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ACT SUPPLEMENT

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THE LEGAL SECTOR LAWS (MISCELLANEOUS AMENDMENTS) ACT,
2023

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THE UNITED REPUBLIC OF TANZANIA



NO. 11 OF 2023

I ASSENT

SAMIA SULUHU HASSAN
President

[19th November, 2023]

ENACTED by the Parliament of the United Republic of Tanzania.

An Act to amend various written laws relating to legal sector.

**PART I
PRELIMINARY PROVISIONS**

Short title

1. This Act may be cited as the Legal Sector Laws (Miscellaneous Amendments) Act, 2023.

Amendments of certain written laws

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

**PART II
AMENDMENT OF THE ADVOCATES ACT,
(CAP. 341)**

Construction Cap. 341

3. This Part shall be read as one with the Advocates Act, hereinafter referred to as the “principal Act”.

Amendment of section 4A

4. The principal Act is amended in section 4A by deleting the words “State Attorney in-charge” appearing in subsections (1)(b) and (3) and substituting for them the words “Regional State Attorney”.

Amendment of section 8

5. The principal Act is amended in section 8(1)(a) by deleting subparagraph (i) and substituting for it the following:

“(i) if he is a holder of a degree in law granted by an accredited university, or any other higher learning institution and has a post-graduate diploma in legal practice granted by the Law School of Tanzania;”.

Amendment of section 41

6. The principal Act is amended in section 41(2) by deleting the words “not exceeding two thousand” and substituting for them the words “of not less than five hundred thousand shillings but not exceeding five million”.

Amendment of section 42

7. The principal Act is amended in section 42 by deleting the words “not exceeding one million shillings or twelve months imprisonment or both” and substituting for them the words “of not less than five million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than one year but not exceeding three years or to both”.

PART III
AMENDMENT OF THE APPELATE JURISDICTION ACT,
(CAP. 141)

Construction Cap. 141

8. This Part shall be read as one with the Appellate Jurisdiction Act, hereinafter referred to as the “principal Act”.

Addition of section 4A

9. The principal Act is amended by adding immediately after section 4 the following:

“No review on interlocutory order or decision

4A. An application for review shall not be entertained in respect of the decision of the Court of Appeal on any preliminary or interlocutory decision or order, unless such decision or order has the effect of finally determining the appeal, revision or reference.”.

Amendment of section 5

10. The principal Act is amended in section 5-
(a) by deleting subsection (1) and substituting for it the following:

“(1) In civil proceedings, except where any other written law provides otherwise, an appeal shall lie to the Court of Appeal against every order or decree, including an *ex-parte* or preliminary decree made by the High Court, in the exercise of its original, appellate or revisional jurisdiction.”; and

- (b) in subsection (2)(a), by-
- (i) deleting the word “or” appearing at the end of subparagraph (i);
 - (ii) adding the word “or” at the end of subparagraph (ii); and
 - (iii) adding immediately after subparagraph (ii) the following:
“(iii) any other decision or order of the High Court other than those specified under subsection (1);”.

PART IV
AMENDMENT OF THE ARBITRATION ACT,
(CAP. 15)

Construction
Cap. 15

11. This Part shall be read as one with the Arbitration Act, hereinafter referred to as the “principal Act”.

Amendment of
section 82

12. The principal Act is amended in section 82(3), by deleting the words “registration and maintenance of” appearing in paragraph (b) and substituting for them the words “to prepare and maintain a”.

PART V
AMENDMENT OF THE COMMISSION FOR HUMAN RIGHTS AND
GOOD GOVERNANCE ACT,
(CAP. 391)

Construction
Cap. 391

13. This Part shall be read as one with the Commission for Human Rights and Good Governance Act, hereinafter referred to as the “principal Act”.

Amendment of
section 6

14. The principal Act is amended in section 6(1), by -

- (a) deleting the words “administrative justice” appearing in paragraphs (c), (e), (j) and (m) and substituting for them the words “good governance”;
- (b) deleting the words “administrative justice” appearing in paragraph (d); and
- (c) deleting paragraph (i) and substituting for it the following:
 - “(i) to take steps to secure the remedying, correction, reversal or cessation of instances referred to under paragraphs (e), (f) or (g) through fair, proper and effective means;”.

