

ACT SUPPLEMENT

to the Special Gazette of the United Republic of Tanzania No.4. Vol.101 dated 14th July, 2021
 Printed by the Government Printer, Dodoma by Order of Government

**THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 2)
 ACT, 2021**

ARRANGEMENT OF SECTIONS

<i>Section</i>	<i>Title</i>
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PART I**PRELIMINARY PROVISIONS**

- | | |
|----|------------------------------------|
| 1. | Short title. |
| 2. | Amendment of certain written laws. |

PART II

**AMENDMENT OF THE ELECTRONIC AND POSTAL
 COMMUNICATIONS ACT,
 (CAP. 306)**

- | | |
|----|-------------------------|
| 3. | Construction. |
| 4. | Amendment of section 6. |

PART III

**AMENDMENT OF THE ENVIRONMENTAL
 MANAGEMENT ACT,
 (CAP. 191)**

- | | |
|----|--------------------------|
| 5. | Construction. |
| 6. | Amendment of section 57. |

PART IV

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

- | | |
|----|--------------------------|
| 7. | Construction. |
| 8. | Amendment of section 12. |
| 9. | Amendment of section 14. |

PART V

**AMENDMENT OF THE GOVERNMENT PROCEEDINGS ACT,
 (CAP. 5)**

- | | |
|-----|--------------------------|
| 10. | Construction. |
| 11. | Amendment of section 16. |

PART VII
AMENDMENT OF THE LOCAL GOVERNMENT (DISTRICT
AUTHORITIES) ACT,
(CAP. 287)

- 14. Construction.
- 15. Amendment of section 122.

PART VIII
AMENDMENT OF THE LOCAL GOVERNMENT FINANCES ACT,
(CAP. 290)

- 16. Construction.
- 17. Amendment of section 11.

PART IX
AMENDMENT OF THE LOCAL GOVERNMENT (URBAN
AUTHORITIES) ACT,
(CAP. 288)

- 18. Construction.
- 19. Amendment of section 62.

PART X
AMENDMENT OF THE NATURAL WEALTH
AND RESOURCES (PERMANENT
SOVEREIGNTY) ACT,
(CAP. 449)

- 20. Construction.
- 21. Amendment of section 2.

PART XI
AMENDMENT OF THE NATURAL WEALTH AND RESOURCES
CONTRACTS (REVIEW AND RE-NEGOTIATION OF
UNCONSCIONABLE TERMS) ACT,
(CAP. 450)

- 22. Construction.
- 23. Amendment of section 2.

PART XII
AMENDMENT OF THE PETROLEUM ACT,
(CAP. 392)

- 24. Construction.
- 25. Amendment of section 140.

No.4 Written Laws (Miscellaneous Amendments) (No. 2) Act, 2021

- 26. Amendment of section 141.
- 27. Addition of section 257A.

PART XIII
AMENDMENT OF THE RAILWAYS ACT,
(CAP. 170)

- 28. Construction.
- 29. Amendment of section 24.

PART XIV
AMENDMENT OF THE ROADS ACT,
(CAP. 167)

- 30. Construction.
- 31. Amendment of section 29.

PART XV
AMENDMENT OF THE PUBLIC PRIVATE
PARTNERSHIP ACT, (CAP. 103)

- 32. Construction.
- 33. Amendment of section 2.

THE UNITED REPUBLIC OF TANZANIA



NO.4 OF 2021

I ASSENT

SAMIA SULUHU HASSAN

President

[9th July, 2021]

An Act to amend certain written laws in order to facilitate the implementation of provisions of agreements that involve the Government and provide for special arrangement.

ENACTED by the Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No. 2) Act, 2021.

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 ELECTRONIC AND POSTAL COMMUNICATIONS ACT,
(CAP. 306)

Construction
Cap. 306

3. This Part shall be read as one with the Electronic and Postal Communications Act, hereinafter referred to as the “principal Act”.

Amendment of section 6

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

“(7) Where an agreement provides for special arrangement relating to the implementation of this section, and the said arrangement has been approved by the Cabinet, the application of the provisions of this section shall not prejudice the implementation of such agreement.”.

