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SPECIAL BILL SUPPLEMENT

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

ARRANGEMENT OF SECTIONS

Section Title

PART I
PRELIMINARY PROVISIONS

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

PART II
AMENDMENT OF THE BUSINESS LICENSING ACT,
(ACT NO. 25 OF 1972)

3. Construction.
4. Amendment of section 2.
5. Amendment of section 8.
6. Amendment of section 13.
7. Addition of section 14B.
8. Repeal and replacement of section 17.
9. Addition of section 18A.
10. Amendment of section 19.
11. Amendment of section 24.

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

12. Construction.
13. General amendments.
14. Amendment of section 2.
15. Amendment of section 4.
16. Amendment of section 5.
17. Amendment of section 7.
18. Addition of sections 9A and 9B.
19. Amendment of section 10.
20. Amendment of section 11.
21. Amendment of section 12.
22. Amendment of section 15.
23. Amendment of section 16.
24. Amendment of section 20.
25. Amendment of Schedule

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

26. Construction.
27. Addition of section 10A.
28. Amendment of Schedule.

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

29. Construction.
30. General amendment.
31. Amendment of section 2.
32. Amendment of section 4.
33. Repeal and replacement of section 5.
34. Amendment of section 6.
35. Amendment of section 7.
36. Amendment of section 8.

37. Amendment of section 9.
38. Repeal and replacement of section 12.
39. Repeal and replacement of section 13.
40. Repeal and replacement of section 20.
41. Amendment of Schedule.

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

42. Construction.
43. Addition of section 9A.
44. Amendment of section 11.
45. Addition of section 12A.
46. Repeal and replacement of section 13.
47. Amendment of section 14.
48. Addition of section 14A.
49. Amendment of section 15.
50. Amendment of section 18.
51. Amendment of Schedule.

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

52. Construction.
53. Amendment of section 25A.
54. Amendment of section 26.

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

55. Construction.
56. Amendment of section 2.
57. Amendment of section 5.
58. Repeal and replacement of section 6.
59. Amendment of section 7.
60. Amendment of section 14.

61. Addition of section 20.

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

62. Construction.
63. Amendment of section 3.
64. Amendment of section 5.
65. Amendment of section 20.
66. Addition of sections 23A.
67. Addition of section 24A.

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

68. Construction.
69. Addition of section 10A.
70. Amendment of section 11.
71. Addition of sections 11A, 11B, 11C, and 11D.
72. Amendment of section 12.
73. Repeal of section 13.
74. Addition of section 24A.
75. Amendment of section 31.
76. Amendment of First Schedule.

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

77. Construction.
78. General amendment.
79. Amendment of section 2.
80. Amendment of section 5.
81. Amendment of section 6.
82. Repeal and replacement of section 7.
83. Repeal and replacement of section 8.
84. Amendment of section 9.
85. Amendment of section 10.

86. Repeal and replacement of section 14.
87. Amendment of section 16.
88. Amendment of section 18.
89. Amendment of section 19.
90. Amendment of section 21.
91. Amendment of section 23.
92. Amendment of section 24.
93. Amendment of section 26.
94. Amendment of section 39.
95. Amendment of section 42.
96. Amendment of section 48.
97. Repeal and replacement of sections 49 and 50.
98. Amendment of section 54.

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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.

Dodoma,
MOSES M. KUSILUKA
14th August, 2023
Secretary to the Cabinet

A Bill
for

An Act to amend certain 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 cancellation 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. The Permanent Secretary, a licensing authority or any public officer authorised by a licensing authority or a police officer of or above the rank of inspector may enter into any premises in which he reasonably suspects any person of 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.”.

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

- 19(1)-
- 10.** The principal Act is amended in section
- (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 paragraph (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:

Cap. 439 ““financial year” shall have the meaning ascribed to it under the Budget Act; and

(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.”;
 - (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
representative
s 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) one member representing the academic staff assembly at the Academy; and
 - (k) 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 reappointed 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
administratio
n 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 reappointed 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:

“Gratuity 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 a gratuity 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:

“Gratuity 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 a gratuity 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 gratuity 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 a gratuity 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 gratuity 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 a gratuity 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 immediate family.”;
- (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 immediate family.”;
- (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 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 planner.”.

Amendment of section 11

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

- (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 **11A.** A person may be registered as a

planner

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 integrity and professionalism;
- (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.

Repealing 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

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

(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;”;

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

Amendment of First Schedule

76. The principal Act is amended in the First Schedule-

(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;”;
- (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

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

(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 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;”; and
- (e) in paragraph (y), by deleting the words “Tenth, Eleventh and Twelfth”.

