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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (No. 2)
ACT, 2020

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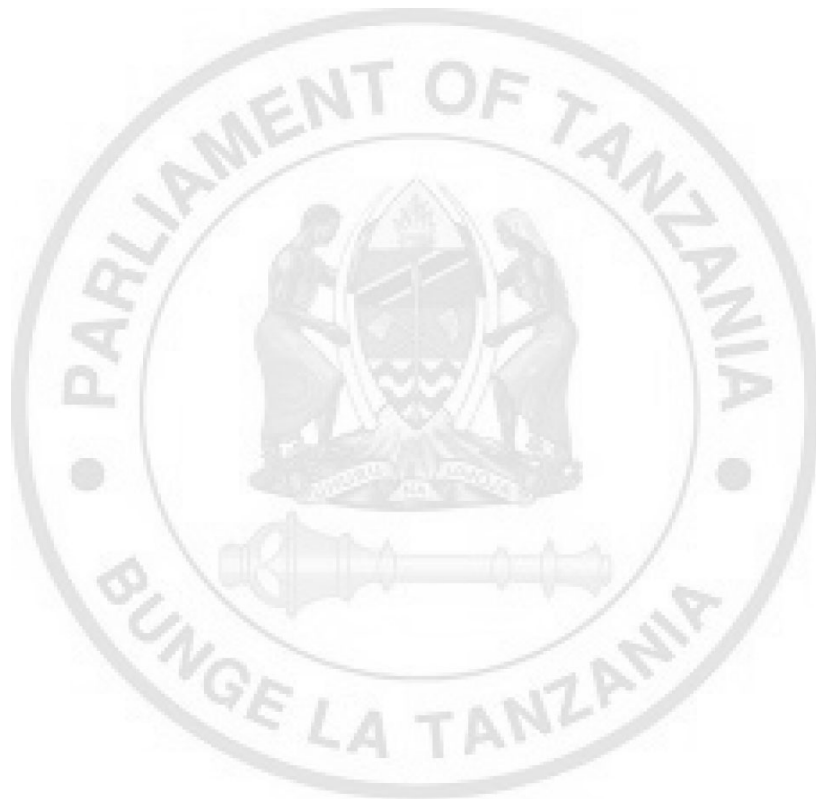
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THE UNITED REPUBLIC OF TANZANIA



NO. 3 OF 2020

I ASSENT

JOHN POMBE JOSEPH MAGUFULI
President

[15th June, 2020]

An Act to amend certain written laws.

ENACTED by Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No. 2) Act, 2020.

Amendment of certain written laws

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

PART II

**AMENDMENT OF THE 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”.

Addition of
section 3A

4. The principal Act is amended by adding immediately after section 3 the following:

“Certain
advocates
exempted
from
provisions of
the Act

Cap. 268

3A.-(1) Without prejudice to the provisions of section 3, where an advocate is appointed by the President or any other authority to hold a position in the Government, National Assembly or Judiciary, his practising certificate shall be stayed until when he is relieved from his appointment, either by cessation of the appointment, retirement authorised to practice by the Attorney General pursuant to the provisions of section 17A of the Office of Attorney General (Discharge of Duties) Act.

(2) An advocate referred to under subsection (1) shall be treated as a public servant from the date of his appointment and his status shall be reflected as such in the Roll until when he is relieved from his appointment or otherwise permitted to practice by the appointing authority, in which case he shall be required to comply with the provisions of this Act from the date he is relieved from his appointment or otherwise authorised to practice by the Attorney General pursuant to the provisions of section 17A of the Office of Attorney General (Discharge of Duties) Act.

Cap. 268

(3) An advocate referred under subsection (1) of this section and section 3(2) the Office of Attorney General (Discharge of Duties) Act shall be exempted from the annual processes of renewal of practising certificates, submission of any returns or payment of fees and related costs until when he is

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relieved from his appointment or otherwise authorised to practice by the Attorney General pursuant to the provisions of section 17A of the Office of Attorney General (Discharge of Duties) Act.”.

PART III

AMENDMENT OF THE AGRICULTURAL INPUTS TRUST FUND ACT, (CAP. 401)

Construction
Cap. 401

5. This Part shall be read as one with the Agricultural Inputs Trust Fund Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

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

- (a) inserting the words “agricultural machinery” between the words “agricultural fertilizers” and “certified seeds” appearing in the definition of the term “agricultural inputs”; and
- (b) adding in its appropriate alphabetical order the following definition:
““agricultural machinery” includes self propelled machines and trailed or pulled implements;”.

Amendment
of section 7

7. The principal Act is amended in section 7-

- (a) in subsection (1), by deleting paragraph (b) and substituting for it the following:

“(b) six other members to be appointed by the Minister as follows-

- (i) a representative from the Ministry responsible for agriculture;
- (ii) a representative from the Ministry responsible for finance;
- (iii) a representative from the Ministry

- responsible for local government;
- (iv) a Law Officer from the Office of the Attorney General;
- (v) a member representing a recognized farmers association; and
- (vi) a member with experience in matters relating to agriculture and business.”

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

“(4) At least two of the members appointed under subsection (1), shall be women.

(5) The Minister may, by order published in the *Gazette*, amend any of the provisions of the Schedule.

(6) The Minister may, for the proper implementation of the objectives of this Act, give directives of general or specific nature to the Board.

(7) The Board may, subject to such terms and conditions as it may determine, form and appoint from among its members, such number of committees as it may consider necessary for better carrying out the functions of the Board under this Act.”.

Amendment
of section 8

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

(a) deleting the “fullstop” appearing at the end of paragraph (h) and substituting for it a “semicolon”; and

(b) adding immediately after paragraph (h) the following:

“(i) perform any other functions as may be required under this Act.”

