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ACT SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 7)
ACT, 2019

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THE UNITED REPUBLIC OF TANZANIA



No. 14 OF 2019

I ASSENT

JOHN POMBE JOSEPH MAGUFULI
President

[19th November, 2019]

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. 7) Act, 2019.
- 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 ANIMAL DISEASES ACT,
(CAP. 156)

- Construction Cap. 156 **3.** This Part shall be read as one with the Animal Diseases Act, hereinafter referred to as the “principal Act”.
- Amendment of section 62 **4.** The principal Act is amended in the closing phrase of section 62(1), by deleting the words “three hundred thousand shillings or not more than five hundred thousand shillings or imprisonment for six months” and substituting for them the words “five hundred thousand shillings but not exceeding ten

million shillings or to imprisonment for a term of not less than six months but not exceeding twelve months”.

Addition of
section 62A

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

“Compounding
of offences

62A.-(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 five million shillings.

(2) Where the person fails to comply with the compounding order issued under this section within the prescribed period, the Director 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) The forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”.

PART III

AMENDMENT OF THE ANIMAL WELFARE ACT,
(CAP. 154)Construction
Cap. 154

6. This Part shall be read as one with the Animal Welfare Act, hereinafter referred to as the “principal Act”.

Amendment
of section 59

7. The principal Act is amended in section 59-

(a) in subsection (1), by-

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

“(f) Deliberately and with ill motive-

(i) starve, underfeed or deny water or food to an animal;

(ii) keep an animal in grossly dirty or verminous conditions;

(iii) abandon an animal, whether permanently or not, in circumstances likely to cause unnecessary suffering to the animal;

(iv) keep or manage an animal in a manner that prevents it from exhibiting normal behaviour patterns;”;

(ii) renaming paragraphs (f) and (g) as paragraphs (g) and (h) respectively;

(b) in subsection (2), by deleting the words “not exceeding one hundred thousand shillings” and substituting for them the words “of not less than one hundred thousand shillings but not exceeding one million shillings”.

Amendment
of section 60

8. The principal Act is amended in section 60(1)(a), by deleting the word “fifty” and substituting for it the words “five hundred”.

PART IV

AMENDMENT OF THE BANK OF TANZANIA ACT,
(CAP. 197)Construction
Cap.197

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

Amendment
of section 34

10. The principal Act is amended in section 34, by deleting the word “Government” wherever it appears in that section and substituting for it the word “Governments”.

PART V

AMENDMENT OF THE GOVERNMENT LOANS, GUARANTEES AND GRANTS ACT, (CAP. 134)

Construction
Cap.134

11. This Part shall be read as one with the Government Loans, Guarantees and Grants Act, hereinafter referred to as the “principal Act”.

Addition of
section 14A

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

“Authority to
guarantee
insurance risks

14A.-(1) Notwithstanding the provisions of sections 13, 13A and 14, the Minister shall, upon the advice of the National Committee, issue a guarantee for and on behalf of the Government on risk emanating from insurance policy on the following conditions-

- (a) The insurance policy is issued by insurance Company or institution owned wholly by the Government;
- (b) the insurance policy relates to a project funded by the Government or a property owned by the Government; and
- (c) the extent of the guarantee covered does not exceed 75% of the risks insured.

(2) Notwithstanding subsection (1)(c), the Minister may, upon the recommendations of the National Committee, extend the rate of risk to be guaranteed.

(3) The provisions of this section shall be deemed to have come into operation on the 1st day of June, 2019.”

PART VI

AMENDMENT OF THE HIV AND AIDS (PREVENTION AND CONTROL) ACT, (CAP. 431)

Construction
Cap. 431

13. This Part shall be read as one with the HIV and AIDS (Prevention and Control) Act, hereinafter referred to as the “principal Act”.

General
amendment

14. The principal Act is amended generally, by deleting the words “living with HIV and AIDS” and “living with HIV/AIDS” wherever they appear in the Act and substituting for them with the words “living with HIV”.

Amendment
of section 3

15. The principal Act is amended in section 3, by inserting in the appropriate alphabetical order the following new definitions-

““child” for the purposes of HIV testing under this Act, means a person below the age of fifteen;

“HIV self-testing” means the process of a person collecting his own specimen, oral fluid or blood, performing a test and interpreting the results in a private setting, either alone or with someone he trusts;”.