OBJECTS AND REASONS

This Bill proposes to amend Ten Laws namely: the Business Licensing Act, Act No. 25 of 1972, the Dar es Salaam Institute of Technology Act, Cap. 144, the Judges (Remuneration and Terminal Benefits) Act, Cap. 424, the Mwalimu Nyerere Memorial Academy Act, Cap. 93, the Political Service Retirement Benefits Act, Cap. 225, the Public Service Act, Cap. 298, the Small Industries Development Organisation Act, Cap. 112, the Tanzania Trade Development Authority Act, Cap. 155, the Town Planners (Registration) Act, Cap. 426 and the Weights and Measures Act, Cap. 340.

The Bill is divided into Eleven Parts whereby Part I deals with Preliminary Provisions which include the title of the Bill and the manner in which the laws proposed to be amended are amended in their respective Parts.

Part II of the Bill proposes to amend the Business Licensing Act, Act No. 25 of 1972 whereby section 2 is amended by adding a definition of a term used under the Act for the purpose of effecting clarity for better understanding of the Act. Section 8 is amended in order to harmonise it with the provisions of section 7 of the Act which provides for the validity of business licence to be for the period of twelve months from the date of its issuance. Section 13 is proposed to be amended by removing the

requirement to attach “Taxpayer Identification Number” during renewal of business licences since it is usually submitted during the initial application.

Section 14B is proposed to be added so as to empower the licensing authority to cancel and suspend business licences and provide steps to be taken before invoking the said powers. It is further proposed to amend section 17 in order to add provisions relating to powers of a licensing authority when conducting inspections. Section 18A is proposed to be added for the purpose of ensuring that the licence authority maintains correct and updated information at all times. The aim for the proposed amendment is to provide for penalty for the offences specified under this section for the purpose of deterring the commission of offences. Section 24 is proposed to be amended in order to widen the scope for appealing against the decision of a licensing authority by the aggrieved licence holder.

Part III of the Bill proposes to amend the Dar es Salaam Institute of Technology Act, Cap. 144 whereby the Act is amended generally in order to comply with NACTVET requirements and to align with the Institutes’ new organization structure. Section 2 is proposed to be amended in order to improve definitions of various terms and to introduce definitions of the terms which are used in the Act but are not defined. The proposed amendment aims at effecting the clarity for a better understanding of the Act. Section 4 is proposed to be amended in order to give mandate to the Institute to provide consultancy services and to provide flexibility in choice of programmes to be offered depending on technological changes and demands from the markets.

Section 5 is proposed to be amended so as to empower the institute to establish various governing units and designated leaders of such governing units. The aim of the proposed amendment is to improve the procedure of establishing governing units and align the provision of this section with approved organization structure of the Government. Section 7 is proposed to be amended in order to reduce the number of members of the Council. The aim of this proposed amendment is to comply with the Government directives regarding the number of members of institutional bodies, to reduce operational costs and enhance efficiency of the Council. Sections 9A and 9B are proposed to be amended in order to establish the academic committee which shall be responsible for academic quality control and assurance in order to comply with NACTVET guidelines.

Sections 10, 11, 12 and 15 are proposed to be amended by providing for the tenure of Rector and Deputy Rectors. The aim of the proposed amendment is to comply with NACTVET's guidelines and align with the new organization structure. Section 16 is proposed to be amended in order to align and comply with relevant laws. The aim of the proposed amendment is to align with Public Finance laws. Section 20 is proposed to be amended by repealing and replacing it in order to align with other circulars and guidelines of the relevant authorities in respect of fees and allowances of the Council. The Schedule is proposed to be amended in order to add efficiency to the Council in the implementation of its functions.

Part IV of the Bill proposes to amend the Judges (Remuneration and Terminal Benefits) Act, Cap. 424 whereas section 10A is added to provide for annual farewell parade to retired or retiring judges. The purpose of this amendment is to recognise and honor the contribution of judges in the dispensation of justice in the country. The Schedule to the Act is also proposed to be amended in order to enable the car granted to a retired Chief Justice to be replaceable after every seven years. The aim of the proposed amendment is to maintain the status of the retired Chief Justice.

Part V of the Bill proposes to amend the Mwalimu Nyerere Memorial Academy Act, Cap. 93 whereby the Act is generally amended in order to adopt the appropriate titles of the Head of the Academy in line with the NACTVET guidelines. Section 2 is proposed to be amended in order to improve definitions of various terms and to introduce definitions of the terms which are used in the Act but are not defined. The proposed amendment aims at effecting the clarity for a better understanding of the Act.

Section 4 is proposed to be amended in order to adopt the generic name of the authority responsible for technical education and training in place of NACTVET. The aim of the proposed amendment is to do away with the need of amending the Act whenever there are changes in the name of such authority. Section 5 is proposed to be amended so as to give mandate to the academy and governing units in both parts of the United Republic of Tanzania for the purposes of facilitating effective administration operations. Section 6 is proposed to be amended in order to reduce the number of members of the Governing Board. The aim of this proposed amendment is to comply with the Government directives regarding the

number of members of institutional bodies, to reduce operational costs and enhance efficiency of the Board.

