years or to both.”

Addition of  
section 22A

**78.** The principal Act is amended by adding immediately after section 22 the following new section:

“Substand  
ard seeds

**22A.**-(1) Where an Inspector is satisfied that any seed regulated by this Act is unfit for intended purpose or the provisions

of this Act, he may-

- (a) affix to that seed a mark, seal or other designation to stop selling such seed or seed lot;
- (b) without compensation, destroy or dispose of that seed in any way at owner's cost; or
- (c) take such seed to a post-entry quarantine station for further inspection, treatment and disposal.

(2) An inspector shall, before destroying or disposing of any seed in any way other than in accordance with subsection (1)-

- (a) record or cause to be recorded:
  - (i) a description or other particulars of the seed or seed lot;
  - (ii) description of premises where the seed was found;
  - (iii) any witness available and their signatures; and;
  - (iv) the grounds upon which his decision have been made.
- (b) forward a report containing particulars stipulated in paragraph(a) to the Chief Seeds Certification Officer.”

**PART XXXIII**  
**AMENDMENT OF THE WATER SUPPLY AND SANITATION ACT,**  
**(CAP.272)**

Constru-  
ction  
Cap. 272

**79.** This Part shall be read as one with the Water Supply and Sanitation Act, hereinafter referred to as the “principal Act”.

*Written Laws*

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Amendment  
of section  
59

**80.** The principal Act is amended in section 59, by inserting a “comma” immediately after the word “applies” and inserting thereafter the phrase “save for the provisions relating to community owned water supply organizations”.

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**OBJECTS AND REASONS**

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The Bill proposes to amend various written laws with the aim of incorporating changes that will ensure the smooth implementation of the said laws.

This Bill is divided into Thirty Three Parts.

Part One deals with the preliminary provisions which entail the short title of the Bill and also provides an insight into the laws that are being proposed for amendment.

Part Two to Part Thirty Eight of propose to make amendments carrying same context to a total of twenty seven laws, that is to say; the Air Tanzania Corporation (Re-Organisation) and Vesting of Assets and Liabilities Act, Cap. 205; the Bank of Tanzania Act; Cap. 197; the Cashewnut Industry Act, Cap. 203; the Executive Agencies Act, Cap. 245; the Civil Aviation Act, 80, the Energy and Water Utility Regulatory Authority Act, Cap. 414; the Fair Competition Act, Cap. 285; the Gaming Act, Cap. 41; the LAPF Pensions Fund Act, Cap. 407; the National Health Insurance Fund Act, Cap. 395; the National Housing Corporation Act, Cap. 295; the National Park Act; Cap. 282; the National Social Security Fund Act, Cap. 50; the Ngorongoro Conservation Act, Cap. 284 and the PPF Pensions Fund Act, Cap. 372.

Other laws include, the Ports Act, Cap. 166; the Public Service Retirement Benenefits Act, Cap. 371; the Rural Energy Act, Cap. 321; the Social Security Regulatory Authority Act; Cap. 135; the Surface and Marine Transport Regulatory Authority Act, Cap. 103; the Tanzania Communication Regulatory Authority Act, Cap. 172;



the Tanzania Foods, Drugs and Cosmetics Act, Cap.219; the Tanzania Revenue Authority Act. Cap. 399; the Tanzania Tourist Board Act, Cap. 364; the Tea Industry Act, Cap. 275; the Tobacco Industry Act. Cap. 202; and the Treasury Registrar (Powers and Functions) Act Cap. 370.

All the above cited laws have a common characteristic, that is to say, they they establish public institutions that have legal personality, hence they can own property, enter into contracts or sue and be sued.

The proposed twenty seven pieces of legislation are all being amended in order to empower the Attorney General to intervene in any suit at any stage of the proceedings or matter instituted before any court of law against any public institution established by any of the above laws.

In addition to the above, the proposed amendements aim at imposing a duty on the institutions or entities to notify the Attorney General of any impending suit or intention to institute a suit or matter by or against the institution or entity. Needless to say, where the Attorney General intervenes in any suit against such public institution, the provisions of the Government proceedings Act, Cap 6, shall apply.