Amendment
of section 7

16. The principal Act is amended in section 7(1), by deleting article “a” appearing between the words “Education” and “programmes” .

Amendment
of section 13

17. The principal Act is amended in section 13, by-

(a) deleting the words “For the purposes of facilitating HIV testing, every public” appearing at the beginning of subsection (1) and substituting for them the words “Except for HIV self-testing, for purposes of facilitating HIV testing, every”;

(b) deleting subsection (4) and substituting for it the following:

“(4) Except for HIV self-testing, HIV testing shall be undergone or conducted in a health care or center recognized by NACP.”

Amendment
of section 16

18. The principal Act is amended in section 16(2), by deleting paragraph (a) and substituting for it the following:

“(a) in case of a person below the age of eighteen years, a parent, guardian or someone he trusts;”.

Addition of
sections
16A,16B,16C,
16D and 16E

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

“HIV self-
testing

16A.-(1) Notwithstanding other provisions of this Act, a person may undertake self-testing in accordance with the procedures provided for under this Part.

(2) A person who undertakes self-testing or assists another person to undertake self-testing shall ensure that-

- (a) testing is voluntary;
- (b) he undertakes or assists to undertake confirmation of the results in a health facility or authorized HIV testing services; and

(c) he disposes the used test kits in a proper manner.

(3) A person below the age of eighteen years shall not undertake self-testing or be provided with self-testing kits.

Responsibilities
of person
providing or
distributing
self-testing kits

16B.-(1) A person shall not provide or supply self-testing kits unless he has undergone training in HIV self-testing recognized by the Ministry.

(2) A person who provides or supplies self-testing kits shall, before

providing or supplying such kits-

- (a) provide pre-testing counseling to the user in accordance with the provisions of this Act;
- (b) instruct the user on the proper procedures of HIV self-testing and disposal of used self-testing kits;
- (c) inform the user that HIV self-testing does not provide definitive and conclusive diagnosis; and
- (d) advise the user to visit a health facility or authorized HIV testing services for confirmation of results.

Quality and standards of self-testing kits

16C. A person shall not use or supply self-testing kits unless the kits are approved and registered by the authority responsible for quality and standards control.

Methods of self-testing

16D. HIV self-testing shall be done in the following manner-

- (a) by an individual alone; or
- (b) by an individual with the assistance of someone he trusts or a trained HIV testing service provider.

Offences under this Part

16E. A person who contravenes the provisions of this Part commits an offence.”.

Amendment of section 17

20. The principal Act is amended in section 17-

- (a) in subsection (1), by adding the words “a person who assists another person to undertake self-testing” immediately after the word “guardians”; and
- (b) by adding immediately after subsection (2) the

following:

“(3) A person who contravenes the provisions of this section commits an offence.”.

Amendment
of section 23

21. The principal Act is amended in section 23(2), by deleting the words “Tanzania Bureau of Standards” and substituting for them the words “authorities responsible for quality and standards control”.

Amendment
of section 27

22. The principal Act is amended in section 27(3), by deleting the words “one million shillings or to imprisonment for a term of not less than six months”, and substituting for them the words “five million shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than six months but not exceeding three years”.

Amendment
of section 42

23. The principal Act is amended in section 42, by-

(a) deleting the words “TACAIDS shall compile and disseminate relevant research findings to the public” appearing in subsection (1) and substituting for them the words “TACAIDS shall, in collaboration with NACP, compile the relevant research findings and submit to the Minister”;

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

“(2) The Minister may, upon receipt of the research findings and after consultation with the Minister responsible for multi sectoral coordination, policy of HIV and AIDS prevention and control, disseminate relevant research findings to the public.”;

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

Amendment
of section 47

24. The principal Act is amended in section 47, by-

(a) designating the contents of section 47 as subsection (1); and

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

“(2) In addition to the penalty prescribed under subsection (1), the court may order payment of compensation to the victim

- in the sum and manner it deems fit.”.
- Amendment of section 52
- 25.** The principal Act is amended in section 52, by-
- (a) inserting immediately after paragraph (l) the following:
- “(m)provision, supply, handling and disposal of self-testing kits;”
- (b) renaming paragraphs (m) and (n) as paragraphs (n) and (o) respectively.