Section 7 is proposed to be amended so as to empower the Board to give directives to the management of academic or to recommend to the Ministry, measures to be taken on effective management of administration Academy. Section 8 is proposed to be amended in order to recommend the Research Committee for the appointment of Rector, Deputy Rector and other leaders of the committee. The aim of the proposed amendment is to empower the Governing Board to provide guidance on the composition of such committee. Section 9 is proposed to be amended in order to improve enhancement of the composition of members of Academic Committee so as to align with NACTVET guidelines. The aim of the proposed amendment is to enable the Academic Committee to co-opt any member where it deems fit.

Sections 12 and 13 are proposed to be amended so as to provide for appointment and duties of the Rector and Deputy Rector. The aim of the proposed amendment is to provide for their appointment and duties. Further, the proposed amendment aims to put in place system of discharging function of Rector in case of his absence from the office and to comply with the NACTVET's guidelines. Further, the proposed amendment aims at empowering the Governing Board to make guidelines with regard to structure and procedures for the Search Committee. Section 20 is proposed to be amended by repealing and replacing it in order to align with other circulars and guidelines of the relevant authorities in respect of fees and allowances of the Governing Board.

Part VI of the Bill proposes to amend the Political Service Retirement Benefits Act, Cap. 225 whereby new sections 9A, 12A and 14A are proposed to be added to enable the spouses of the retiring President, Vice-President and Prime Minister to be paid a gratuity for the period served by their partners. In line with this amendment sections 11, 13 and 15 are proposed to be amended in order to put in place provisions for the payment of survivor's pension for the dependants of the President, Vice-President and Prime Minister in the event of death of such leaders while in office or after retirement before his benefits are paid. Section 14 is proposed to be amended in order to enable former Prime Ministers retired before commencement of the Political Service Retirement Benefits Act of 1999 to have personal assistant to assist them in the performance of their duties.

Section 18 is proposed to be amended to make provisions relating to the procedure for payment of monthly pension benefits to the spouse of a deceased retired Speaker.

Also, the Schedule is amended in order to enhance benefits granted to political leaders and their spouses.

Part VII of the Bill proposes amendment to the Public Service Act, Cap. 298 whereby section 25A is proposed to be amended to require the spouses of the President, Vice-President and Prime Minister who are public servants to be able to retire from the public service for security reasons immediately following assumption of offices by their spouses. Section 26 is proposed to be amended to enable the widow and widower of the Former Chief Secretary to be paid monthly pension benefits after the death of his or her spouse.

Part VIII of the Bill proposes amendments to the Small Industries Development Organisation Act, Cap. 112 whereby section 2 is proposed to be amended in order to introduce definitions of terms used in the Act but not defined. The purpose of this amendment is to provide clarity for better understanding of the Act. Section 5 is proposed to be amended in order to include micro and medium industries within the provision of that section with a view to ensure that such industries are managed and served by the organisation. It is further proposed to provide for additional functions of the organisation so as to enhance its performance inline with economical, technological changes and society needs.

Section 6 is proposed to be repealed and replaced so as to enhance the powers of the Board. The aim of the proposed amendment is to accurately provide for powers of the Board in the management and control of the Organisation. Further, section 7 is proposed to be amended in order to recognise the Director General as Secretary to the Board. The aim of the proposed amendment is to facilitate effective implementation of the decisions of the Board. Section 14 is proposed to be amended in order to align and comply with relevant laws. The aim of the proposed amendment is to align with public finance laws. Section 20 is proposed to be added in order to give mandate to the Minister to make regulations for the better carrying out the implementation of the Act.

Part IX of this Bill proposes the amendments to the Tanzania Trade Development Authority Act, Cap. 155 whereby section section 3 is proposed to be amended order to provide for a definition of a term “trade promotional events”. The aim of the proposed amendment is to enhance clarity. Section 5 is proposed to be amended in order to include trade promotional events among the events to be authorised by the authority. The proposed amendment intends to ensure that a local trade fair is regulated by the authority. Section 20 is amended in order to vest into the Authority the assets and liabilities of the Board of Internal Trade following the repeal of the Board of Internal Trade Act of 1973 which was replaced by the Authority.

Section 23A is proposed to be added in order to provide for authorization of trade promotional events and impose penalties to a person organising trade promotional events without authorization of the Authority. The aim of the amendment is to ensure trade promotional events are regulated by the Authority. Section 24A is proposed to be added in order to make provisions relating to the compounding of offences. The proposed amendment aims at saving time and minimising costs associated with prosecution of offences in court.

Part X of the Bill proposes to amend the Town Planners Registration Act, Cap. 426 whereby a new section 10A is proposed to be added in order to provide for the categories of town planners. Section 11 is amended and new sections 11A, 11B, 11C and 11D are proposed to be added in order to provide for better registration provisions for town planners. The aim of the proposed amendments is to enable the Board to regulate the practice of town planners. Section 12 is proposed to be amended in order to require a person applying for temporary registration to possess similar qualifications as a fully registered town planner in Tanzania. The proposed amendment aims at ensuring that foreigners who are engaging in town planning have the required expertise and skills. Section 13 is proposed to be repealed because its contents are covered under the proposed section 10A.