Amendment of section 11

by- **15.** The principal Act is amended in section 11,

- (a) adding the words “and two Deputy Executive Secretaries” immediately after the word “Secretary” appearing in subsection (1);
- (b) adding immediately after subsection (1) the following:
 - “(2) In appointing the Deputy Executive Secretaries referred to under subsection (1), the President shall appoint one from Tanzania Mainland and the other from Tanzania Zanzibar.”;
- (c) adding the words “or Deputy Executive Secretary” immediately after the word “Secretary” appearing in subsection (2);
- (d) adding the word “Executive” between the words “The” and “Secretary” appearing in subsection (4); and
- (e) renumbering subsections (2) to (7) as subsections (3) to (8) respectively.

Addition of section 11A

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

“Functions of Deputy Executive Secretary

11A. The functions of the Deputy Executive Secretary shall be to-

- (a) assist the Executive Secretary in carrying out policy decisions of the Commission;

- (b) assist the Executive Secretary on day to day administration and management of the affairs of the Commission; and
- (c) perform any other function as may be directed by the Executive Secretary.”.

Amendment of section 12

17. The principal Act is amended in section 12, by deleting the words “and the Secretary” appearing in subsection (1) and substituting for them the words “Executive Secretary and the Deputy Executive Secretary”.

PART VI
AMENDMENT OF THE CRIMINAL PROCEDURE ACT,
(CAP. 20)

Construction Cap. 20

18. This Part shall be read as one with the Criminal Procedure Act, hereinafter referred to as the “principal Act”.

Amendment of section 2

19. The principal Act is amended in section 2 by adding in its appropriate alphabetical order the following definition:

““court” means the High Court or as the case may be, a subordinate court;”.

Addition of section 4A

20. The principal Act is amended by adding immediately after section 4 the following:

“**Overriding objective** **4A.**-(1) The overriding objective of this Act shall be to facilitate the just, expeditious, proportionate and affordable determination of all matters governed by this Act.

(2) The court shall, in the exercise of its powers under this Act or the interpretation of any of its provisions, seek to give effect to the overriding objective specified in subsection (1).”.

Amendment of section 202

21. The principal Act is amended in section 202(1) by deleting the words “order of the Attorney General” and substituting for them the words “the Director of Public Prosecutions”.

Amendment of sections 204

22. The principal Act is amended by deleting the words “order of” appearing in sections 204.

Amendment of section 205

23. The principal Act is amended by deleting the words “order of” appearing in section 205.

Amendment of section 205A

24. The principal Act is amended in section 205A, by-

- (a) deleting a full stop appearing at the end of subsection (1) and substituting for it a full colon; and
- (b) adding immediately after subsection (1) a proviso as follows:

“Provided that, the cyber-forensic expert, ballistic expert or any other expert shall be an officer appointed by the Director of Public Prosecutions for that purpose.”.

Addition of section 205B

25. The principal Act is amended by adding immediately after section 205A the following:

205B. The Director of Public Prosecutions may, by notice in the *Gazette*, appoint from any department of the Government, local government authority or private practice a person to be an expert for the purpose of section 202, 204, 205 or 205A.”.

Amendment of section 361

26. The principal Act is amended in section 361(1) by adding the words “to the trial court” immediately after the word “notice” appearing in paragraph (a).

PART VII
AMENDMENT OF THE ECONOMIC AND
ORGANISED CRIME CONTROL ACT,
(CAP. 200)

- Construction
Cap. 200 **27.** This Part shall be read as one with the Economic and Organised Crime Control Act, hereinafter referred to as the “principal Act”.
- Amendment of
section 29 **28.** The principal Act is amended in section 29(4) by deleting the word “ten” appearing in paragraph (d) and substituting for it the words “three hundred”.

PART VIII
AMENDMENT OF THE ELECTRONIC TRANSACTIONS ACT,
(CAP. 442)

- Construction
Cap. 442 **29.** This Part shall be read as one with the Electronic Transactions Act, hereinafter referred to as the “principal Act”.
- Amendment of
section 18 **30.** The principal Act is amended in section 18(2) by deleting the words “admissibility and” appearing in the opening phrase.