PART VII

AMENDMENT OF THE INDUSTRIAL AND CONSUMER CHEMICALS
(MANAGEMENT AND CONTROL) ACT,
(CAP. 182)

- Construction Cap.182
- 26.** This Part shall be read as one with the Industrial and Consumer Chemicals (Management and Control) Act, hereinafter referred to as the “principal Act”.

- General amendment
- 27.** The principal Act is amended generally, by-
- (a) deleting the word "Agency" wherever it appears in the Act and substituting for it the word "Authority"; and
- (b) deleting the words "Executive Agencies Act" wherever they appear in the Act and substituting for them the words "Government Chemist Laboratory Authority Act".
- Cap. 177

- Amendment of section 2
- 28.** The principal Act is amended in section 2, by deleting the definition of the term "Board" and substituting for it the following:

Cap. 177

""Board" means the Board for the Government Chemist Laboratory Authority established under section 7 of the Government Chemist Laboratory Authority Act;".

- Repeal and replacement of section 3
- 29.** The principal Act is amended by repealing section 3 and replacing it with the following:

“Administration and functions under the Act

Cap. 177

3. The administration and functions under this Act shall be as specified under the Government Chemist Laboratory Authority Act.”

Amendment
of section 4

30. The principal Act is amended in section 4(2), by deleting the words "Ministerial Advisory" appearing in paragraph (e).

Amendment
of section 6

31. The principal Act is amended in section 6, by deleting paragraph (e) and substituting for it the following:
"(e) delegate any of its powers to the Chief Government Chemist, Committee of the Board or authorised public officer provided that, such delegation shall not be further delegated; and".

Amendment
of section 11

32. The principal Act is amended in section 11-
(a) in subsection (2), by-
(i) adding immediately after paragraph (a) the following:
"(b) the dealer of chemical;";
(ii) by renaming paragraphs (b) and (c) as paragraphs (c) and (d) respectively;
(b) by deleting subsection (5) and substituting for it the following:
"(5) Every chemical imported, distributed, manufactured, transported, sold or stored shall bear on the container thereof, a label written in either Kiswahili or English language with details prescribed in the regulations."

Addition of
section 27A

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

"Prohibition
from dealing
in chemicals
listed in Third,
Sixth, Seventh
and Eighth
Schedules

27A.-(1) A person shall not possess, use, distribute, buy or sell chemicals specified under the Third, Sixth, Seventh and Eighth Schedules unless that person is registered under this Act.

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

(a) in case of a natural person,

a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term of two years or to both; and

- (b) in case of a body corporate, a fine of not less than ten million shillings but not exceeding two hundred million shillings.”.

Amendment
of section 29

34. The principal Act is amended in section 29(7), by deleting the words “and the Chairman of the Board”.

Amendment
of section 42

35. The principal Act is amended in section 42, by-

(a) deleting the words "international or foreign" appearing in subsection (1)(a) and substituting for them the words "or international"; and

(b) adding immediately after subsection (5) the following:

“(6) Any person who imports unlabelled, obsolete or expired chemical commits an offence and shall, upon conviction, be liable to a fine of not less than five million shillings or to imprisonment for a term of six months or both.”

Amendment
of section 43

36. The principal Act is amended in section 43(11), by deleting the words “transit chemicals or chemical wastes in the country” and substituting for them the words “imported or transit bulk chemicals in the port unless such operation is undertaken at the designated port or area”.

Amendment
of section 48

37. The principal Act is amended in section 48(4), by deleting the words “section 12 of the Executive Agencies Act, 1997” and substituting for them the words “section 36 of the Government Chemist Laboratory Authority Act”.

Cap. 177

Amendment
of section 49

38. The principal Act is amended in section 49(1), by deleting the words “section 14 of the Executive Agencies Act, 1997” and substituting for them the words “section 41 of the Government Chemist Laboratory Authority Act”.

Cap. 177

Repeal and replacement of section 50

39. The principal Act is amended by repealing section 50 and substituting for it the following-

“Annual reports and performance agreements

Cap. 177

50. Within six months after the end of each financial year, the Registrar shall prepare and submit to the Minister an annual report in accordance with section 40 of the Government Chemist Laboratory Authority Act.”