Section 24A is proposed to be added in order to provide for registration of town planning projects. The aim of this proposed amendment is to ensure compliance and monitoring of town planning projects. Section 31 is amended to empower the Minister to make regulations that will prescribe the town planning activities to be carried out by each category of registered town planner. The purpose of amendment is to specify town

planning activities to be performed by each category in accordance with their respective qualifications. Lastly, the First Schedule is proposed to be amended in order to improve the composition of the Board with the view to increasing efficiency to the Board in performing its functions under the Act.

Part XI of the Bill proposes to amend the Weights and Measures Act, Cap. 340 whereby the Act is amended generally by replacing the words “for use for trade” with the words “for trade use” with the aim of correcting grammatical errors. Section 2 is proposed to be amended in order to improve some definitions of terms used in the Act, deleting certain terms and adding some definitions in order to provide proper interpretation of the terms used in the Act. Sections 5, 6, 7, 8, 9, 10, 14 and 18 are proposed to be amended so as to transfer operational functions from the Minister to the Commissioner for Weights and Measures. The aim of the proposed amendments are to enhance implementation of the functions of the Weights and Measures Agency and align with operational changes occurred after establishment of the Agency.

Section 16 is proposed to be amended by imposing an obligation to inspectors to comply with Acts and Regulations in the implementation of their duties. The aim of the proposed amendments is to ensure effective implementation of the Act. Sections 19, 21, 23, 24, 48 and 49 are proposed to be amended to enhance provisions relating to implementation of function and powers of the inspectors. Sections 26 and 50 are proposed to be amended in order to empower the court to order for forfeiture or disposal of goods found to be in contravention of the law. The aim of the proposed amendments is to deter commission of offences. Section 54 is proposed to be amended in order to improve the provisions relating to powers of the Minister to make regulations to align with amendments proposed in other provisions of the Act.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria Kumi ambazo ni Sheria ya Leseni za Biashara, Na. 25 ya mwaka 1972, Sheria ya Taasisi ya Teknolojia ya Dar es Salaam, Sura ya 144, Sheria ya Stahili na Mafao ya Majaji, Sura ya 424, Sheria ya Chuo cha Kumbukumbu ya Mwalimu Nyerere, Sura ya 93, Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225, Sheria ya Utumishi wa Umma, Sura ya 298, Sheria ya Maendeleo ya Viwanda Vidogo, Sura ya 112, Sheria ya Mamlaka ya Uendelezaji wa Biashara Tanzania, Sura ya 155 Sheria ya Usajili wa Maafisa Mipango Miji, Sura ya 426 na Sheria ya Vipimo, Sura ya 340.

Muswada huu umegawanyika katika Sehemu Kumi na Moja ambapo Sehemu ya Kwanza inahusu masharti ya utangulizi yanayojumuisha Jina la Muswada na namna ambavyo Sheria mbalimbali zinapendekezwa kurekebisha katika sehemu zake.

Sehemu ya Pili ya Muswada inapendekeza marekebisho katika Sheria ya Leseni za Biashara, Na. 25 ya mwaka 1972 ambapo kifungu cha 2 kinapendekezwa kurekebisha kwa kuongeza tafsiri ya baadhi ya misamiati ambayo imetumika katika Sheria na ambayo haikuwa imetafsiriwa kwa lengo la kutoa ufafanuzi wa misamiati hiyo kama ilivyotumika kwenye Sheria. Kifungu cha 8 kinapendekezwa kurekebisha ili kuoanisha masharti ya kifungu hicho na masharti ya kifungu cha 7 cha Sheria ambacho kimeainisha ukomo wa leseni ya biashara kuwa miezi kumi na mbili tangu tarehe ya kutolewa kwa leseni husika. Kifungu cha 13 kinapendekezwa kurekebisha ili kuondoa hitaji la kuambatisha hati ya Namba ya Utambulisho wa Mlipakodi (TIN) wakati wa kuhuisha leseni ya biashara kwa kuwa mara zote hati hiyo huwasilishwa wakati wa maombi ya leseni ya biashara kwa mara ya kwanza.