PART IX
AMENDMENT OF THE EVIDENCE ACT,
(CAP. 6)

- Construction
Cap. 6 **31.** This Part shall be read as one with the Evidence Act, hereinafter referred to as the “principal Act”.
- Amendment of
section 127 **32.** The principal Act is amended in section 127,
by-
(a) adding immediately after subsection (6) the following:
 “(7) Notwithstanding any other law to the contrary, failure by a child of tender age to meet the provisions of subsection (2) shall not render the evidence of such child inadmissible.”; and
(b) renumbering subsection (7) as subsection (8).

PART X
AMENDMENT OF THE INSTITUTE OF JUDICIAL
ADMINISTRATION LUSHOTO ACT,
(CAP. 405)

- Construction
Cap. 405 **33.** This Part shall be read as one with the Institute
of Judicial Administration Lushoto Act, hereinafter
referred to as the “principal Act”.
- Amendment of
section 5 **34.** The principal Act is amended in section 5(1),
by-
(a) adding immediately after paragraph (h) the
following:
 “(i) to offer and conduct judicial training
 and continuing education for
 Judiciary staff and other stakeholders
 in the administration of justice;”; and
(b) renaming paragraphs (i) and (j) as paragraphs
(j) and (k) respectively.
- Amendment of
section 6 **35.** The principal Act is amended in section 6(3)
by deleting the word “Minister” and substituting for it the
words “Chief Justice”.
- Amendment of
section 8 **36.** The principal Act is amended in section 8 by
deleting the word “Minister” wherever it appears and
substituting for it the words “Chief Justice”.
- Amendment of
section 9 **37.** The principal Act is amended in section 9(1)
by deleting the words “after consultation with the
Minister”.
- Amendment of
section 14 **38.** The principal Act is amended in section 14(2)
(b) by deleting the words “Principal, the Chief Justice and
the Minister” and substituting for them the word
“Council”.
- Repeal and
replacement of
section 23 **39.** The principal Act is amended by repealing
section 23 and replacing for it the following:
“Regulations **23.**-(1) The Council may, with the
and rules approval of the Minister, make regulations
prescribing terms and conditions of
services, appointments, salary and

retirement benefits of the members of the Institute.

(2) Without prejudice to regulations made under subsection (1), the Council may make rules-

- (a) prescribing awards which may be conferred or granted by the Institute;
- (b) prescribing the conditions which may be satisfied before the grant of particular award;
- (c) prescribing instruction course to be provided by Institute;
- (d) regulating the conduct of examinations;
- (e) fixing fees and other charges for the services rendered by the Institute;
- (f) providing for and regulating disciplinary proceedings against the staff of the Institute and students;
- (g) fixing the duration and number of academic terms; and
- (h) providing for any matter or things which in the opinion of the Council is necessary to provide for the more efficient performance of the functions of Institute.”.

Amendment of
Schedule

40. The principal Act is amended in paragraph 1 of the Schedule-

- (a) in subparagraph (1)(b), by deleting the word “Minister” and substituting for it the words “Chief Justice”; and
- (b) in subparagraph (3), by deleting the word “Minister” and substituting for it the words “Chief Justice”.

PART XI
AMENDMENT OF THE JUDICIARY ADMINISTRATION ACT,
(CAP. 237)

- Construction
Cap. 237
- 41.** This Part shall be read as one with the Judiciary Administration Act, hereinafter referred to as the “principal Act”.
- Amendment of
section 3
- 42.** The principal Act is amended in section 3 by deleting the words “and includes a Judge’s Assistant” appearing in the definition of the term “judicial officer”.
- Amendment of
section 33
- 43.** The principal Act is amended in section 33 by deleting the words “or Judge’s Assistant” wherever they appear in that section.
- Amendment of
section 34
- 44.** The principal Act is amended in section 34(1) by deleting the words “Judge’s Assistant” appearing in paragraph (b).
- Amendment of
section 50
- 45.** The principal Act is amended in section 50, by-
- (a) deleting the words “State Attorney in-charge” appearing in subsection (3)(a) and substituting for them the words “Regional State Attorney”; and
 - (b) deleting the words “State Attorney in-charge of the zone in which that region is situated” appearing in subsection (4) and substituting for them the words “Regional State Attorney”.