Addition of section 61A

40. The principal Act is amended by adding immediately after section 61 the following:

“Compounding of offences

61A.-(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 Registrar 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 Registrar 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 Registrar may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

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

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

PART VIII

AMENDMENT OF THE MINING ACT, (CAP. 123)

Construction
Cap.123

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

Amendment
of section 73

42. The principal Act is amended in section 73, by-
(a) deleting subsection (3); and
(b) renumbering subsections (4) and (5) as subsections (3) and (4) respectively.

Addition of
sub-part (iv)
of part v

43. The principal Act is amended in Part V by adding immediately below section 86B the following sub-part:

“(iv) Lapidary Licence

Lapidary licence

86C.-(1) A person shall not carry out lapidary activities without a licence issued under this sub-part.

(2) A lapidary licence shall be issued in the following categories-

(a) large lapidary licence; and
(b) small lapidary licence.

(3) A large or small lapidary licence shall apply to gemstones only.

Application for
large lapidary
licence

86D.-(1) An application for a large lapidary licence shall be made to the Commission in a prescribed form and shall be accompanied by the prescribed fee.

(2) An application for a large lapidary licence shall contain-

(a) names, place of business

- and physical address;
- (b) the type of minerals for which the licence is sought; and
 - (c) any other information as may be determined by the Commission,

and shall be appended with two recent passport size photographs of the applicant.

(3) A large lapidary licence shall not be granted to or held by a person who, by reason of subsection (1) or (2) of section 8, is not qualified to be granted a primary mining licence unless the large lapidary licence is held by such person in undivided participating shares with a person or persons qualified to hold the licence under subsection (1) or (2) of section 8 and whose undivided participating share or shares amount to not less than twenty five *per centum* either alone, in the case of one person, or in aggregate, in the case of more than one person.

(4) An applicant for a large lapidary licence shall show possession of knowledge or experience in lapidary activities or has employed a person of the requisite knowledge or experience for at least two years.

Grant of large
lapidary licence

86E.-(1) Subject to subsection (2), a successful applicant for a large lapidary licence under section 86B shall be entitled to the grant of a large lapidary licence for which he has applied.

(2) Notwithstanding subsection (1), a successful applicant shall not be granted a large lapidary licence if-

- (a) he has not surrendered any licence which previously entitled him to carry out lapidary activities;
- (b) he previously held a large lapidary licence and was disqualified from holding such licence; or
- (c) he has been convicted of a criminal offence in relation to buying, selling or possession of minerals or unlawfully carrying out lapidary activities.

Duration of large lapidary licence and renewal

86F.-(1) A large lapidary licence shall be valid for a period of five years from the date of issue.

(2) A holder of a large lapidary licence may, not less than six months from the date of expiry of the licence, apply for renewal in the prescribed form and accompanied by the prescribed fees.

(3) The holder of a large lapidary licence who has failed to show evidence of transfer of lapidary skills to Tanzanians, quantity and type of equipment and an annual minimum turnover prescribed in the regulations shall be disqualified from obtaining a renewal of his licence.

Rights and obligations of holder of large lapidary licence

86G.-(1) The holder of a large lapidary licence may-

- (a) buy or acquire minerals specified in the licence from mineral and gem houses or import gemstones for value addition;
- (b) cut, polish, engrave or enhance gemstones through heat treatment for

- the purpose of value addition; and
- (c) sell, dispose of or export gems after value addition.
- (2) The holder of a large lapidary licence shall-
- (a) where the holder is a Tanzanian, acquire and utilise ten lapidary machines and where the holder is a foreigner, acquire and utilise thirty lapidary machines for conducting lapidary activities;
- (b) where the holder is a foreigner, transfer lapidary skills and expertise to Tanzanians;
- (c) conduct lapidary activities at the place of business specified in the licence; and
- (d) keep and maintain accurate records and accounts of all transactions undertaken by him and such records and accounts shall-
- (i) be kept in such form and include such details as may be prescribed in the regulations; and
- (ii) be submitted to the Commission on a quarterly basis.

Termination of large lapidary licence

86H.-(1)Where a holder of a large lapidary licence is in default of any conditions for which the licence was issued, the Commission may serve on the holder a notice stating the nature of default and require him to

rectify the default within thirty days from the date of receipt of the notice.

(2) Where the default has not been rectified within the time prescribed in the notice, the Commission shall terminate the large lapidary licence and notify the holder in writing.