Kifungu kipya cha 14B kinapendekezwa kuongezwa ili kuiwezesha mamlaka ya utoaji leseni kufuta au kusitisha leseni ya biashara, pamoja na kuweka utaratibu wa kufuatwa na mamlaka ya utoaji leseni kabla ya kufuta au kusitisha leseni husika. Pia, inapendekezwa kurekebisha kifungu

cha 17 kwa lengo la kuongeza majukumu kwa mamlaka ya utoaji leseni wakati wa kufanya ukaguzi. Vilevile inapendekezwa kuongeza kifungu kipya cha 18A ili kubainisha wajibu wa mmiliki wa leseni ya biashara kuitaarifu mamlaka ya utoaji leseni ikiwa ataacha au kusitisha kufanya biashara, kufilisika, kubadili aina ya biashara au kubadili mahali pa kufanyia biashara. Lengo la marekebisho haya ni kuhakikisha kwamba mamlaka ya utoaji leseni inakua na taarifa sahihi na zenye uhalisia wakati wote. Kifungu cha 19 kinapendekezwa kufanyiwa marekebisho ili kuongeza adhabu kwa makosa yaliyoainishwa katika kifungu hicho kwa lengo la kuzuia makosa kuendelea kutendeka. Kifungu cha 24 kinapendekezwa kurekebisha ili kuongeza fursa kwa mmiliki wa leseni kupinga uamuzi uliotolewa na mamlaka ya utoaji leseni. Lengo la marekebisho haya ni kuongeza wigo wa haki ya rufaa.

Sehemu ya Tatu ya Muswada inapendekeza marekebisho katika Sheria ya Taasisi ya Teknolojia ya Dar es Salaam, Sura ya 144 ambapo Sheria inafanyiwa marekebisho ya jumla ili kukidhi matakwa ya NACTVET na muundo mpya wa Taasisi. Kifungu cha 2 kinapendekezwa kurekebisha ili kuboresha tafsiri ya misamiati mbalimbali na kuongeza tafsiri ya misamiati ambayo imetumika kwenye Sheria lakini hajatafsiriwa. Marekebisho haya yanalenga kutoa ufafanuzi wa misamiati hiyo kama ilivyotumika kwenye Sheria. Kifungu cha 4 kinapendekezwa kurekebisha ili kuipa Taasisi mamlaka ya kutoa huduma za ushauri elekezi na kutoa urahisi wa kuchagua programu zitakazotolewa kulingana na mabadiliko ya kiteknolojia na mahitaji ya soko.

Kifungu cha 5 kinapendekezwa kurekebisha ili kuiwezesha Taasisi kuanzisha vitengo mbalimbali vya utawala na kufanya uteuzi wa viongozi wa vitengo hivyo. Lengo la marekebisho hayo ni kuboresha utaratibu wa uanzishwaji wa vitengo hivyo na kuendana na muundo mpya wa Taasisi uliopitishwa. Kifungu cha 7 kinapendekezwa kurekebisha ili kupunguza idadi ya wajumbe wa Baraza. Lengo la marekebisho haya ni kuzingatia mwongozo wa Serikali kuhusu idadi ya wajumbe wa vyombo vya taasisi, kupunguza gharama za uendeshaji na kuongeza ufanisi wa Baraza hilo. Vifungu vya 9A na 9B vinapendekezwa kuongezwa ili kuunda Kamati ya Taaluma itakayoshughulikia udhibiti na uhakiki wa ubora wa taaluma kwa lengo la kuzingatia miongozo ya NACTVET.

Vifungu vya 10, 11, 12 na 15 vinapendekezwa kurekebisha ili kuainisha muda wa kushika uongozi wa Mkuu wa Chuo na wasaidizi wake. Lengo ni

kuzingatia miongozo ya NACTVET na kuendana na muundo wa mpya wa Taasisi. Kifungu cha 16 kinapendekezwa kurekebisha ili kuondoa ukomo wa kubadili matumizi ya fedha kwa lengo la kuoanisha na kuzingatia sheria za fedha. Kifungu cha 20 kinapendekezwa kurekebisha kwa kufutwa na kuandikwa upya kwa lengo la kuendana na waraka na miongozo ya mamlaka husika kuhusu ada na posho za Baraza. Jedwali linapendekezwa kurekebisha kwa kufuta aya ya 1 na kuiandika upya kwa lengo la kuboresha muundo wa Baraza.

Sehemu ya Nne ya Muswada inapendekeza marekebisha katika Sheria ya Stahili na Mafao ya Majaji, Sura ya 424 kwa kuongeza kifungu kipya cha 10A ili kuweka masharti ya kufanyika kwa gwaride la heshima kila mwaka kwa ajili ya kuwaaga majaji wanaostaafu. Lengo la marekebisha haya ni kutambua na kuthamini mchango wa Majaji katika utoaji haki nchini. Jedwali la Sheria hiyo pia linapendekezwa kurekebisha ili kuwezesha Jaji Mkuu mstaafu kubadilishiwa gari kila baada ya miaka saba. Lengo la marekebisha haya ni kulinda hadhi ya Jaji Mkuu.