PART XII
AMENDMENT OF THE LAND DISPUTES COURTS ACT,
(CAP. 216)

- Construction
Cap. 216
- 46.** This Part shall be read as one with the Land Disputes Courts Act, hereinafter referred to as the “principal Act”.
- Amendment of
section 47
- 47.** The principal Act is amended in section 47-
- (a) in subsection (1), by inserting the words “appellate or revisional” immediately after the word “original”;
 - (b) by deleting subsection (2); and

- (c) by renumbering subsections (3) and (4) as subsections (2) and (3) respectively.

PART XIII
AMENDMENT OF THE LAW REFORM COMMISSION OF TANZANIA
ACT,
(CAP. 171)

Construction
Cap. 171

48. This Part shall be read as one with the Law Reform Commission of Tanzania Act, hereinafter referred to as the “principal Act”.

Amendment of
section 5

49. The principal Act is amended in section 5(1) by deleting the word “two” and substituting for it the word “four”.

Amendment of
section 22

50. The principal Act is amended in section 22(2) by deleting the word “two” and substituting for it the words “not less than three”.

PART XIV
AMENDMENT OF THE LEGAL AID ACT,
(CAP. 21)

Construction
Cap. 21

51. This Part shall be read as one with the Legal Aid Act, hereinafter referred to as the “principal Act”.

Amendment of
Schedule

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

“(1) The National Legal Aid Advisory Board shall consist of the following members appointed by the Minister:

- (a) a retired Judge or a practising advocate with not less than ten years’ working experience in legal aid who shall be the Chairperson;
- (b) a Law Officer representing the Attorney General;
- (c) one representative from legal aid providers;

- (d) one representative from the National Criminal Justice Forum;
- (e) one representative from Public Bar Association;
- (f) one representative from the Tanganyika Law Society;
- (g) the Director of legal services from the Ministry responsible for Local Government or his representative;
- (h) one representative from associations dealing with persons with disabilities; and
- (i) one representative from umbrella associations of paralegals.”.

PART XV
AMENDMENT OF THE MAGISTRATES’ COURTS ACT
(CAP. 11)

Construction
Cap. 11

53. This Part shall be read as one with the Magistrates’ Court Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

54. The principal Act is amended in section 2 by adding in its appropriate alphabetical order the following definition:
““special court” means a court established pursuant to section 17;”.

Repeal and
replacement of
section 17

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

Establishment
of court

17. Notwithstanding the provisions of this Act or any other written law, the Minister may, in consultation with the Chief Justice, by order published in the *Gazette*, establish a special court for the purpose of expeditious determination of specified cases.”.

PART XVI
AMENDMENT OF THE NATIONAL PROSECUTIONS SERVICE ACT,
(CAP. 430)

Construction
Cap. 430

56. This Part shall be read as one with the National Prosecutions Service Act, hereinafter referred to as the “principal Act”.

Amendment of
section 23

57. The principal Act is amended in section 23(1) by inserting the words “Law Officer, State Attorney” immediately after the word “Service”.

PART XVII
AMENDMENT OF THE OFFICE OF THE ATTORNEY GENERAL
(DISCHARGE OF DUTIES) ACT,
(CAP. 268)

Construction
Cap. 268

58. This Part shall be read as one with the Office of the Attorney General (Discharge of Duties) Act, hereinafter referred to as the “principal Act”.

Amendment of
section 3

59. The principal Act is amended in section 3 by inserting in their appropriate alphabetical order the following definitions:

““autonomous” in relation to the Office of the Chief Parliamentary Draftsman, means the statutory authority to determine the office’s own administrative, planning and financial preferences and translate such preference into authoritative actions in accordance with this Act and any other written law;

“Chief Parliamentary Draftsman” means an officer appointed under section 7F to deal with legislative drafting matter, and shall include the Deputy Chief Parliamentary Draftsman, Law Officers, Parliamentary Draftsmen and State Attorneys when exercising the functions of the Chief Parliamentary Draftsman;

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50 of 2018

“Solicitor General” means an officer appointed in terms of the Office of the Solicitor General (Establishment) Order, 2018 to handle civil litigation and other alternative dispute resolution matters which the Attorney General is a party, and shall include the Deputy Solicitor-General, Law Officers and State Attorneys when exercising the functions of the Solicitor General;”.