Ideally, the proposed amendments aim at safeguarding the interests of the public instituons as a whole.

Part Twenty Nine proposes to amend the Fertilizers Act, Cap. 378 with the aim of employing measures that will safeguard the standards of fertilizers being used in the country.

It is proposed that a new section 34A be introduced so as to give fertilizer inspectors the power to seize and destroy fertilizers that are below the standards legally prescribed.

Subsection (2) of that section sets forth important factors that inspectors must take into consideration before destroying fertilizer that has been proved to be below the set Standards.

Further, it is proposed to amend section 36 by deleting subsection (3) which requires the Minister to involve the Seeds Regulatory Authority Board in determining matters that come before it. The amendment to section 37 empowers the Minister to hear and determining any appeal that is brought before him.

The proposed amendment of section 40 aim at increasing the penalty for contravention of the provisions of the Act or regulations made under it. The proposed penalts range from one hundred million shillings to five hundred million shillings. The amendments will help to deter crimes and as a result save the government alot of money.

A new section 40A is being proposed to be added so as to give power to the Seeds Regulatory Authority to compound offences. It is proposed the penalty for compound offence to be eighty million shillings.

The proposed amdeendments under this Part will generally strengthen the growth of the Agricultural Sector in the country through an improved quality of agricultural products so as to attain the highest goals in agricultural development as well as upligting the spirit of the theme “Kilimo Kwanza”.

Part XXX of the Bill proposes to amend the Higher Education Students Loans Board Act, Cap. 178.

The proposed amendments aim at making amendments to section 3 so as to include other categories of students to be eligible to obtain a loan. These categories include students persuing a post graduate diploma in legal training; a degree, higher diploma, diploma

in teacher education (majoring in science mathematics) and a diploma in teacher primary education (majoring in science, mathematics and reading, writing and arithmetic (3R).

Part XXXI proposes to amend the Procurement and Supplies Professionals and Technicians Board Act, Cap. 79.

Section 6 is being amended so as to empower the Board of Professional and Technicians to establish any number of Committees it deems necessary for the implementation of its role and duties, as opposed to the current position, where the Board is mandated to establish not more than three committees.

By further amending section 7 of that Act, the Board of Professionals and Technicians will be mandated to prescribe fees payable for various activities. Furthermore, section 31 is amended so as to specify the tenure of office of the members of the Appeals Board to be three years.

Part XXXII proposes to amend the Seeds Act, Cap. 308. It is proposed that section 8 be repealed and replaced so as to give power to the Minister responsible for matters relating to seeds to appoint Seed Inspectors, Samplers and Analysts who will oversee the entire exercise of inspecting and analyzing seeds in the country.

It is also proposed to add a new section 8A so as to prohibit persons holding the office of Chief Seeds Certification Officer, Inspector, Sampler or analyst, while in the course of exercising any of their official duty from engaging in the production, marketing, importation or destruction of the seeds whether by himself or by an agent.

This Part further proposes to repeal and replace sections 14 and 15 so as to impose the standards that will guarantee better quality seeds to suit the use by any person wishing to sell, import or

export seeds. The amendments also impose conditions on a person selling, importing or exporting seeds to be registered before undertaking any such activities.

Additionally, it is proposed to amend the Act by adding a new section 22A that gives an inspector the mandate to order the person to stop selling seeds that are below the standard, to take the seeds for a further inspection, treatment or disposal or to order for the destruction or disposal of the seeds without any compensation to the owner.

Last but not least, Part XXXIII of the Bill proposes to amend the Water Supply and Sanitary Act, Cap. 272. It is proposed that section 59 be amended so as to widen the scope of application of the Act in order to cover areas where the DAWASA Act applies.