PART III
AMENDMENT OF THE ENVIRONMENTAL MANAGEMENT ACT,
(CAP. 191)

Construction
Cap. 191 5. This Part shall be read as one with the Environmental Management Act, hereinafter referred to as the “principal Act”.

Amendment of
section 57 6. The principal Act is amended in section 57, by adding a proviso under subsection (1) as follows:
 “Provided that where an agreement provides for special arrangement relating to the implementation of this provision, and the said arrangement has been approved by the Cabinet, the application of the provisions of this section shall not prejudice the implementation of such agreement.”

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

Construction
Cap. 285 7. This Part shall be read as one with the Fair Competition Act, hereinafter referred to as the “principal Act”.

Amendment of
section 12 8. The principal Act is amended in section 12, by- (a) deleting a full stop appearing at the end of subsection (3) and substituting for it a semi colon; and

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

“Provided that, in the case of an agreement that provides for special arrangement relating to the grant of exemption for an agreement and such arrangement has been approved by the Cabinet, the Commission may, upon application, grant a period of more than five years.”.

Amendment of
section 14

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

“(6) Where an agreement provides for special arrangement relating to the implementation of sections 10 and 11, and the said arrangement has been approved by the Cabinet, the application of the provisions of this section shall not prejudice the implementation of such agreement.”.

PART V
AMENDMENT OF THE GOVERNMENT PROCEEDINGS ACT,
(CAP. 5)

Construction
Cap. 5

10. This Part shall be read as one with the Government Proceedings Act, hereinafter referred to as the “principal Act”.

Amendment of
section 16

11. The principal Act is amended in section 16 by adding immediately after subsection (3) the following:

“(4) Notwithstanding subsection (3), where there is an agreement that provides for special arrangement relating to the execution, attachment or similar process and such arrangement has been approved by the Cabinet, the Court may, in the enforcement of financial obligation arising out of such agreement, issue an order for execution, attachment or similar process:

Provided that, the execution, attachment, or similar process is issued against the property which is connected with such agreement.”.

PART VI
AMENDMENT OF THE INSURANCE ACT,
(CAP. 394)

Construction
Cap. 394 **12.** This Part shall be read as one with the Insurance Act, hereinafter referred to as the “principal Act”.

Amendment of
section 133 **13.** The principal Act is amended in section 133
by
 (a) adding immediately after subsection (3) the following:
 “(4) Where there is an agreement that provides for special arrangement relating to the implementation of this provision, and the said arrangement has been approved by the Cabinet, the application of the provisions of subsection (3) shall not prejudice the implementation of such agreement.”;
 (b) renumbering subsection (4) as subsection (5).

PART VII
AMENDMENT OF THE LOCAL GOVERNMENT (DISTRICT
AUTHORITIES) ACT,
(CAP. 287)

Construction
Cap. 287 **14.** This Part shall be read as one with the Local Government (District Authorities) Act, hereinafter referred to as the “principal Act”.

Amendment of
section 122 **15.** The principal Act is amended in section 122 by adding immediately after subsection (2) the following:
 “(3) Where an agreement provides for special arrangement relating to the implementation of this provision, and the

said arrangement has been approved by the Cabinet, the application of the provisions of paragraphs (w) and (z) of subsection (2) shall not prejudice the implementation of such agreement.”.

PART VIII
AMENDMENT OF THE LOCAL GOVERNMENT FINANCES ACT,
(CAP. 290)

Construction
Cap. 290

16. This Part shall be read as one with the Local Government Finances Act, hereinafter referred to as the “principal Act”.

Amendment of
section 11

17. The principal Act is amended in section 11 by adding immediately after subsection (2) the following:

“(3) Where an agreement provides for special arrangement relating to the implementation of this provision, and the said arrangement has been approved by the Cabinet, the application of the provisions of this section shall not prejudice the implementation of such agreement.”.

PART IX
AMENDMENT OF THE LOCAL GOVERNMENT (URBAN
AUTHORITIES) ACT, (CAP. 288)

Construction
Cap. 288

18. This Part shall be read as one with the Local Government (Urban Authorities) Act, hereinafter referred to as the “principal Act”.