Sehemu ya Tano ya Muswada inapendekeza kufanya marekebisha katika Sheria ya Chuo cha Kumbukumbu ya Mwalimu Nyerere, Sura ya 93 ambapo Sheria kwa ujumla inafanyiwa marekebisha ili kubadili majina ya vyeo vya Mkuu wa Chuo na wasaidizi wake kwa lengo la kuendana na miongozo ya NACTVET. Kifungu cha 2 kinapendekezwa kurekebisha ili kuboresha tafsiri ya misamiati mbalimbali na kuongeza tafsiri ya misamiati ambayo imetumika kwenye Sheria lakini haijatafsiriwa. Marekebisha haya yanalenga kutoa ufafanuzi wa misamiati hiyo kama ilivyotumika kwenye Sheria.

Kifungu cha 4 kinapendekezwa kurekebisha kwa kuweka jina la jumla la mamlaka ya usimamizi badala ya jina kamili kama lilivyo sasa ili kuondoa ulazima wa kurekebisha Sheria kila yanapotokea mabadiliko ya jina la mamlaka hiyo. Kifungu cha 5 kinapendekezwa kurekebisha ili kutoa mamlaka kwa chuo kuanzisha matawi na vitengo vya utawala ili kuimarisha uongozi na utawala bora katika pande zote mbili za Jamhuri ya Muungano. Kifungu cha 6 kinapendekezwa kurekebisha ili kupunguza idadi ya wajumbe wa Bodi ya Uongozi. Lengo la marekebisha haya ni kuzingatia mwongozo wa Serikali kuhusu idadi ya wajumbe wa vyombo vya taasisi, kupunguza gharama za uendeshaji na kuongeza ufanisi wa Bodi hiyo.

Kifungu cha 7 kinapendekezwa kurekebisha ili kuipa Bodi mamlaka ya kutoa maelekezo kwa uongozi wa Chuo au kupendekeza kwa Wizara hatua za kuchukuliwa kwa ajili ya uongozi na usimamizi bora wa Chuo. Kifungu cha 8 kinapendekezwa kurekebisha ili kuiwezesha Kamati ya Uteuzi kutoa mapendekezo kwa ajili ya uteuzi wa Makamu Mkuu wa Chuo na viongozi wengine wa chuo. Marekebisha haya yanalenga kuondoa pengo katika sheria ya sasa na kuwezesha uteuzi mzuri wa viongozi wa Chuo. Vilevile, kifungu cha 9 kinapendekezwa kurekebisha ili kuboresha muundo wa Kamati ya Taaluma kwa ajili ya kuendana na miongozo ya NACTVET. Aidha, kifungu hicho kinapendekezwa kurekebisha ili kuiwezesha Kamati ya Taaluma kualika mjumbe yeyote kadiri itakavyoona inafaa.

Vifungu vya 12 na 13 vinapendekezwa kurekebisha ili kuainisha uteuzi na majukumu ya Makamu Mkuu wa Chuo. Lengo ni kuweka mgawanyo wa majukumu ya kitaaluma, utafiti na ushauri na majukumu yanayohusiana na mipango, fedha na utawala kwa ajili ya utendaji kazi wa Chuo. Vilevile marekebisha hayo yanalenga kuweka utaratibu wa kukaimu majukumu ya Mkuu wa Chuo endapo hayupo kuendana na miongozo ya NACTVET. Aidha, marekebisha haya yanapendekezwa ili kuipa Bodi ya Uongozi mamlaka ya kutengeneza miongozo ya muundo na taratibu za Kamati ya Uteuzi. Kifungu cha 20 kinapendekezwa kurekebisha kwa kufutwa na kuandikwa upya kwa lengo la kuendana na waraka na miongozo ya mamlaka husika kuhusu ada na posho za Bodi ya Uongozi. Aidha, Jedwali linapendekezwa kurekebisha ili kutoa nafasi ya kuteuliwa tena kwa Mwenyekiti wa Bodi ya Uongozi na kuboresha utaratibu wa vikao vyake.

Sehemu ya Sita ya Muswada inapendekeza marekebisha katika Sheria ya Mafao ya Kustaafu katika Utumishi wa Kisiasa, Sura ya 225 ambapo vifungu vipya vya 9A, 12A na 14A vinapendekezwa kuongezwa ili kuwawezesha wenza wa Rais Mstaafu, Makamu wa Rais Mstaafu na Waziri Mkuu Mstaafu kulipwa kiinua mgongo kwa kipindi cha uongozi wa wenza wao. Sambamba na marekebisha hayo, vifungu vya 11, 13 na 15 vinapendekezwa kurekebisha ili kuweka utaratibu wa malipo ya pensheni kwa wategemezi wa Rais Mstaafu, Makamu wa Rais Mstaafu na Waziri Mkuu Mstaafu endapo watafariki wakiwa madarakani au baada ya kumaliza muda wao na kufariki kabla ya kulipwa mafao au stahiki zao. Kifungu cha 14 kinapendekezwa kurekebisha ili kuwawezesha Mawaziri Wakuu wastaafu waliostaafu kabla ya kuanza kutumika kwa Sheria ya

Mafao ya Kustaafu katika Utumishi wa Kisiasa ya mwaka 1999 kuwa na wasaidizi (makatibu) kwa ajili ya kuwasaidia katika kazi zao. Kifungu cha 18 kinapendekezwa kurekebisha ili kuweka utaratibu wa mwenza wa Spika Mstaafu aliyefariki kupokea mafao ya pensheni ya kila mwezi. Vile vile, Jedwali linapendekezwa kurekebisha kwa lengo la kuboresha stahiki za Viongozi Wakuu wa kisiasa pamoja na wenza wao.