Amendment of
section 4

- 60.** The principal Act is amended in section 4, by-
- (a) designating the contents of section 4 as subsection (1);
 - (b) adding the words “and the Office of the Solicitor General (Establishment) Order, 2018” immediately after figures “2018” appearing in subsection (1) as designated; and
 - (c) adding immediately after subsection (1), as designated the following:

“(2) The Office of the Attorney General and the Office of the Solicitor General may establish regional or zonal offices as may be necessary for effective performance of the functions of their offices.”

Amendment of
section 5

- 61.** The principal Act is amended in section 5, by-
- (a) deleting the words “shall, through the Solicitor General,” appearing in subsection (2) and substituting for them the word “shall”; and
 - (b) inserting the words “Solicitor General, Deputy Attorney General,” between the words “the” and “Deputy” appearing in subsection (3).

Addition of sections
7A and 7B

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

“Establishment of Office of Chief Parliamentary Draftsman **7A.**-(1) There is hereby established the Office of the Chief Parliamentary Draftsman within the

organisation structure of the Office of the Attorney General.

(2) The Office of the Chief Parliamentary Draftsman shall be an autonomous Office within the Office of the Attorney General.

(3) The Office of the Chief Parliamentary Draftsman may establish such number of Divisions, Units and Sections as may be necessary for effective performance of the functions of the Office.

Appointment of
Chief
Parliamentary
Draftsman and
Deputy Chief
Parliamentary
Draftsman

7B.-(1) There shall be a Chief Parliamentary Draftsman and a Deputy Chief Parliamentary Draftsman who shall be appointed by the President.

(2) A person shall qualify for appointment as Chief Parliamentary Draftsman or Deputy Chief Parliamentary Draftsman who has ten years of proven experience in legislative drafting and has unqualified competence and integrity.

(3) The Chief Parliamentary Draftsman shall be the head of the Office of the Chief Parliamentary Draftsman.”

Amendment of
section 8

- 63.** The principal Act is amended in section 8, by-
- (a) deleting the words “the legislative process and legal opinion on general issues” appearing in paragraph (a) and substituting for them the words “legal matters”;
 - (b) deleting paragraphs (b) and (c);
 - (c) deleting the words “other than those under the National Prosecutions Service and the Office of the Solicitor General” appearing in paragraph (e); and
 - (d) renaming paragraphs (d) to (k) as paragraphs (b) to (i) respectively.

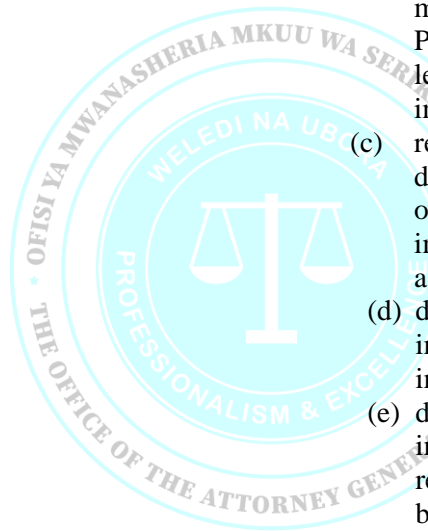
Addition of sections
8A and 8B

64. The principal Act is amended by adding immediately after section 8 the following:

“Functions of
Office of Chief
Parliamentary
Draftsman

8A. The functions of the Office
of the Chief Parliamentary Draftsman
shall be to-

- (a) advise ministries, independent departments, agencies and other Government institutions and organisation on the legislative process;
- (b) advise the Attorney General on proper and purposeful meaning of enactment of Parliament, subsidiary legislation and other legal instruments;
- (c) receive from ministries drafting instructions based on Cabinet decisions and implement the instructions as required;
- (d) draft legislative proposals into Bills for enactment into laws;
- (e) draft all legislative instruments and resolutions for ratification by the National Assembly;
- (f) receive from ministries legislative calendar for each financial year and advise accordingly;
- (g) facilitate, through the Attorney General, the submission of legislation passed by the National Assembly which applies to both parts of the Union to the House of Representatives;



- (h) draft or scrutinise proposed subsidiary legislation;
- (i) translate principal and subsidiary legislation;
- (j) revise legislation; and
- (k) prepare and submit monthly reports to the Attorney General on matters and duties discharged by the Chief Parliamentary Draftsman for guidance and direction.