Addition of
section 9A

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

“Applicat-
ion for
loan

9A. A person who intends to secure a loan shall apply to the Fund in a manner prescribed in the regulations.”

Addition of
section 12A

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

“Appeals

12A. A person who is aggrieved by the decision of the Board regarding implementation of the provisions of this Act may, within thirty days from the date of the decision, appeal to the Minister.”

PART IV

AMENDMENT OF THE ELECTRICITY ACT, (CAP. 131)

Construction
Cap.131

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

Amendment of
section 3

12. The principal Act is amended in section 3, by-

(a) deleting the definitions of the terms “licensee” and “supply” and substituting for them the following :

““licensee” means a person authorised by the Authority to undertake a licensed activity;”

“supply” means the sale of electricity by licensee to customers;”; and

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

““Commissioner” means a Commissioner for electricity affairs appointed under section 4A of the Act;

“decommissioning” means the dismantle, removal or disposal of power plant facilities, structure, generating units, fuel processing units and transmission equipment and environment remediation;”.

Amendment of
section 4

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

“(3) For the purpose of this section, “emergency powers” means the mandate of the Minister to declare any situation as an emergency where the situation is characterized by an immediate unforeseen shortfall in electricity supply leading to an inability to meet electricity demand.”

Addition of
section 4A

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

“Com-
missioner
responsible
for electricity
affairs

4A.-(1) There shall be a Commissioner for Electricity Affairs appointed by the President.

(2) The Commissioner for Electricity Affairs shall be the advisor of the Minister on matters referred to under section 4.”

Amendment of
section 6

15. The principal Act is amended in section 6-

- (a) in subsection (2) (b), by-
- (i) deleting subparagraph (i); and
 - (ii) renaming subparagraphs (ii) to (iv) as subparagraphs (i) to (iii); and
- (b) by adding the words “within twenty one days from the date of the decision” immediately after the word “may” appearing in subsection (4).

Amendment of
section 14

16. The principal Act is amended in section 14(12) by deleting the word “six” and substituting for it the word “twelve”.

Addition of
section 14A

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

“Obligation to
decommission

14A. A licensee shall, except where the decommissioning

infrastructure is reverted to the government, decommission an electricity supply installation upon cessation of the licensed activities in a manner prescribed in the rules.”

Amendment of
section 24

18. The principal Act is amended in section 24, by-
(a) deleting subsection (8) and substituting for it the following:

“(8) Notwithstanding any payments made for supply of electrical energy, electric supply lines shall be property of the licensee and may be used to supply other persons:

Provided that, such use does not prejudicially affect the supply of electrical energy to the person who first required such electric supply lines to be laid down or erected.

(9) A person who made payment in terms of subsection (8) shall be entitled to repayment by the licensee through reimbursement of cost of the electricity purchased or consumed at the rate and in the manner specified in the regulations.”;

(b) deleting subsection (9).

Amendment of
sub-heading

19. The principal Act is amended by deleting the sub-heading appearing immediately before section 26 and substituting for it the following:

“Customer Rights and Public Protection”

Amendment of
section 26

20. The principal Act is amended in section 26, by-
(a) deleting the word “distribution” appearing in the opening phrase of subsection (1); and
(b) deleting the word “consumers” appearing in subsection (2)(b) and substituting for it the word “customers”.

Amendment of
section 27

- 21.** The principal Act is amended in section 27, by-
- (a) deleting the word “Distribution” appearing in the marginal note;
 - (b) designating the contents of subsection (1) as section 27;
 - (c) deleting the word “distribution” appearing in the opening phrase of the designated section 27; and
 - (d) deleting the word “consumers” wherever it appears in paragraphs (a), (b) and (c) and substituting for it the word “customers”.

Amendment of
section 29

- 22.** The principal Act is amended in section 29-
- (a) in subsection (1), by adding the words “and supply” immediately after the word “distribution” appearing in the opening phrase; and
 - (b) in subsection (2), by adding the words “and supply” immediately after the word “distribution” appearing in the opening phrase.

Amendment of
section 30

- 23.** The principal Act is amended in section 30(7), by deleting the word “regulation” and substituting for it the word “rules”.

Amendment of
section 31

- 24.** The principal Act is amended in section 31(1) by deleting the word “regulations” appearing in paragraph (b) and substituting for it the words “regulations, rules”.

Amendment of
section 35

- 25.** The principal Act is amended in section 35 by deleting subsection (1) and substituting for it the following:
“(1) The licensee shall acquire a wayleave for electricity facilities.”

Amendment of
section 45

- 26.** The principal Act is amended in section 45, by-
- (a) adding immediately after paragraph (b) the following:
“(c) management and benchmarking of energy use;”; and

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

Addition of
section 48A

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

“General
penalty

48A. A person convicted of an offence under this Act for which no specific penalty is expressly provided, shall upon conviction, be liable to a fine of not less than three million shillings but not exceeding ten million shillings, and in the case of a continuing offence, to a fine not exceeding one million shillings for every day during which the offence continues after conviction.”

PART V

AMENDMENTS OF THE FERTILIZERS ACT,
(CAP. 378)

Construction
Cap. 378

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

Amendment of
section 4

29. The principal Act is amended in section 4(1), by-

- (a) deleting the words “and sterilizing plants” appearing in paragraph (e) and substituting for them the words “sterilizing plants and manufacturing plants”;
- (b) adding immediately after paragraph (u) the following:
 - “(v) specify appropriate methods or system of importation and exportation of fertilizer and fertilizer supplements;”;
 - and
- (c) renaming paragraphs (v) and (w) as paragraphs (w) and (x) respectively.

Amendment
of section 5

30. The principal Act is amended in section 5(2), by deleting the word “Agency” appearing in paragraph (k) and substituting for it the word “Authority”.