Application for
small lapidary
licence

86I.-(1) An application for a small lapidary licence shall be made to the Commission in the prescribed form and shall be accompanied by a prescribed fee.

(2) An application for a licence under this section shall contain-

- (a) names, place of business and physical address;
- (b) the type of minerals for which the licence is sought; and
- (c) any other information as may be determined by the Commission,

and shall be appended with two recent passport size photographs of the applicant.

(3) An applicant for a small lapidary licence shall show possession of knowledge or experience in lapidary activities or has employed a person of the requisite knowledge or experience.

Grant of small
lapidary licence

86J.-(1) Subject to subsection (2), a successful applicant for a small lapidary licence under section 86I shall be entitled to the grant of a small lapidary licence for which he has

applied.

(2) Notwithstanding subsection (1), a successful applicant shall not be granted a small lapidary licence if-

- (a) he has not surrendered any licence which previously entitled him to carry out lapidary activities;
- (b) he previously held a small lapidary licence and was disqualified from holding such licence; or
- (c) he has been convicted of a criminal offence in relation to buying, selling or possession of minerals or unlawfully carrying out lapidary activities.

(3) A small lapidary licence shall not be issued to a foreigner.

Duration and
renewal of small
lapidary licence

86K.-(1)A small lapidary licence shall be valid for a maximum period of twelve months from the date of issue, and in any case, shall expire on 30th June of each year.

(2) A holder of a small lapidary licence may, not less than one month from the date of expiry of the licence, apply for renewal in the prescribed form and accompanied by the prescribed fees.

(3) In determining an application for renewal, the Commission shall consider whether the applicant-

- (a) has been in default of conditions of the licence; or

(b) is disqualified from

holding a small lapidary licence under section 86J.

Rights and obligation of small lapidary licence

86L.-(1)The holder of a small lapidary licence may-

- (a) buy or acquire minerals specified in the licence from mineral and gem houses and buying centers;
- (b) cut, polish, engrave minerals or enhance minerals through heat treatment for the purpose of value addition; and
- (c) sell or dispose gems to local markets within Tanzania.

(2) The holder of a small lapidary licence shall-

- (a) where the holder is a Tanzanian, acquire and utilise three lapidary machines for lapidary activities;
- (b) conduct lapidary activities at the place of business specified in the licence; and
- (c) keep and maintain accurate records and accounts of all transactions undertaken by him and such records and accounts shall-
 - (i) be kept in such form and include such details as may be prescribed in the regulations; and
 - (ii) be submitted to the Commission on a quarterly basis.

Termination of small

86M.-(1) Where a holder of a

lapidary licence small lapidary licence is in default of any condition for which the licence was issued, the Commission may serve on the holder a notice stating the nature of default and require him to rectify the default within thirty days from the date of receipt of the notice.

(2) Where the default has not been rectified within the time prescribed in the notice, the Commission shall terminate the small lapidary licence and notify the holder in writing.”

PART IX

AMENDMENT OF THE NATIONAL LEADERS' FUNERALS ACT, (CAP. 419)

Construction
Cap.419

44. This Part shall be read as one with the National Leaders' Funerals Act, hereinafter referred to as the “principal Act”.

Amendment
of section 3

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

(a) deleting the definition of the terms “National Cemetery” and “President, Vice-President, President of Zanzibar and Prime Minister of the United Republic”; and

(b) deleting the definition of the term “national leader and substituting for it the following:

““national leader” means the President, Vice President, President of Zanzibar, Prime Minister of the United Republic of Tanzania, First Vice President of

Zanzibar and Second Vice President of Zanzibar;”

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

“cemetery” means a piece of land or area designated to be a burial place by the National Funeral Committee or an area specified in terms of section 17(1);

“President, Vice President, President of Zanzibar, Prime Minister of the United Republic of Tanzania, First Vice President of Zanzibar and Second Vice President of Zanzibar” includes a retired President, a retired Vice President, a retired President of Zanzibar, a retired Prime Minister of the United Republic of Tanzania, a retired First Vice President of Zanzibar and a retired Second Vice President of Zanzibar;”

Amendment
of section 5

46. The principal Act is amended in section 5(2), by adding the words “or President of Zanzibar” immediately after the word “President”.