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### **MADHUMUNI NA SABABU**

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Muswada huu unapendekeza kufanyika marekebisho katika Sheria mbalimbali kwa madhumuni ya kuondoa mapungufu ambayo yamekuwa yakijitokeza katika utekelezaji wa baadhi ya masharti yaliyomo katika Sheria hizo. Marekebisho yanayopendekezwa yana lengo la kuzifanya Sheria hizo ziendane na mabadiliko mbalimbali ya kisayansi, kiteknolojia, kisiasa pamoja na mabadiliko ya kiuchumi ambayo yamejitokeza miaka ya hivi karibuni.

Muswada huu umegawanyika katika Sehemu Therathiini na Tatu.

Sehemu ya Kwanza ya Muswada inahusu masharti ya utangulizi yakiwemo Jina la Sheria inayopendekezwa kutungwa pamoja na masharti mbalimbali yaliyo katika Sheria hii.

Sehemu ya Pili mpaka Ishirini na Saba kwa pamoja zinapendekeza marekebisho yenye maudhui yanayofanana katika sheria zifuatazo: Sheria ya Shirika la Ndege Tanzania, Sura 205; Sheria ya Benki Kuu Tanzania Sura, 197; Sheria ya Bodi ya Korosho Sura 203; Sheria ya Wakala wa Serikali, Sura 245; Sheria ya Usafiri wa Anga, Sura ya 80; Sheria ya Mamlaka ya Udhhibiti wa Nishati na Maji, Sura ya 414, Sheria ya Tume ya Ushindani, Sura ya 285; Sheria ya Bahati Nasibu, Sura 41; Sheria ya Mfuko wa Mafao ya Uzeeni kwa Watumishi wa Serikali za Mitaa, Sura ya 407; Sheria ya Shirika la Nyumba la Taifa, Sura ya 295; Sheria ya Mfuko wa Taifa wa Bima ya Afya; Sura ya 395; Sheria ya Mamlaka ya Hifadhi ya Ngorongoro, Sura ya 284; na Sheria ya Mfuko wa Mafao ya Uzee kwa Watumishi wa Mashirika ya Umma, Sura ya 372;

Sheria nyingine ni: Sheria ya Mbuga za Wanyama, Sura ya 282; Sheria ya Mfuko wa Taifa wa Hifadhi ya Jamii, Sura ya 50; Sheria ya Mamlaka ya Bandari, Sura ya 166; Sheria ya Mfuko wa Mafao ya Uzeeni kwa Watumishi wa Umma, Sura ya 371; Sheria ya Wakala wa Umeme Vijijini, Sura ya 321; Sheria ya Mamlaka ya Udhhibiti wa Hifadhi ya Jamii, Sura ya 135; Sheria ya Udhhibiti wa Usafiri wa Majini na Nchi Kavu, Sura ya 413; Sheria ya Mamlaka ya Mawasiliano Sura ya 172, Sheria ya Mamlaka ya Mapato ya Tanzania, Sura ya 399; Sheria ya Mamlaka ya Chakula na Dawa, Sura ya 219; Sheria ya Bodi ya Utalii, Sura ya 364; Sheria ya Bodi ya Chai, Sura 275; Sheria ya Bodi ya Tumbaku, Sura 202; Sheria ya Msajii wa Hazina, Sura 370; Sheria ya Mbolea, Sura 378; Sheria ya Bodi ya Elimu ya Mikopo ya Wanafunzi wa Elimu ya Juu, Sura 178; Sheria ya Bodi ya Wataalam wa ununuzi na Ugavi, Sura 179; Sheria ya Mbegu, Sura 308; na Sheria ya Huduma za Maji na Usafi wa Mazingira, Sura 272.

Sheria tajwa hapo juu zinaanzisha taasisi na mashirika ya umma mbalimbali yenye uwezo wakujiendesha Hivyo, yanaweza kumiliki mali, kuingia mikataba, kushtaki au kushtakiwa. Maudhui ya marekebisho yanayopendekezwa katika Sheria zote ishirini na moja ni kuweka masharti yanayomuwezesha Mwanasheria Mkuu wa Serikali kuingilia kati, katika hatua yoyote, shauri lolote lililopo mahakamani dhidi ya shirika au taasisi yoyote iliyoanzishwa na sheria.