Amendment
of section 8

31. The principal Act is amended in section 8 by adding the words "or manufacturing plant" immediately after the words "sterilizing plant" appearing in subsections (1) and (2) respectively.

Amendment
of section 13

32. The principal Act is amended in section 13(3), by-

- (a) deleting the word "and" appearing at the end of paragraph (b);
- (b) deleting the "fullstop" appearing at the end of paragraph (c) and substituting for it a semicolon; and
- (c) adding immediately after paragraph (c) the following:
 - "(d) physical address of the premise where the fertilizer business will be conducted; and
 - (e) any other information as may be required by the Board."

Amendment
of section
34A

33. The principal Act is amended in section 34A(2), by deleting the word "General" appearing in paragraph (b).

Amendment
of section 40

34. The principal Act is amended in section 40-

- (a) in subsection (1), by-
 - (i) adding immediately after paragraph (n) the following:
 - "(o) sells fertilizer or fertilizer supplements above the indicative price;
 - (p) sells fertilizer or fertilizer supplements in an open bag or packaging or labelling in a manner contrary to the requirements of this Act;";
 - (ii) renaming paragraphs (o) and (p) as paragraphs (q) and (r) respectively;
- (b) by deleting subsection (2) and substituting for it the following:
 - "(2) Any person who commits an offence against the provisions of this Act shall, upon

conviction, be liable-

- (a) in the case of a fertilizer manufacturer or importer, to a fine of not less than ten million shillings but not exceeding five hundred million shillings or to imprisonment for a term not less than three years but not exceeding seven years or to both;
- (b) in the case of distributor or wholesaler, to a fine of not less than five million shillings but not exceeding four hundred million shillings or to imprisonment for a term not less than two years but not exceeding five years or to both;
- (c) in the case of a retailer, to a fine not less than two hundred thousands shillings but not exceeding two hundred million shillings or to imprisonment for a term of not less than six months but not exceeding three years or to both; and
- (d) in the case of a person who is not covered under paragraphs (a), (b) or (c) to a fine not less than one hundred thousands shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than three months but not exceeding twelve months or to both.

Amendment of
section 40A

35. The principal Act is amended in section 40A, by adding immediately after subsection (5) the following:

“(6) The Director shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.”

Amendment of
section 50

36. The principal Act is amended in section 50, by-
(a) deleting the marginal note and substituting for it the following:

“Exemption, restriction and prohibition”;

(b) designating the contents of section 50 as subsection (1); and

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

“(2) Notwithstanding the provisions of section 26, the Minister may, for purposes of promoting domestic production and sufficient distribution of fertilizer and fertilizer supplements within the country, restrict or prohibit exportation or importation of fertilizer and fertilizer supplements.”

Amendment of
section 51

37. The principal Act is amended in section 51(2), by-
(a) adding immediately after paragraph (v) the following:

“(w) prescribing appropriate method or system of importation and exportation of fertilizer and fertilizer supplements;”;

(b) renaming paragraph (w) as paragraph (x).

Amendment of
Schedule

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

(a) deleting the word “ten” appearing in the opening phrase and substituting for it the word “eight”;

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

“(a) a representative from the Ministry

- responsible for agriculture;
- (b) a representative from the Ministry responsible for local government;"
- (c) deleting the words "two representatives" appearing in paragraph (d) and substituting for them the words "one representative";
- (d) deleting paragraphs (g), (h) and (i) and substituting for them the following:
- “(g) a representative from higher learning institutions or research institutions dealing with soil science, soil production and soil fertility;
- (h) a representative from the Government Chemistry Laboratory Authority.”.

PART VI
AMENDMENT OF THE FOREST ACT,
(CAP. 323)

Construction
Cap.323

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

Amendment of
section 2

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

Cap. 245

““Agency” means the Tanzania Forest Service Agency established under the Executive Agencies Act;

“Conservation Commissioner” means the head of Tanzania Forest Service Agency;

Cap. 283

“Service” shall have the meaning ascribed to it under the Wildlife Conservation Act;”.

Addition of
section 95A

41. The principal Act is amended by adding immediately after section 95 the following:

“Application
of certain
provisions of
Wildlife

95A.-(1) The provisions of sections 10, 11 and 12 of the Wildlife Conservation Act shall apply in relation to

Conservation Act the operations of the Service within any forest area.

Cap .283 (2) For the purpose of subsection (1), all employees of the Agency who perform forest and bee resources conservation functions shall form part of the Service and exercise all powers of the Service as provided for under the Wildlife Conservation Act.

(3) In the performance of their functions and exercise of their powers relating to the Service, all employees referred to in subsection (2) shall be accountable to the Conservation Commissioner.”.

PART VII

AMENDMENT OF THE GRAZING LAND AND ANIMAL FEED RESOURCES ACT, (CAP.180)

Construction
Cap.180

42. This Part shall be read as one with the Grazing Land and Animal Feed Resources Act, hereinafter referred to as the “principal Act”.

Amendment of
section 3

- 43.** The principal Act is amended in section 3, by-
- (a) deleting the words “veterinary science” appearing in the definition of the term “animal feed scientist”;
 - (b) deleting the definition of the term “feed additives” and substituting for it the following:
 ““feed additives” means any intentionally added ingredient not normally consumed as feed by itself, whether or not it has nutritional value or other effect on the animal which affects the characteristics of feed or of the animal products, micro-organism, enzymes, pH regulators, trace elements, vitamins

and other products falling within the definition depending on the purpose of use and method of administration excluding veterinary drugs;”

- (c) adding in the appropriate alphabetical order the following new definitions:

““competent authority” means the Director or any other officer delegated as such by the Director to perform the functions under this Act;

“exporter” means a person or institution authorized to export animal feed resources from Mainland Tanzania;

“inspector” means an animal feeds or grazing land inspector designated as such under this Act;

“registrable animal feed resources” means all animal feed resources submitted for registration to the competent authority;

“registered animal feed resources” means animal feed resources registered by the Director; and

“registered grazing farm” means a piece of land owned by an individual or group of persons other than Government owned grazing farms either established or with natural forage for animal feeding”.