Amendment of
section 62

19. The principal Act is amended in section 62,
by-

(a) adding immediately after subsection (1) the following

“(2) Where an agreement provides for special arrangement relating to the implementation of this provision, and the said arrangement has been approved by the

Cabinet, the application of the provisions of subsection (1)(m) shall not prejudice the implementation of such agreement.”; and

(b) renumbering subsection (2) as subsection (3).

PART X
THE NATURAL WEALTH AND RESOURCES
(PERMANENT SOVEREIGNTY) ACT,
(CAP. 449)

Construction
Cap. 449

20. This Part shall be read as one with the Natural Wealth and Resources (Permanent Sovereignty) Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

21. The principal Act is amended in section 2, by- (a) designating the content of section 2 as subsection (1); and

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

“(2) Without prejudice to subsection (1), this Act shall not apply to an agreement that provides for special arrangement relating to transportation of natural resources that are not exploited in the United Republic and such arrangement has been approved by the Cabinet.

PART XI
THE NATURAL WEALTH AND RESOURCES CONTRACTS
(REVIEW AND RE-NEGOTIATION OF UNCONSCIONABLE
TERMS) ACT, (CAP. 450)

Construction
Cap. 450

22. This Part shall be read as one with the Natural Wealth and Resources Contracts (Review and Re- Negotiation of Unconscionable Terms) Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

23. The principal Act is amended in section 2, by- (a) designating the content of section 2 as subsection (1); and

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

“(2) Without prejudice to subsection (1), this Act shall not apply to an agreement that provides for special arrangement relating to transportation of natural resources that are not exploited in the United Republic and such arrangement has been approved by the Cabinet.”.

PART XII
AMENDMENT OF THE PETROLEUM ACT,
(CAP. 392)

Construc
tion
Cap. 392

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

Amendm
ent of
section
140

25. The principal Act is amended in section 140, by

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

“Provided that, the powers exercised by EWURA under this subsection shall not affect the terms and conditions of any agreement that provides for special arrangement relating to transportation of natural resources and such arrangement has been approved by the Cabinet.”.

Amendm
ent of
section
141

by-

26. The principal Act is amended in section 141,

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

“(3) Where an application for renewal of licence has been duly made and the licence expires before EWURA grants or refuses

to renew the licence, the licence shall be deemed to continue in force until the grant or refusal of the application.”; and

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

Addition of
section 257A

27. The principal Act is amended by adding immediately after section 257 the following:

“Applicati
on in
relation to
agreement
s involving
Governme
nt

257A. Where an agreement provides for special arrangement relating to the implementation of sections 29, 130(1) and (2), 131, 143, 149(1) and (2), 166, 167, 170, 181, 182, 194, 223, 251 and 253, and the said arrangement has been approved by the Cabinet, the application of the provisions of such sections shall not prejudice such arrangement.”.

PART XIII
AMENDMENT OF THE RAILWAYS ACT,
(CAP. 170)

Construction
Cap. 170

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

Amendment of
section 24

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

“(4) Where an agreement provides for special arrangement relating to the implementation of this provision, and the said arrangement has been approved by the Cabinet, the application of the provisions of this section shall not prejudice the implementation of such agreement.”.

PART XIV
AMENDMENT OF THE ROADS ACT,
(CAP. 167)

Construction
Cap. 167

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

Amendment of
section 29

31. The principal Act is amended in section 29 by adding immediately after subsection (4) the following:

“(5) Where an agreement provides for special arrangement relating to the implementation of this provision, and the said arrangement has been approved by the Cabinet, the application of the provisions of this section shall not prejudice the implementation of such agreement.”.

PART XV
AMENDMENT OF THE PUBLIC PRIVATE PARTNERSHIP ACT,
(CAP. 103)

Construction
Cap. 103

32. This Part shall be read as one with the Public Private Partnership Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

33. The principal Act is amended in section 2, by- (a) designating the content of section 2 as subsection (1); and
(b) adding immediately after subsection (1) as designated the following:

No.4 Written Laws (Miscellaneous Amendments) (No. 2) Act, 2021

“(2)Without prejudice to subsection (1), this Act shall not apply to an agreement that provides for special arrangement relating to transportation of natural resources that are not exploited in the United Republic and such arrangement has been approved by the Cabinet.”.

Passed by the National Assembly on the 30th June, 2021.

NENELWA J. MWIHAMBI

Clerk of the National Assembly