Kwa mujibu wa mapendekezo ya marekebisho, mashirika na taasisi hizo zitakuwa na wajibu kumtaarifu Mwanasheria Mkuu wa Serikali juu ya kufunguliwa au kusudio la kufunguliwa kwa shauri lolote dhidi ya shirika au tasisi husika. Endapo Mwanasheria Mkuu wa Serikali ataingilia kati na kuamua kusimamia shauri lolote kwa mujibu wa mapendekezo haya, basi Sheria ya Mwenendo wa Mashauri ya Serikali, Sura ya 6 itatumika.

Marekebisho haya yanalenga kulinda maslahi ya mashirika na taasisi za umma.

Sehemu ya Ishirini na Tisa inapendekeza marekebisho ya Sheria ya Mbolea, Sura ya 378 kwa lengo la kuweka masharti madhubuti ya usimamizi wa viwango vya mbolea nchini. Inapendekezwa kuongeza kifungu kipya cha 34A. Kifungu hiki kinawapa wakaguzi wa mbolea mamlaka ya kukamata na kuteketeza mbolea zilizo chini ya kiwango kilichowekwa kisheria. Kifungu kidogo cha (2) cha kifungu hiki kinabainisha mambo ya msingi ambayo mkaguzi wa mbolea anapaswa kuzingatia kabla ya kuharibu mbolea iliyobainika kuwa chini ya kiwango. Mambo hayo ni pamoja na kuainisha sababu za kukamata na kuharibu mbolea husika, kuorodheda majina na saina za mashahidi walioshuhudia tukio hilo.

Kifungu cha 36 kinafanyiwa marekebisho kwa kufuta kifungu kidogo cha (3). Kifungu hiki kinamtaka Waziri anayesimamia masuala ya mbolea kushirikisha Bodi ya Mamlaka ya Udhubiti wa

Mbegu katika kufanya maamuzi ya rufani zinazowasilishwa kwake. Kwa mujibu wa marekebisho yanayopendekezwa katika kifungu kipyua cha 37 uamuzi wa rufani zote utafanywa na Waziri bila kushirikisha Bodi hiyo.

Vilevile, marekebisho katika Sheria ya Mbolea yanakusudia kuongeza viwango vya adhabu ya faini zitolewazo kwa mtu yeyote ambaye anatenda kosa kulipa faini ya kati ya shilingi milioni miamoja hadi shilingi milioni miatano. Viwango hivi vya adhabu vitasaidia kuwatia watu hofu ya uchafuzi au uchakachuaji wa mbolea na kuuza mbolea zilizoingizwa nchini kinyume cha sheria.

Muswada pia unapendeka kuongeza kifungu kipyua cha 40A. kifungu hiki kinaipa Mamlaka ya Udhibiti wa Mbegu mamlaka ya kutoza faini za papo kwa papo kwa watu wanaokiri makosa chini ya sheria hiyo.

Kwa ujumla, marekebisho yanayopendekezwa katika Sheria ya Mbolea yatasaidia kukuza na kuimarisha sekta ya kilimo Nchini kwa kuongeza ubora wa mazao ya kilimo ili kufikia shabaha ya nchi juu ya mchakato wa mageuzi ya kilimo. Vile vile, marekebisho yatawezesha utekelezaji mzuri wa jitihada za Serikali juu ya Sera ya “Kilimo Kwanza”.

Sehemu ya Thelathini ya Muswada inapendekeza marekebisho kwenye Sheria ya Bodi ya Elimu ya Mikopo ya Wanafunzi wa Elimu ya Juu, Sura ya 178.