Sehemu ya Saba ya Muswada inapendekeza marekebisho katika Sheria ya Utumishi wa Umma, Sura ya 298 ambapo kifungu cha 25A kinapendekezwa kurekebisha ili kuwataka wenza wa Rais aliyechaguliwa, Makamu wa Rais aliyechaguliwa au Waziri Mkuu aliyeteuliwa ambao ni watumishi wa Umma kuweza kustaafu katika utumishi wa Umma kwa sababu za kiusalama pale ambapo wenza wao wanaposhika nyazifa hizo. Vilevile, kifungu cha 26 kinapendekezwa kurekebisha ili kumwezesha mjane au mgane wa Katibu Mkuu Kiongozi Mstaafu aliyefariki kulipwa mafao ya pensheni ya kila mwezi.

Sehemu ya Nane ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Shirika la Maendeleo ya Viwanda Vidogo, Sura ya 112 ambapo kifungu cha 2 kinapendekezwa kurekebisha ili kuboresha tafsiri ya misamiati mbalimbali na kuongeza misamiati mipya ambayo imetumika kwenye Sheria lakini haijatafsiriwa. Marekebisho haya yanalenga kutoa ufafanuzi wa misamiati hiyo kama ilivyotumika kwenye Sheria. Kifungu cha 5 kinapendekezwa kurekebisha kwa lengo la kujumuisha viwanda vidogo sana na viwanda vya kati katika mawanda ya kifungu hicho ili kuhakikisha viwanda hivyo vinasimamiwa na kuhudumiwa na Shirika.

Kifungu cha 6 kinapendekezwa kufutwa na kuandikwa upya ili kuboresha mamlaka ya Bodi. Lengo la marekebisho haya ni kuainisha kwa usahihi mamlaka ya Bodi katika kusimamia Shirika. Aidha, kifungu cha 7 kinapendekezwa kurekebisha ili kumtambua Mkurugenzi Mkuu wa Shirika kama Katibu wa Bodi. Lengo la marekebisho haya ni kuwezesha utekelezaji wa maelekezo ya Bodi kwa ufanisi. Kifungu cha 14 kinapendekezwa kurekebisha ili kuondoa ukomo wa kubadili matumizi ya fedha kwa lengo la kuoanisha na kuzingatia sheria za fedha. Kifungu kipya cha 20 kinapendekezwa kuongezwa ili kumuwezesha Waziri mwenye dhamana na masuala ya viwanda kutengeneza kanuni zitakazowezesha utekelezaji bora wa Sheria.

Sehemu ya Tisa ya Muswada inapendekeza marekebisho katika Sheria ya Mamlaka ya Maendeleo ya Biashara Tanzania, Sura ya 155 ambapo kifungu cha 3 kinapendekezwa kurekebishwa kwa kuongeza tafsiri ya msamiati “shughuli za ukuzaji biashara”. Lengo la marekebisho haya ni kutoa ufafanuzi wa msamiati huo ambao umetumika katika Sheria lakini haujatafsiriwa. Kifungu cha 5 kinapendekezwa kurekebishwa ili kuzifanya shughuli za ukuzaji biashara kuwa miongoni mwa shughuli zinazoidhinishwa na Mamlaka. Lengo la marekebisho haya ni kuhakikisha kwamba maonesho ya ndani yanadhibitiwa na Mamlaka. Kifungu cha 20 kinapendekezwa kurekebishwa ili kuweka chini ya Mamlaka mali na madeni yaliyokuwa yanamilikiwa na Bodi ya Biashara ya Ndani baada ya kufutwa kwa Sheria ya Bodi ya Biashara ya Ndani ya mwaka 1973 ambayo nafasi yake ilichukuliwa na Mamlaka.

Kifungu kipya cha 23A kinapendekezwa kuongezwa kwa kuweka masharti ya vibali vya kufanya maonesho ya kibiashara na kuweka adhabu kwa mtu atakayefanya maonesho ya kibiashara bila kibali. Lengo la marekebisho haya ni kuiwezesha Mamlaka kusimamia maonesho ya kibishara ili kuhakikisha kuwa shughuli za maonesho zinakuwa na tija. Kifungu kipya cha 24A kinapendekezwa kuongezwa ili kuipa Mamlaka nguvu ya kufifilisha makosa kwa wakosaji wanaotenda na kukiri makosa yao kwa hiari chini ya Sheria. Lengo la marekebisho haya ni kupunguza muda na gharama za kuendesha mashauri Mahakamani.