Amendment of section 4

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

- (a) adding immediately after subsection (3) the following:

“(4) The Council may co-opt a member from any other ministry or institution as it may consider necessary for the proper performance of functions of the Council.”;

- (b) deleting the words “of Grazing land” appearing in subsection (5); and

- (c) renumbering subsections (4) and (5) as subsections (5) and (6) respectively.

Amendment of
section 5

- 45.** The principal Act is amended in section 5(2), by-
- (a) deleting the “fullstop” appearing at the end of paragraph (d) and substituting for it a “semicolon” and the word “and”; and
 - (b) adding immediately after paragraph (d), the following:
 - “(e) manage and control grazing-land, animal feed resources and trade;”

Amendment of
section 7

- 46.** The principal Act is amended in section 7-
- (a) by deleting subsection (2) and substituting for it the following-

“(2) A person shall not be qualified for designation as-

- (a) an animal feed inspector unless that person possesses a minimum or equivalent qualification of a bachelor degree in animal science, laboratory technology, animal feeds technology or aquaculture; and
- (b) a grazing-land inspector unless that person possesses a minimum or equivalent qualification of a bachelor degree in animal range or animal science.”

- (b) by deleting subsection (3) and substituting for it the following:

“(3) An inspector appointed in terms of subsection (1) shall perform the following functions-

- (a) in the case of an animal feeds inspector-
 - (i) to inspect premises, dealing and handling animal feed

- resources for compliance;
- (ii) to take feed samples or feed additives in the prescribed manner for the purpose of analysis; and
 - (iii) to take such measures as in the opinion of the Director, shall be necessary or expedient for prevention of manufacturing of compounded animal feeds or feed additives;
- (b) in the case of a grazing land inspector-
- (i) to inspect the conditions of grazing-land in specified period of time and take sample if necessary;
 - (ii) to instruct the manner and extent to which livestock operations will be conducted in order to meet the multiple use, sustained yield, economic, and other needs and objectives as determined for the lands involved;
 - (iii) to describe the type, location, ownership and general specifications for the range management plan; and
 - (iv) to perform any other functions as may be directed by the Director.”;
- (c) in subsection (4), by inserting the word “grazing land” between the words “relate to” and “animal feed”.

Amendment of
section 8

- 47.** The principal Act is amended in section 8, by-
- (a) deleting the marginal note and substituting for it

the following:

- “Powers of animal feed inspector”;
- (b) deleting the word “The” appearing in the opening phrase of subsection (1) and substituting for it the words “An animal feed inspector”; and
- (c) deleting subsection (3).

Addition of section 8A

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

“Powers of grazing-land inspector

8A.-(1) A grazing-land inspector may, at any reasonable time, enter into any grazing-land for the purposes of exercising the functions under this Act.

(2) The grazing-land inspector shall enforce standards, designs, construction and maintenance criteria for grazing-land improvement and other additional conditions or modifications made or prescribed by the Minister.”

Amendment of section 9

49. The principal Act is amended in section 9 by deleting the word “inspector” appearing in the opening phrase of subsection (1) and substituting for it the words “animal feed inspector”.

Amendment of section 14

50. The principal Act is amended in section 14 by deleting the word “inspector” appearing in subsection (1) and substituting for it the words “animal feed inspector”

Amendment of section 16

- 51.** The principal Act is amended in section 16, by-
- (a) adding immediately after subsection (1) the following:
 - “(2) The grazing-land delineated by the villages through land use planning shall be protected with clear marks on its boundaries, registered and published in the *Gazette*.”
 - (b) renumbering subsection (2) as subsection (3); and

(c) adding immediately after subsection (3) as renumbered the following:

“(4) Any person who alters, interferes or changes grazing-land use contrary to the usage for which the land use was demarcated or delienated commits an offence and shall, on conviction, be liable to a fine of not less than five million shillings or to imprisonment for a term of not less than two years or to both.”.

Amendment of section 17

52. The principal Act is amended in section 17 by deleting the word “communally” appearing in subsection (2) and substituting for it the words “communally, co-operatively”.

Amendment of section 18

53. The principal Act is amended in section 18 by adding immediately after subsection (3) the following:

“(4) Subject to subsection (1), a person who uses grazing-land shall be responsible for improving and developing such land in the manner prescribed in the regulations.”

Amendment of section 20

54. The principal Act is amended in section 20, by-

(a) deleting the words “an inspector” appearing in subsection (1) and substituting for them the words “a grazing-land inspector”; and

(b) deleting the words “three years” appearing at the end of subsection (3) and substituting for them the words “six months”.

Amendment of section 30

55. The principal Act is amended in section 30-

(a) in subsection (1), by-

(i) adding immediately after paragraph (i), the following:

“(j) withdrawal period.”; and

(ii) renaming paragraphs (j) and (k) as paragraphs (k) and (l) respectively; and

(b) in subsection (3), by deleting the words “not

exceeding shillings three million or to imprisonment for a term not exceeding two years” and substituting for them the words “of not less than five million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than two years”.

Amendment of section 33

56. The principal Act is amended in section 33(2) by deleting the words “not exceeding shillings one million or to imprisonment for a term not exceeding six months” and substituting for them the words “not less than five million shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than two years”.