Functions of Deputy Chief Parliamentary Draftsman **8B.**-(1) The Deputy Chief Parliamentary Draftsman shall be the principal assistant to the Chief Parliamentary Draftsman.

(2) In the performance of his functions under subsection (1), the Deputy Chief Parliamentary Draftsman shall be-

- (a) the accounting officer and disciplinary authority within the Office of the Chief Parliamentary Draftsman; and
- (b) responsible in managing day to day affairs of the Office of the Chief Parliamentary Draftsman.

(3) Notwithstanding subsection (2), the Deputy Attorney General shall be the appointing authority of employees in the Office of the Chief Parliamentary Draftsman.”.

Deletion and substitution of Part III

65. The principal Act is amended in Part III, by-
(a) deleting the heading to Part III and substituting for it the following:

“PART III
RELATIONSHIP OF THE OFFICE
OF THE ATTORNEY GENERAL
AND OTHER OFFICES”; and

- (b) adding the words “*and the Office of the Chief Parliamentary Draftsman*” immediately after the words “*Administrator-General*” appearing in subtitle (a).

Amendment of section 10

- 66.** The principal Act is amended in section 10-
- (a) in subsection (1), by adding the words “and the Office of the Chief Parliamentary Draftsman” immediately after the words “Administrator-General”; and
- (b) in subsection (2)(a), by adding the words “and the Office of the Chief Parliamentary Draftsman” immediately after the words “Administrator-General”.

Addition of sub-part (b)

- 67.** The principal Act is amended by-
- (a) adding immediately after section 10 the following:

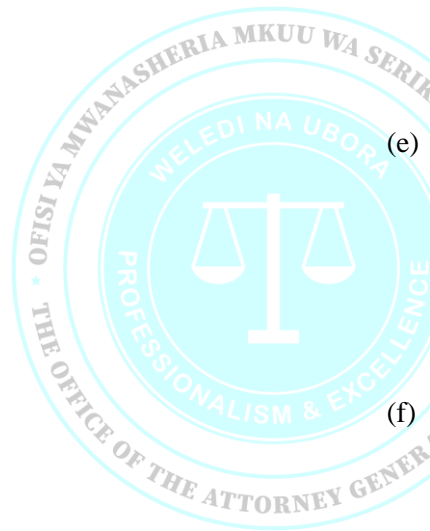
“(b) *Special Provisions in Relation to the Office of the Solicitor General*

10A.-(1) Notwithstanding the provisions of any other written law, the relationship between the Office of the Attorney General and the Office of the Solicitor General shall be that of client-advocate relationship.

(2) Subject to subsection (1), the Solicitor General shall, in all proceedings of a civil nature, and in the performance of his functions-

- (a) take instructions on the conduct of any litigation or arbitration from the Attorney General;

- (b) prepare and submit a report to the Attorney General on each case handled and completed, including the outcome thereof;
- (c) advise the Attorney General on all cases of a civil nature instituted in adjudication bodies by or against the Government;
- (d) handle all civil cases in courts and alternative dispute resolution matters in adjudication bodies;
- (e) hold in strict confidence all information concerning the Attorney General as the client and not divulge any such information unless authorised by the Attorney General; and
- (f) perform any other functions relating to cases of a civil nature as may be directed by the Attorney General.”;



- (b) renaming subtitle (b) as subtitle (c); and
- (c) deleting subtitle (c) as renamed and substituting for it the following:

“(c) Special Provisions Relating to the Office of the Chief Parliamentary Draftsman”.

Repeal and replacement of section 12

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

“Drafting and publication of Bills

12.-(1) The Chief Parliamentary Draftsman shall, through the Attorney General, receive drafting instructions from sector

ministries that comply with the relevant Cabinet decision.

(2) Subject to subsection (1), the Chief Parliamentary Draftsman shall define drafting instructions received and exercise exclusive mandate on drafting legislative proposals into Government Bills.

(3) The Chief Parliamentary Draftsman shall, in drafting the legislative proposals under subsection (2), consult and collaborate with sectoral ministry and may, where he deems necessary, engage stakeholders in the preparation of legislative proposals.