Amendment
of section 7

47. The principal Act is amended in section 7(c), by-

(a) adding a new subparagraph (i) as follows:

“(i) in the case of the President of Zanzibar, a period of fourteen days for state mourning and the flags to fly half mast;”

(b) renaming subparagraph (i) as subparagraph (ii);

(c) adding immediately after the renamed subparagraph (ii) the following:

“(iii) in the case of a retired President of Zanzibar, a period of seven days for state mourning and the flags to fly half mast”.

(d) renaming subparagraphs (ii), (iii) and (iv) as subparagraphs (iv), (v) and (vi) respectively.

Amendment
of section 8

48. The principal Act is amended in section 8(2), by inserting the word “state” between the words “for” and “mourning”.

Amendment
of section 9

49. The principal Act is amended in section 9, by deleting subsection (2) and substituting for it the following-

“(2) The President shall, in the case of the death of a serving specified leader, announce a period of three days for state mourning and the flag to fly half mast.”

Amendment
of section 11

by-

50. The principal Act is amended in section 11(2),

- (a) deleting the words “Chief Minister” appearing in paragraph (b) and substituting for them the words “Second Vice President of Zanzibar”;
- (b) deleting the words “Minister for” appearing in paragraphs (d), (e), (f), (g), (i), (j), (l) and (m) and substituting for them the words “Minister responsible for”;
- (c) adding the words “responsible for State House” immediately after the word “Zanzibar” appearing at the end of paragraph (k);
- (d) deleting paragraph (n) and substituting for it the following:
 - “(n) the Minister of State, Second Vice President’s Office Zanzibar;
 - “(o) Chief Secretary of Zanzibar;”;
- (e) renaming paragraphs “(o)” and “(p)” as paragraphs “(p)” and “(q)” respectively.

Amendment
of section 13

by-

51. The principal Act is amended in section 13(1),

- (a) adding immediately after paragraph (a) the following:
 - “(b) the Chief Secretary of Zanzibar who shall be the Deputy Chairman;”
- (b) deleting the words “Minister of” appearing in paragraphs (b), (c), (d), (e), (f), (g) and (i) and substituting for them the words “Minister responsible for”;
- (c) inserting the words “Construction, Industries,” between the words “for” and “Communication” appearing in paragraph (f);
- (d) deleting paragraph (j) and substituting for it the following:
 - “(j) the Permanent Secretary - Second Vice President’s Office Zanzibar;” and
- (e) renaming paragraphs (b) to (k) as paragraphs (c) to (l) respectively.

Repeal of
section 16

52. The principal Act is amended by repealing Section 16.

Amendment
of section 17

53. The Principal Act is amended in section 17, by-
(a) deleting subsection (1) and substituting for it the following:

“(1) A national leader or specified leader shall be buried at such place -

(a) as the family of the deceased shall decide; or

(b) as may be specified in the will of the deceased, if any,

in accordance with the rites and procedures for state funeral or Government funeral as may be appropriate.”; and

(b) deleting subsection (3).

Amendment
of section 18

54. The principal Act is amended in section 18(3), by deleting the words “the National Cemetery” and substituting for them the words “a cemetery”.

Amendment
of section 20

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

(a) deleting the words “or retired President” appearing in subsection (2) and substituting for them the words “serving President of Zanzibar, retired President or retired President of Zanzibar;”

(b) inserting the words “or the late President of Zanzibar” between the words “President” and “and” appearing in subsection (3); and

(c) deleting the words “Minister, be prescribed by the Minister responsible for Defence” appearing in subsection (4) and substituting for them the words “Minister responsible for Defence, be prescribed by the Minister”.

Addition of
section 20A

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

“Protocols for
burial of other
national leaders
of Zanzibar

20A. Save as provided in this Act, the procedural matters and protocols regarding the funeral conduct of the First Vice President of Zanzibar and Second Vice President of Zanzibar shall be as prescribed under the

relevant law of Zanzibar relating to burial of national leaders.”

Amendment
of section 21

57. The Principal Act is amended in section 21, by deleting subsection (2) and substituting for it the following :

“(2) The flag used for covering the bier of the serving President, retired President, serving President of Zanzibar or retired President of Zanzibar shall, after the burial, be presented to the deceased’s family for custody.”