Amendment of section 34

57. The principal Act is amended in section 34, by-

- (a) deleting the words “resources a container or” appearing in subsection (1) and substituting for them the word “resources,”; and
- (b) deleting the words “not exceeding shillings three million” appearing in subsection (4) and substituting for them the words “not less than five million shillings”.

Amendment of section 38

58. The principal Act is amended in section 38 by adding the words “and co-operatives” immediately after the word “associations” appearing in paragraph (d).

Addition of sections 38A, 38B and 38C

59. The principal Act is amended by adding immediately after section 38 the following:

“Prohibition of movement of animal into Mainland Tanzania

38A.-(1) A person shall not move an animal into Mainland Tanzania for the purposes of grazing or accessing water.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall, on conviction, be liable to-

- (a) in the case where the animal associated with the offence is

cattle, donkey, horse or water buffalo, to a fine of not less than one hundred thousand shillings for each animal; and

- (b) in the case where the animal associated with the offence is a goat, pig or such other animal, to a fine of not less than twenty thousand shillings for each animal.

(3) Where a person fails to pay the fine referred to in subsection (2) within seven days, the court may, in addition to any other penalty that may be imposed, order confiscation of the animals in respect of which the offence was committed, and all animals confiscated shall be disposed of in the manner which the court directs.

Compound-
ing of
offences

38B.-(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 or any other sector legislation, the Director or a person authorised by him in writing may, 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 two thirds 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 the person fails to comply with the compounding order issued under this section within the

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

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

(5) Forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.

Prohibition
to graze on
designated
areas

38C.-(1) A person shall not graze on Government owned areas, holding grounds, livestock markets or any registered grazing farm.

(2) A person other than an authorised person shall not graze animal in a demarcated grazing land.

(3) A person who contravenes this section commits an offence and shall, upon conviction-

- (a) in the case where the animal associated with offence is cattle, donkey, camel, horse or water buffalo, be liable to a fine of not less than fifteen thousand shillings but not exceeding twenty thousand shillings per each animal; and
- (b) in the case where the animal associated with offence is sheep, goat, pig or

such other animal, be liable to a fine of not less than three thousand shillings but not exceeding five thousand shillings per each animal, or to imprisonment for a term of not less than two years or to both.”

Amendment of section 39

60. The principal Act is amended in section 39 by deleting the words “not exceeding shillings one million or to imprisonment for a term not exceeding six months” and substituting for them the words “not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of not less than six months but not exceeding two years”.

Amendment of section 44

61. The principal Act is amended in section 44 by adding the words “and forage conservation practices” immediately after the word “resources” appearing at the end of paragraph (d).

Amendment of Second Schedule

62. The principal Act is amended in the Second Schedule, by-

- (a) adding the words “mycotoxins, cadimium” immediately after the words “pathogenic materials” appearing in paragraph 4; and
- (b) adding immediately after paragraph 5 the following:

“6. All growth promoters, harmful enzymes, fly maggots, veterinary drugs included in compounding animal feeds.

7. Animal feeds resources containing genetically modified organisms.”.

Amendment of Third Schedule

63. The principal Act is amended in the Third Schedule-

- (a) in item “M” relating to “FEED ADDITIVES” by deleting the whole paragraph appearing immediately below the item and substituting for it

the following paragraph-

“These include micro-organism, enzymes, pH regulators, trace elements, vitamins and other products fall within the definition depending on the purpose of use and method of administration, veterinary drugs excluded.”.

(b) in item P, by-

- (i) renaming item P as item N;
- (ii) deleting paragraphs (a), (f) and (h) appearing below the words:

“Any of the following substances not occurring naturally in any other ingredient” and renaming paragraphs (b), (c), (d), (e) and (g) as paragraphs (a), (b), (c), (d) and (e).”.

PART VIII

AMENDMENT OF THE INTERPRETATION OF LAWS ACT, (CAP. 1)

Construction
Cap. 1

64. This Part shall be read as one with the Interpretation of Laws Act, hereinafter referred to as the “principal Act”.

Amendment
of section 54

65. The principal Act is amended in section 54(1), by deleting the word “board” wherever it appears in subsections (2) and (4) and substituting for it the word “body”.

PART IX

AMENDMENT OF THE LABOUR INSTITUTIONS ACT, (CAP. 300)

Construction
Cap. 300

66. This Part shall be read as one with the Labour Institutions Act, hereinafter referred to as the “principal Act”.

Amendment of
section 50

67. The principal Act is amended in section 50-

(a) in subsection (2), by -

(i) adding immediately after paragraph (a) the following:
“(b) such number of Deputy Registrars as the Chief Justice may consider necessary; and”;

(ii) renaming paragraph (b) as paragraph (c);

(b) in subsection (3), by deleting figure “(2)(b)” and substituting for it figure “(2)(c)”.

Repeal and
replacement of
section 54

68. The principal Act is amended by repealing section 54 and replacing it with the following:

"Deputy Registrars

54. There shall be Deputy Registrars who shall exercise powers and perform such duties as are conferred under-

- Cap. 237 (a) section 28(8) of the Judiciary Administration Act;
- Cap. 33 (b) Order XLIII of the Civil Procedure Code; and
- (c) rules made by the Chief Justice under section 55."

PART X
AMENDMENT OF THE NATIONAL DEFENCE ACT,
(CAP. 192)

Construction
Cap. 192

69. This Part shall be read as one with the National Defence Act, hereinafter referred to as the “principal Act”.

General
amendment

70. The principal Act is amended generally, by deleting the words “Defence Forces Committee” wherever they appear in the Act and substituting for them the words “Defence Forces Council”.

Amendment of
section 3

71. The principal Act is amended in section 3-

(a) in the definition of the term “Defence Forces Committee” as amended, by deleting the word “Committee” and substituting for it the word “Council”; and

(b) by adding in the appropriate alphabetical order the following definition:

““Planning and Implementation Committee” or in its acronym “PIC” means the Committee established under section 7A;”.