(4) Where the legislative proposals are prepared in terms of subsection (2), the Chief Parliamentary Draftsman shall forward to the Cabinet the legislative proposals for approval.

(5) Where the Cabinet approves the draft legislative proposals, the Chief Parliamentary Draftsman shall cause the Bill to be published in the *Gazette*.

(6) The term “drafting instructions” as used in this section, means directives given by the Cabinet for drafting legislative proposals into a Bill.”.

Addition of section 12A

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

“Attorney General may give directions

12A. The Attorney General may, by writing under his hand, give the Chief Parliamentary Draftsman directions of a general or specific nature on matters relating to legislative drafting.”.

Addition of Part VIII

70. The principal Act is amended by adding immediately after Part VII the following:

“PART VIII
FINANCIAL PROVISIONS

Sources of
funds

34. The funds of the Office of the Attorney General shall consist of-

- (a) any sums that may be appropriated by the Parliament;
- (b) any moneys by way of donations or grants made within and outside the United Republic; and
- (c) such sums of money or assets which may vest in or accrue to such offices from other sources by way of fees or in any other way under this Act or any other written law.

Annual
estimates

35.-(1) The Office of the Attorney General shall, before commencement of the financial year, cause to be prepared, estimates of the revenue and expenditure for that year.

(2) The annual estimates shall be submitted to the Minister who shall cause the same to be submitted to the National Assembly in accordance with the laws and procedure for such matters.

Books of
accounts

36.-(1) The Office of the Attorney General shall keep proper books of accounts.

(2) Within three months from the end of each financial year, the Office of the Attorney General shall submit to the Controller and Auditor General accounts of the said offices together with-

- (a) a statement of financial activities and income;

- (b) expenditure during that financial year; and
- (c) a statement of assets and liabilities of such offices existing at the end of such financial year.

(3) The accounts of the Office of the Attorney General shall be audited by the Controller and Auditor General.

Annual report

37.-(1) The Office of the Attorney General shall cause to be prepared and submitted to the Minister within six months after the close of each financial year an annual report detailing general activities and operation of their offices during that year.

(2) The annual report shall provide detailed information regarding the exercise of the functions and powers of the Office of the Attorney General during the year to which it relates and shall include-

- (a) a copy of the audited accounts;
- (b) a copy of any other report of the Controller and Auditor General carried out during the year to which the annual report relates; and
- (c) such information and other material as may be required by this Act or the regulations to be included in the annual report.”.

Application of Part VIII

38. The provisions of this Part shall apply *mutatis mutandis* to the Office of the Solicitor General and the Office of the Chief Parliamentary Draftsman.”.

PART XVIII
AMENDMENT OF THE PAROLE BOARDS ACT,
(CAP. 400)

Construction
Cap. 400

71. This Part shall be read as one with the Parole Boards Act, hereinafter referred to as the “principal Act”.

Amendment
of section 3

72. The principal Act is amended in section 3(3) by deleting the words “State Attorney in charge of the zone” appearing in paragraph (b) and substituting for them the words “Regional Prosecutions Officer”.

PART XIX
AMENDMENT OF THE PENAL CODE,
(CAP. 16)

Construction
Cap. 16

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

Amendment
of section 131

74. The principal Act is amended in section 131 by deleting the words “of the age of eighteen years or less” appearing in subsection (2) and substituting for them the words “below the age of eighteen years”.

PART XX
AMENDMENT OF THE PROBATE AND ADMINISTRATION OF
ESTATES ACT,
(CAP. 352)

Construction
Cap. 352

75. This Part shall be read as one with the Probate and Administration of Estates Act, hereinafter referred to as the “principal Act”.

Amendment
of section 49

76. The principal Act is amended in section 49 by adding immediately after subsection (2) the following:

“(3) The executor or administrator of estates removed or suspended by the court under subsection (2) shall, within one month from the date of his removal or suspension, file an inventory or as the case may be, accounts of the assets which have come into his hands and the manner in which they have been applied or disposed of.”.