Inapendekezwa kurekebisha kifungu cha 3 cha Sheria hii ili kuongeza wigo wa wanafunzi watakaolipiwa na Bodi ya Mikopo. Inapendekezwa kuongeza wanafunzi wa kada zifuatazo ili nao waweze kulipiwa na Bodi ya Mikopo Wanafunzi wa Stashahada ya Juu ya Mafunzo ya Sheria kwa Vitendo wanaodahiliwa na Shule ya Sheria ya Tanzania; wanafunzi wa Shahada ya Elimu ya Ualimu kwa masomo ya sayansi na hesabu; wanafunzi wa Shahada ya Ualimu wa

Shule za Msingi kwa masomo ya sayansi, hesabu, kusoma na kuandika. Lengo la mabadiliko ni kuwahamasisha wanafunzi wanaomaliza elimu ya Sekondari kujiunga na taaluma ya Ualimu.

Sehemu ya Thelathini na Moja inakusudia kufanya marekebisho katika Sheria ya Bodi ya Wataalamu wa Ununuzi na Ugavi, Sura ya 179. Inapendekezwa kurekebisha kifungu cha 6 cha Sheria hiyo ili kuondoa ukomo wa idadi ya kamati zinazoweza kuundwa na ya Bodi ya Wataalamu wa Ununuzi na Ugavi. Kwa sasa, Bodi inaweza kuazisha Kamati zisizozidi tatu tu. Marekebisho haya yataisaidia Bodi kutekeleza majukumu yake kwa ufanisi zaidi.

Aidha, kifungu cha 7 cha Sheria hiyo pia kinafanyiwa marekebisho ili kuipa Bodi ya Wataalamu wa Ununuzi na Ugavi, mamlaka ya kupanga viwango vya ada na tozo mbalimbali zinazohitajika kulipwa katika Bodi.

Sehemu ya Thelathini na Mbili inapendekeza marekebisho ya Sheria ya Mbegu, Sura ya 308. Kifungu cha 8 kinafutwa na kuandikwa upya kwa lengo la kuboresha na masharti ya kifungu hicho. Kifungu kipya kinampa mamlaka Waziri anayehusika na udhibiti wa mbegu kuteua Mkaguzi Mkuu wa Mbegu, Wakaguzi wa Mbegu, Wachukuaji Sampuli na Wachambuzi wa Mbegu kwa ajili ya kusimamia masuala ya uhakiki na ukaguzi wa mbegu nchini.

Aidha, inapendekezwa kuongeza kifungu kipya cha 8A kinachozuia Mkaguzi Mkuu wa Mbegu, Wakaguzi wa Mbegu, Wachukuaji Sampuli na Wachambuzi wa Mbegu kujishughulisha na uzalishaji, uchakataji, uingizaji ndani ya nchi, usafirishaji nje ya nchi au usambazaji wa mbegu. Lengo la marekebisho haya ni kuondoa uwezekano wa kuwepo kwa mgongano wa maslahi.

Sehemu hii ya Muswada inapendekeza kufuta na kuandika upya vifungu vya 14 na 15 ili kuboresha utekelezaji wa masharti ya vifungu hivyo. Marekebisho haya yanakusudia kuweka viwango



vya mbegu vya ubora kwa mtu yeyote anayetaka kuuza, kuingiza nchini na kupeleka mbegu nje ya Nchi. Aidha, marekebisho yanakusudia kuimarisha na kusimamia ubora wa mbegu kwa kumtaka mtu yeyote ambaye anapeleka nje ya nchi, anaingiza nchini, anazalisha au kuuza mbegu, kupata usajili kabla ya kufanya shughuli hizo.

Mwisho Marekebisho yanaweka adhabu ya kutoza faini isiyopungua shilingi milioni mia moja na isiyozidi shilingi milioni mia mbili au kifungo cha muda usiozidi miaka mitano kwa mtu yeyote anayekiuka mashari ya Sheria.

Sehemu ya Thelathini na Tatu inapendekeza marekebisho kwenye Sheria ya Huduma za Maji na Usafi wa Mazingira, Sura ya 272. Kwa mujibu wa marekebisho katika Sehemu hii, kifungu cha 59 kinarekebishwa ili kuiwezesha Sheria kutumika katika maeneo ambayo Sheria ya DAWASA inatumika.

Dar es Salaam,  
2 Mei, 2014

FREDERICK M. WEREMA,  
*Mwanasheria Mkuu wa Serikali*