Addition of
section 7A

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

“Planning and
Implementation
Committee

7A.-(1) There is established the Planning and Implementation Committee whose composition and proceedings shall be prescribed in the order issued by the Chief of Defence Forces.

(2) The Committee shall be responsible for the planning and implementation of all functions which are conferred on the Chief of Defence Forces by law pertaining to all matters of supply, administration, development, conduct and discipline of the Defence Forces.

(3) Nothing in this section shall be construed as conferring on the Committee any powers or responsibilities for the operational use of Defence Forces.

(4) All acts of the Committee shall be signified by the Chief of Defence Forces or Chief of Staff and Secretary to the Committee.”.

PART XI

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

Construction Cap.282	73. This Part shall be read as one with the National Parks Act, hereinafter referred to as the “principal Act”.
Amendment of section 2 Cap.283	74. The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definitions: ““Conservation Commissioner” means the head of Tanzania National Parks; “Service” shall have the meaning ascribed to it under the Wildlife Conservation Act;”.
Repeal and replacement of section 31	75. The principal Act is amended by repealing section 31 and replacing for it the following: <div style="margin-left: 20px;"> “Application of certain provisions of Wildlife Conservation Act Cap. 283 </div> <div style="margin-left: 40px;"> 31.-(1) The provisions of sections 10, 11 and 12 of the Wildlife Conservation Act shall apply in relation to the operations of the Service within the National Parks. (2) For the purposes of subsection (1), the employees of Tanzania National Parks who perform wildlife conservation functions shall form part of the Service and exercise all powers of the Service as provided for under the Wildlife Conservation Act. (3) In the performance of their functions and exercise of their powers relating to the Service, all employees referred to in subsection (2) shall be accountable to the Conservation Commissioner.”.</div>

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

Construction
Cap.284 **76.** This Part shall be read as one with the Ngorongoro Conservation Area Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2 **77.** The principal Act is amended in section 2, by adding in the appropriate alphabetical order the following definitions:

“Conservation Commissioner” means the Conservator of the Conservation Area appointed under section 7;

Cap .283 “Service” shall have the meaning ascribed to it under the Wildlife Conservation Act;”

Addition of
section 42A **78.** The principal Act is amended by adding immediately after section 42 the following:

“Application of certain provisions of Wildlife Conservation Act Cap .283 **42A.**-(1) The provisions of sections 10, 11 and 12 of the Wildlife Conservation Act shall apply in relation to the operations of the Service within the Conservation Area.

(2) For the purpose of subsection (1), all employees of the Ngorongoro Conservation Area Authority who perform wildlife conservation functions shall form part of the Service and shall exercise all powers of the Service as provided for under the Wildlife Conservation Act.

(3) In the performance of their functions and exercise of their powers relating to the Service, all employees referred to in subsection (2) shall be accountable to the Conservation Commissioner.”.

PART XIII

AMENDMENT OF THE SEEDS ACT,
(CAP. 308)Construction
Cap. 308

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

Addition of
section 24A

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

“Recognition of
seed certification
agencies of
foreign countries

24A. The Minister may, on the recommendation of the Institute and by notice published in the *Gazette*, recognise for the purposes of this Act, any seed certification agency established in any foreign country.”

Amendment of
section 26

81. The principal Act is amended in section 26(1) by deleting the words “five million shillings or to imprisonment for a term not exceeding one year” and substituting for them the words “fifty million shillings or to imprisonment for a term not exceeding five years”.

Addition of
section 32A

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

“Compounding
of
offences

32A.-(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 or any other sector legislation, the Chief Seed Certification Officer or a person authorised by him in writing may, 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 fine to which such

person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where the person fails to comply with the compounding order issued under this section within the prescribed period, the Chief Seed Certification Officer or a person 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 the person fails to comply with subsection (2), the Chief Seed Certification Officer may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

(4) The Chief Seed Certification Officer shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

(5) Forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”

Amendment of
section 33

83. The principal Act is amended in section 33(2) by deleting the word “breeder's” appearing in paragraph (e) and substituting for it the word “pre-basic”.

PART XIV

AMENDMENT OF THE SUGAR INDUSTRY ACT, (CAP. 251)

Construction
Cap. 251

84. This Part shall be read as one with the Sugar Industry Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

85. The principal Act is amended in section 2, by-
(a) deleting the definition of the terms “export”, “import”, “manufacturer” and “sugar exporter” and substituting for them the following:

““export” means export of sugar or sugar by-products outside Mainland Tanzania;

“import” means import of sugar or sugar by-products into Mainland Tanzania;

“manufacturer” means a person registered and licensed by the Board to manufacture sugar or sugar by-products;

“sugar exporter” means a person registered and licensed by the Board to export sugar or sugar by-products outside Mainland Tanzania;”;

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

““sugar importer” means a person registered and licensed by the Board to import sugar or sugar by-products into Mainland Tanzania;

“sugar by-products” means molasses, briquettes, bagasse and such other by-products as may be derived from sugar; and

“sugar distributor” means a person registered by the Board to distribute sugar or sugar by-products in accordance with the provisions of this Act;”.

Amendment of
section 4

86. The principal Act is amended in section 4(2) by deleting the words “and sugar plants” appearing at the end of paragraph (b) and substituting for them the words “sugar plants and sugar distributors”.

Amendment of section 6 **87.** The principal Act is amended in section 6(4) by deleting the word “Council” and substituting for it the word “Institute”.

Amendment of section 9 **88.** The principal Act is amended in section 9(1) by deleting the words “authority of the Director” and substituting for them the words “approval of the relevant authority”.