PART XXI
AMENDMENT OF THE PROCEEDS OF CRIME ACT,
(CAP. 256)

Construction
Cap. 256

77. This Part shall be read as one with the Proceeds of Crime Act, hereinafter referred to as the “principal Act”.

Amendment
of section 14

78. The principal Act is amended in section 14, by-
(a) adding immediately after subsection (1) the following:

“(2) Notwithstanding the provisions of subsection (1), the court may, where there is an identifiable victim and upon application by the Director of Public Prosecutions, order that the property forfeited be used to compensate the victim.

(3) An order under subsection (2) may be made if the court is satisfied, having regard to the matters contained in the affidavit, that-

(a) the victim was not in any way involved in the commission of the offence concerned;

(b) a pecuniary loss of a specific amount has been directly caused by the criminal offence or related offence, that forms the underlying basis for the forfeiture;

(c) the pecuniary loss is the direct result of the illegal act and is not the result of otherwise lawful act that were committed in the course of the criminal offence;

(d) the victim does not have recourse reasonably available to other assets from which to obtain compensation for the wrongful loss of the property; and

(e) the victim has not been compensated for the wrongful loss of the property.”;

(b) adding the words “or used to compensate the victim” immediately after the word “Republic” appearing in subsection (2); and

- (c) renumbering subsections (2), (3), (4), (5) and (6) as subsections (4), (5), (6), (7) and (8) respectively.

PART XXII
AMENDMENT OF THE TANGANYIKA LAW SOCIETY ACT,
(CAP. 307)

Construction
Cap. 307 **79.** This Part shall be read as one with the Tanganyika Law Society Act, hereinafter referred to as the “principal Act”.

Amendment
of section 15 **80.** The principal Act is amended in section 15-

(a) in subsection (3), by adding immediately after paragraph (c) the following:

“(d) is a senior member of the Society with ten or more years of experience and who either run or manages a law firm which has five or more employees or has served in any recognized governing board, save for a member representing the association of young lawyers;”;

(b) by renaming paragraph (d) as paragraph (e); and

(c) in subsection (5), by deleting the words “one year” and substituting for them the words “three years”.

PART XXIII
AMENDMENT OF THE TRUSTEES’ INCORPORATION ACT,
(CAP. 318)

Construction
Cap. 318 **81.** This Part shall be read as one with the Trustees’ Incorporation Act, hereinafter referred to as the “principal Act”.

Amendment
of section 15 **82.** The principal Act is amended in section 15 by adding immediately after subsection (3) the following:

“(4) For the purpose of this section, “ordinary resident” means a person who is living in the United Republic lawfully and voluntarily for settlement purposes as part of regular order of his life for the time being whether for a long or short duration.”.

Amendment
of section 23 **83.** The principal Act is amended in section 23 by deleting subsection (2) and substituting for it the following:

“(2) At the expiration of such period as aforesaid, the Administrator-General may, by notice in the *Gazette*, revoke the incorporation of such body corporate and thereupon the

trustee or trustees shall cease to be incorporated and all movable and immovable property vested in the body corporate shall, subject to the provisions of the Land Registration Act or any Act amending or replacing the same, vest in the Administrator-General as a Public Trustee, and all covenants and conditions relating to any such immovable property enforceable by or against the body corporate before the revocation of its incorporation shall be enforceable to the same extent by or against the Administrator-General.”

Cap.
334

Amendment
of section 28

84. The principal Act is amended in section 28-

- (a) in subsection (1), by deleting the words “commits an offence and is liable upon conviction to a fine not exceeding one thousand” and substituting for them the words “shall be liable to a fine of not less than two hundred thousand shillings and ”;
- (b) in subsection (2), by deleting the words “he commits an offence and is liable upon conviction to a fine not exceeding two hundred thousand shillings or to imprisonment for a term not exceeding two years or to both such fine and imprisonment” and substituting for it the words “shall be liable to a fine of not less than two hundred thousand shillings”; and
- (c) by deleting subsection (3) and substituting for it the following:

“(3) Where the default concerned relates to the late filing of returns contrary to sections 6(3) and (4), 16(2) and (3) and 18, the defaulter shall, in addition to any other penalty provided, pay to the Administrator-General late filing fees of one hundred thousand shillings for every month during which the default continues.”.

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

NENELWA JOYCE MWIHAMBI
Clerk of the National Assembly