Sehemu ya Kumi ya Muswada inapendekeza marekebisho katika Sheria ya Usajili wa Maafisa Mipango Miji, Sura ya 426 ambapo kifungu kipya cha 10A kinapendekezwa kuongezwa ili kuweka masharti yanayohusu madaraja ya wataalam wa mipango miji. Kifungu cha 11 kinapendekezwa kurekebishwa na vifungu vipya vya 11A, 11B, 11C na 11D vinapendekezwa kuongezwa kwa lengo la kuboresha masharti ya usajili wa wataalam wa mipango miji na kuainisha madaraja ya sifa za usajili wa wataalam hao. Lengo la marekebisho haya ni kuiwezesha Bodi kudhibiti wataalam hao na kusimamia mienendo yao. Kifungu cha 12 kinapendekezwa kurekebishwa ili kumtaka mtu anayeomba usajili wa muda kuwa na sifa sawa na mtaalam wa mipango miji mwenye usajili kamili nchini Tanzania. Marekebisho haya yanalenga kuhakikisha kwamba raia wa kigeni anayejihusisha na shughuli za mipango miji nchini anakuwa na ujuzi stahiki. Kifungu cha 13 kinapendekezwa kufutwa kwa sababu maudhui yake yamejumuishwa katika kifungu kipya cha 10A kinachopendekezwa.

Kifungu cha 24A kinapendekezwa kuongezwa ili kuweka masharti ya usajili wa miradi ya mipango miji. Lengo la marekebisho haya ni kuhakikisha udhibiti na usimamizi wa miradi ya mipango miji. Kifungu cha 31 kinapendekezwa kurekebisha ili kumuwezesha Waziri mwenye dhamana na masuala ya mipango miji kutengeneza kanuni zitakazoainisha majukumu yatakayotekelezwa na kila daraja la mtalaam wa mipango miji aliyesajiliwa. Marekebisho haya yanalenga kubainisha wigo wa majukumu yatakayotekelezwa na kila daraja la mtalaam wa mipango miji kulingana na madaraja. Jedwali la Kwanza linapendekezwa kurekebisha ili kuboresha muundo wa Bodi kwa lengo la kuiongezea Bodi ufanisi katika utekelezaji wa majukumu yake kwa mujibu wa Sheria.

Sehemu ya Kumi na Moja ya Muswada inapendekeza marekebisho katika Sheria ya Vipimo, Sura ya 340 ambapo Sheria inapendekezwa kufanyiwa marekebisho ya jumla ili kufuta maneno “*for use for trade*” na badala yake kuweka maneno “*for trade use*”. Lengo la marekebisho haya ni kurekebisha makosa ya kiuandishi. Kifungu cha 2 kinapendekezwa kurekebisha ili kuboresha, kufuta na kuongeza baadhi ya misamati katika kifungu hicho. Lengo la marekebisho haya ni kutoa tafsiri sahihi ya maneno yaliyotumika katika Sheria. Vifungu vya 5, 6, 7, 8, 9, 10, 14 na 18 vinapendekezwa kurekebisha ili kuhamishia kwa Kamishna wa Vipimo majukumu ya kiutendaji yanayofanywa na Waziri. Lengo la marekebisho haya ni kuongeza ufanisi katika utekelezaji wa majukumu ya Wakala wa Vipimo na kuendana na mabadiliko ya kiutendaji ambayo yalitokea baada ya kuanzishwa kwa Wakala wa Vipimo.

Kifungu cha 16 kinapendekezwa kurekebisha ili kuwapa wakaguzi wajibu wa kuzingatia Sheria katika utekelezaji wa majukumu yao. Lengo la marekebisho haya ni kuhakikisha utekelezaji wenye ufanisi wa Sheria. Vifungu vya 19, 21, 23, 24, 48 na 49 vinapendekezwa kurekebisha ili kuboresha masharti yanayohusu utekelezaji wa majukumu ya mamlaka ya wakaguzi. Lengo la marekebisho hayani kuondoa mapungufu yaliyobainika wakati wa utekelezaji wa Sheria na kuongeza ufanisi katika utekelezaji wa Sheria husika. Vifungu vya 26 na 50 vinapendekezwa kurekebisha ili kuipa Mahakama mamlaka ya kutaifisha au kuelekeza namna ya uondoshaji wa bidhaa ambazo hazijakidhi masharti ya Sheria.

Lengo la mapendekezo ya marekebisho haya ni kuzuia makosa kuendelea kutendeka. Kifungu cha 54 kinapendekezwa kurekebishwa ili kuboresha masharti kuhusu mamlaka ya Waziri kutengeneza kanuni kwa lengo la kuendana na marekebisho mengine yanayopendekezwa katika masharti mbalimbali ya Sheria hiyo.

Dodoma,
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Mwanasheria Mkuu wa Serikali