Amendment of section 11A **89.** The principal Act is amended in section 11A, by-

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

“**(2)** Before prescribing the indicative price under subsection (1), the Board shall, in consultation with manufacturers and cane growers, establish production cost which shall form basis for the minimum or maximum price.

(3) For the purpose of facilitating prescription of indicative price under this section, cane growers and manufacturers shall avail all information necessary as the Board may require for establishing production costs.”.

Addition of section 11B **90.** The principal Act is amended by adding immediately below the heading of Part IV the following:

“Registration of mills or facilities **11B.**-(1) A person who intends to install a mill or facility to manufacture sugar shall apply for registration to the Board in a manner prescribed in the regulations.

(2) The Board may refuse to register a person to install and operate a mill or facility stated in subsection (1) for the reasons that-

- (a) in the vicinity of the place the mill or facility is to be located there already exists an operating mill or facility and the surrounding land suitable for sugarcane is not sufficient to produce enough sugarcane to operate two mills or facilities economically;
- (b) important resources such as water are not sufficient to support two mills or facilities on suitable basis; and
- (c) the mill or facility to be installed shall adversely impact the environment, the society or the economic viability of sugar industry in general.

(3) The Board shall, before refusing registration on grounds stated in subsection (2)(a), ensure that the existing mill or facility is being operated efficiently and the miller has the capacity or is willing to provide the capacity to mill all the cane which may be produced, from the said lands.”.

Amendment of
section 14

91. The principal Act is amended in section 14 by deleting subsection (3) and substituting for it the following:

“(3) Notwithstanding the provisions of subsection (1), the Board shall not issue sugar import licence unless it is satisfied that-

- (a) the local sugar production is below the level of sugar requirement at a particular time;
- (b) in the case of importation of sugar for domestic consumption, the applicant for the licence is a manufacturer and-

- (i) is registered by the Board as sugar importer;
- (ii) has submitted to the Board a viable annual implementation plan of sugar production in accordance with the provisions of section 17A;
- (iii) has implemented at least eighty percent of the annual implementation plan for the previous production season;
- (iv) has capacity to produce not less than ten thousand metric tons per year; and
- (v) in the case of an applicant who was previously issued with similar licence, has a good track record for compliance with the terms and conditions for importation of sugar.

(4) Notwithstanding the provisions of subsection (2)(b), the amount of sugar to be imported per licence shall be proportional to the amount of sugar produced by the manufacturer.”

Repeal and replacement of section 16

92. The principal Act is amended by repealing section 16 and replacing it with the following:

“Penalty for importation or exportation of sugar without licence

16. Any person who imports or exports sugar without a license issued by the Board or in contravention of any provision of this Act, commits an offence and upon conviction, shall be liable-

- (a) in the case of a sugar manufacturer or importer, to a fine of not less than thirty million shillings but not exceeding five hundred million shillings or to imprisonment for a term not less than three years but not

exceeding seven years or to both;

(b) in case of sugar distributor or wholesaler, to a fine of not less than ten million shillings but not exceeding one hundred million shillings or to imprisonment for a term not less than two years but not exceeding five years or to both;

(c) in case of sugar retailer, to a fine of not less than two hundred thousand shillings but not exceeding ten million or to imprisonment for a term of not less than six months but not exceeding three years or to both; and

(d) in the case of a person who is not covered under paragraphs (a), (b) or (c), to a fine of not less than one hundred thousand shillings but not exceeding five million shillings or to imprisonment for a term of not less than three months but not exceeding twelve months or to both.”.

Addition of
section 16A

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

“Performance
contract

16A.-(1) The Board shall, for the purpose of ensuring sustainable development and expansion of sugar

production and within-

(a) sixty days from the date of issuance of licence in the case of a new sugar import licence holder; or

(b) thirty days from the date of coming into force of this provision in case of existing sugar import licence holders,

sign with every manufacturer a performance contract for sugar production.

(2) The performance contract signed pursuant to subsection (1) shall be for a term of five years and shall contain expansion targets, performance indicators towards the set targets and any other terms as may be agreed upon by the parties.”.

Amendment of section 17A

94. The principal Act is amended in section 17A, by-

(a) deleting subsection (1) and substituting for it the following:

“(1) For the purpose of enabling the Board to monitor performance of the contract referred to under section 16A, every licensed manufacturer shall, at the beginning of every production season calendar year, submit to the Board an annual implementation plan of the performance contract.”;

(b) deleting the words “development and expansion plan” appearing in the opening phrase of subsection (2) and substituting for them the words “the annual implementation plan”.

Amendment of section 29

95. The principal Act is amended in section 29(1), by-

(a) deleting the words “upon recommendations of” appearing in the opening phrase and substituting

for them the words “in consultation with”;

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

“(g) prescribing for matters which are required to be prescribed under this Act.”.

Addition of section 34B

96. The principal Act is amended by adding immediately after section 34A the following:

“Restriction to re-pack sugar

34B.-(1) Without prejudice to any other written law, a person shall not re-pack sugar into any size, material or brand different from its original packaging for the purpose of rebranding unless such person is a manufacturer registered by the Board for that purpose.

(2) All packages of imported sugar, whether re-packed or in original packaging, shall carry, in bold print, the name and contact details of the manufacturer and a country of origin.

(3) A person who contravenes this section commits an offence and shall, on conviction, be liable to a fine of not less than ten million shillings but not exceeding one hundred million shillings or to imprisonment for a term of not less than one year but not exceeding three years.”.

Amendment of section 35

97. The principal Act is amended in section 35 by deleting the words “to imprisonment for a term not exceeding twenty four months or to a fine not exceeding two million shillings” and substituting for them the words “to a fine of not less than one hundred thousand shillings but not exceeding ten million shillings or to imprisonment for a term of not less than six months but not exceeding two years”.