Amendment
of section 22

58. The principal Act is amended in section 22(3), by deleting the words “Minister, be prescribed by the Minister for Public Safety and Security” and substituting for them the words “Minister responsible for Public Safety and Security, be prescribed by the Minister”.

Amendment
of section 25

59. The principal Act is amended in section 25(3), by deleting the word “may” and substituting for it the word “shall”.

Amendment
of section 26

60. The principal Act is amended in section 26, by deleting the closing phrase and substituting for it the following:

“commits an offence and shall, on conviction, be liable to a fine of not less than five hundred thousand shillings or to imprisonment for a term of not less than six months or to both.”

Amendment
of section 27

61. The principal Act is amended in section 27(2), by-

- (a) deleting paragraphs (a), (d) and (e); and
- (b) renaming paragraphs (b), (c), (f), (g), and (h) as paragraphs (a), (b), (c), (d) and (e) respectively.

PART X

AMENDMENT OF THE PORTS ACT, (CAP. 166)

Construction
Cap. 166

62. This Part shall be read as one with the Ports Act hereinafter referred to as the “principal Act”.

Amendment
of section 2

63. The principal Act is amended in section 2, by-
(a) deleting subsection (2); and
(b) designating the contents of subsection (1) as section 2.

Amendment
of section 3

64. The principal Act is amended in section 3, by deleting the definition of the term “port” and substituting for it the following:

““port” means a place, whether proclaimed harbour or not, and whether natural or artificial, to which vessels may resort for shelter to load or unload goods or passengers;”.

Addition of
section 3A

65. The principal Act is amended by adding immediately after the heading to Part II the following:

“Declaration
of ports

3A.-(1) The ports specified in the Second Schedule are hereby declared to be ports for the purposes of this Act and any other written laws.

(2) Notwithstanding the provisions of subsection (1), the Minister may, by notice published in the *Gazette*, declare any other place and any navigable river to be a sea port or an inland port for the purpose of this Act.”.

Amendment
of section 7

66. The principal Act is amended by-
(a) designating the contents of section 7 as section 7(1);
(b) by adding the words “and functions” immediately after the word “Powers” appearing in the marginal note;
(c) adding immediately after subsection (2) the following:
“(3) Without prejudice to subsection (2), the Board shall-
(a) provide strategic guidance and formulate policies for operation and management of the Authority;
(b) approve and oversee financial matters;

- (c) conduct managerial oversight and review the activities and performance of management of the Authority;
- (d) secure and ensure efficient use of resources, including approval of annual work plan, annual budget and supplementary budget;
- (e) approve strategic and investment plans and operations manual;
- (f) evaluate the performance of the entire management team and take necessary measures;
- (g) approve performance reports of the Authority;
- (h) exercise disciplinary powers over management employees;
- (i) approve the disposal of capital items; and
- (j) perform any other functions necessary for the achievement of the objectives of the Authority.”

Amendment
of section 12

67. The principal Act is amended in section 12-

(a) in subsection (1), by adding immediately after paragraph (a) the following:

“(b) to plan, build, develop, manage, maintain, operate and control all ports;”

(b) by renaming paragraphs (b) to (w) as paragraphs (c) to (x) respectively;

(c) by deleting subsections (3) and (4) and substituting for them the following:

“(3) A person who intends to undertake port services shall, prior to engaging into such services, enter into an arrangement or agreement with the Authority.

(4) A person who conducts port services without any arrangement or contract with the Authority commits an offence and shall, upon conviction, be liable to a penalty of not less than five thousand USD but not exceeding fifty thousand USD or its equivalent in Tanzanian shillings or to imprisonment for a term of not less than two

years but not exceeding five years or to both.

(5) Subject to subsection (4), the Authority may permit continued provision of port services in such areas upon satisfaction that the area is fit for the provision of such services.”.

Amendment
of section 34

68. The principal Act is amended in section 34-

- (a) in subsection (2), by deleting the word “Minister” and substituting for it the word ‘President’; and
- (b) in subsection (4), by deleting the words “or as may from time to time be determined by the Board of Directors with approval of the Minister”.

Addition of
section 38A

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

“Power of
Authority to
make rules

Cap. 298

38A. The Authority may, with the approval of the Minister, make general rules relating to the conditions of service of employees of the Authority consistent with the Public Service Act.”.