Addition of
section 35A

98. The principal Act is amended by adding immediately after section 35 the following:

“Compounding of
offences

35A.-(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 or any other sector legislation, the Director General or an inspector authorised by the Director General in writing may, 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 fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

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

(3) Where the 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 reports of all compounded offences under this

section to the Director of Public Prosecutions.

(5) Forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”.

PART XV

AMENDMENT OF THE WILDLIFE CONSERVATION ACT, (CAP. 283)

Construction
Cap.283

99. This Part shall be read as one with the Wildlife Conservation Act, hereinafter referred to as the “principal Act”.

General
amendments

100. The principal Act is amended generally by deleting the word “unit” wherever it appears in the Act and substituting for it the word “Service”.

Amendment of
section 3

101. The principal Act is amended in section 3-
(a) by deleting the definition of the term “Unit”;
(b) in the definition of the term "authorised officer",
by-

- (i) inserting immediately after paragraph (f) the following:

“(g) an employee of the Tanzania Wildlife Management Authority of or above the rank of conservation ranger;”;

- (ii) renaming paragraphs (g) and (h) as paragraphs (h) and (i) respectively;

(c) by adding in the appropriate alphabetical order the following new definitions:

““Conservation Commissioner” means the head of an Authority, a unit, agency or corporation established under the relevant law within the Ministry

responsible for wildlife and forests;

“Permanent Secretary” means the Permanent Secretary of the Ministry responsible for wildlife and forest;

“Service” means the Wildlife and Forest Conservation Service established in terms of section 10;”.

Amendment of section 7

102. The principal Act is amended in section 7, by deleting the words “functions to” appearing in subsection (6) and substituting for them the words “functions to the Authority,”.

Amendment of section 10

103. The principal Act is amended in section 10-

(a) in the marginal note, by deleting the words “Wildlife Protection Unit” and substituting for them the words “Wildlife and Forest Conservation Service”;

(b) in subsection (1), by deleting the words “unit to be known as the Wildlife Protection Unit” and substituting for them the words “Service to be known as the Wildlife and Forest Conservation Service”;

(c) by deleting subsection (2) and substituting for it the following:

“(2) The Service shall consist of specialised divisions or units responsible for the conservation, management, utilisation and protection of wildlife, forest and bee ecosystems and resources established in accordance with this Act, the Forests Act, the National Parks Act, the Ngorongoro Conservation Area Act, the Bee Keeping Act or any other written law.

(3) For the purposes of subsection (2), the Ministry shall cause to be established within the Ministry, a structure

Caps. 323,
282, 284 and
224

to enable smooth coordination of the operations of the Service.

(4) In its role of coordination, the Ministry shall-

- (a) issue policy guidance and directives in relation to general administration and operation of the Service;
- (b) coordinate all matters relating to training of the Service to ensure that all staff of the Service in their respective divisions and units attain the necessary training for the operation of the Service;
- (c) without prejudice to the powers of Conservation Commissioners in their respective divisions and units, issue general orders which shall be published in the *Gazette* regarding the conduct and operations of the Service;
- (d) liaise with other authorities with regard to the conduct and operations of the Service inline with other security policies of the countries;
- (e) take any other necessary measure to ensure smooth administration and operations of the Service.”

Repeal and replacement of section 11

104. The principal Act is amended by repealing section 11 and replacing it with the following:

“Powers and functions of Service

11.-(1) The Service shall, under the command of Conservation Commissioners be responsible for-

- (a) conservation, management,

utilisation and protection of wildlife, forest and bee ecosystems and resources and property related to wildlife, forest and bee ecosystems and resources;

- (b) gathering and managing intelligence information on wildlife, forest and bee ecosystems and resources;
- (c) providing education on wildlife, forests and bee ecosystems and resources so as to create public awareness and support for wildlife, forests and bee policies; and
- (d) performing any other function as may, subject to the provisions of this Act, be assigned by the Minister.

(2) In the performance of its functions under subsection (1), the Service shall have powers to-

- (a) prevent, detain and investigate any crime related to wildlife, forest and bee ecosystems and resources;
- (b) search any place or person and where necessary, seize property suspected to be linked with a crime against wildlife, forest and bee ecosystems and resources;
- (c) apprehend any offender and take such offender into custody; and
- (d) do any other thing that is necessary for the effective and better conservation, management, utilisation and protection of wildlife, forest and bee ecosystems and resources.

(3) In the exercise of the powers conferred by this section, the Service shall be entitled to acquire, possess, carry and use firearms and other specialised equipment.”

Amendment of
section 12

105. The principal Act is amended in section 12, by-
(a) deleting subsection (1) and substituting for it the following:

(1) The administration of the Service shall, subject to the approved structure of the Service, be vested in the Conservation Commissioners of the respective divisions or units who shall, in the discharge of their duties in relation to the Service, be under the Permanent Secretary.

(2) The Conservation Commissioners shall, in their respective divisions and units, be commandants of the Service and shall, in that capacity, perform the functions and exercise powers of the Service under section 11.

(3) Conservation Commissioners shall, in the performance of their functions in relation to the Service and without prejudice to the powers conferred to the Service under section 11, have powers to issue orders and directives for the operation of the Service.”

(b) renumbering subsection (2) as subsection (4).

Amendment of
section 116

106. The principal Act is amended in section 116, by-
(a) deleting subsection (1) and substituting for it the following:

“(1) This section shall apply to offences committed under this Act in relation to protected areas.”;

(b) adding immediately after subsection (6) the following:

“(7) Forms and manner of

compounding of offences shall be as prescribed in the regulations made under this Act.”

Passed by the National Assembly on the 18th May, 2020.

STEPHEN KAGAIGAI
Clerk of the National Assembly