Amendment
of section 44

70. The principal Act is amended in section 44(1), by deleting the words ‘for the’ appearing immediately after the word “regulations” and substituting for them the words “prescribing categories of ports”.

Amendment
of section 47

71. The principal Act is amended in section 47, by-

- (a) deleting the words “an inland waterways port” wherever they appear in subsections (1) and (2) and substituting for them the words “the port”; and
- (b) deleting subsections (3) and (4) and substituting for them the following:

“(3) The master or owner of a vessel that contravenes this section commits an

offence and shall on conviction, be liable to a fine of not less than ten thousand USD but not exceeding fifty thousand USD or its equivalent in Tanzania shillings or to imprisonment for a term of not less than one year but not exceeding two years or to both.”

Addition of section 85A

72. The principal Act is amended by adding immediately after section 85 the following:

“Limitation
in legal
proceedings

85A. Where any action or other legal proceeding is commenced against the Authority for any act done in pursuance or execution, or intended execution, of this Act or of any public duty or authority, or in respect of any alleged neglect or default in the execution of this Act or of any such duty or authority, the action or legal proceeding shall not be commenced against the Authority until at least one month after written notice containing the particulars of the claim, and of intention to commence the action or legal proceeding, has been served upon the Director General by the plaintiff or his agent.”.

Addition of section 90A

73. The principal Act is amended by adding immediately after section 90 the following:

“Restriction
on execution
against
property of
Authority

90A. Notwithstanding any provision to the contrary in any written law, where a judgment or order has been obtained against the Authority, no execution or attachment or process in the nature thereof shall be issued against the property or assets of the Authority or employee of the Authority but the Authority shall cause to be paid out of the revenue of the Authority such amounts as may, by the judgment or order, be awarded against the Authority to the person entitled thereto.”.

Amendment

74. The principal Act is amended-

of Schedules

- (a) in the First Schedule, by:
- (i) deleting the words “once every two months” appearing in paragraph 4(1) and substituting for them the words “quarterly every year”;
- (b) in the Second Schedule, by:
- (i) deleting the reference to section “2(2)” appearing immediately below the words “FIRST SCHEDULE” and substituting for it the reference to section “3A”;
 - (ii) deleting the word “Nansio” appearing under Part II of the Inland Waterways Ports.

PART XI

AMENDMENT OF THE PREVENTION OF TERRORISM ACT, (CAP. 19)

Construction
Cap. 19

75. This Part shall be read as one with the Prevention of Terrorism Act, hereinafter referred to as the “principal Act”.

Amendment
of section 12

76. The principal Act is amended in section 12(5),
by-

- (a) adding immediately after paragraph (c) the following:
“(d) for prohibition of proliferation financing;”;
- (b) renaming paragraph (d) as paragraph (e).

PART XII

AMENDMENT OF THE REGISTRATION AND IDENTIFICATION OF PERSONS ACT, (CAP. 36)

Construction
Cap. 36

77. This Part shall be read as one with the Registration and Identification of Persons Act, hereinafter referred to as the “principal Act”.

Addition of
section 19A

78. The principal Act is amended by adding immediately after section 19 a new section 19A as follows:

“Control of
data

G.N No.122 of
2008

19A.-(1) The National Identification Authority established pursuant to the National Identification (Establishment) Instrument, 2008 shall be the sole data controller of all registration information of persons obtained pursuant to the mandate conferred upon the Authority, and the Authority shall, for that matter, have powers to determine the purpose and manner of use and means of processing personal data by a data recipient of any registration information contained in the National Identification Database.

(2) A person shall not possess, extract, replicate or otherwise use information contained in the National Identification Database unless-

- (a) that person is a data recipient; and
- (b) such information is possessed, extracted, replicated or otherwise used upon obtaining authorization from the Authority.

(3) Any person who contravenes the provisions of this section or fails to comply to any terms and conditions for use of information as provided by the Authority commits an offence and shall on conviction be liable to a fine of not less than one million shillings but not more than twenty million shillings or to imprisonment for a term of not less than six months but not exceeding two years or to both.

(4) For the purpose of this section:

““Authority” means the National Identification Authority;

“data controller” means the Authority.””

Passed by the National Assembly on the 12th November, 2019.

STEPHEN KAGAIGAI
Clerk of the National Assembly

