



No. 12 OF 2004

I ASSENT,

Benjamin W. Mkapa

President

15 July, 2004.

An Act to amend certain Written Laws.

[.....]

ENACTED by the Parliament of the United Republic of Tanzania.

PART I

PRELIMINARY PROVISIONS

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) Act, 2004. Short title

2. The various Laws set forth in the First and Second columns of the Schedule to this Act are hereby amended in the manner specified in the Third Column to the Schedule.

Amend-
ment of
Certain
Laws

Act No. 5 of 2001 The Surface and Marine Transport Regulatory Authority Act, 2001

The Act is amended –

(a) in subsection (1) of section 6:

(i) by adding immediately after paragraph (g) the following paragraph–

“(h) to exercise port state control of all foreign ships and flag state control of all Tanzanian registered ships;

(i) to regulate and approve marine services, safety equipment and marine services providers;

(j) to co-ordinate maritime search and rescue operations;

(ii) by renaming paragraphs (h) and (i) as paragraphs (k) and (l).

(b) by adding immediately after section 6 the following new section–

“Regulation of maritime safety and security

6A. -(1) Without prejudice to functions of the Authority referred to under section 6, the Authority shall perform functions in relation to maritime safety and security.

(2) Maritime safety and security shall be regulated in accordance with the provisions of the law regulating merchant shipping and any regulations made under this Act.

(3) In the performance of functions under this section, the Divisional Director in relation to maritime safety and security shall be accountable to the Minister.

(c) in section 14 by –

(i) adding immediately after subsection (1) the following new subsection:

“(2) For the purposes of subsection (1), the Registrar of Ships shall be the Divisional Director in relation to maritime safety and security.”;

(ii) renumbering subsections (2), (3), (4), (5), (6) and (7) as subsections (3), (4), (5), (6), (7) and (8) respectively; and

(iii) substituting references to subsections (2) and (6) as references to subsections (3) and (8) as renumbered.

(d) in subsection (1) of section 41 by deleting paragraph (b) and substituting for it the following:

“(b) fees and levies collected from regulated suppliers and regulated services;”.

(e) in Part IX by deleting the heading to that part and substituting for it the following new heading “TRANSITIONAL AND MISCELLANEOUS PROVISIONS:.

“Rights of employees **48A.** – (1) The service of any employee or staff of the former Tanzania Central Freight Bureau who joins the service of the Authority shall be deemed to be continuous with the Authority.

(2) As soon as practicable but in any case not later than three years from coming into operation of this Act, the Authority shall comply with the provisions of section 14 of this Act in respect of employees who have been absorbed by the Authority.

(3) Where an employee or staff of the former Tanzania Central Freight Bureau is not absorbed by the Authority, he may be transferred to any other Ministry or public institution, and his service shall be deemed to be continuous and if he was a member of any statutory, voluntary pension or any other superannuate scheme, such employee shall continue to be governed by the same laws and regulations governing such scheme.

(4) The terms and conditions of employment of any employee or staff from the former Tanzania Central Freight Bureau who joins the Authority shall not be less favourable than those enjoyed by that employee immediately prior to the date on which he joined the services of the Authority.

(5) An employee or staff of the Tanzania Central Freight Bureau whose service does not continue with the authority and where such employee or staff is a member of any

statutory, voluntary pension or other superannuate benefits scheme prior to such termination such employee or staff shall be paid terminal benefits in accordance with the laws and regulations governing such scheme immediately before such termination.

(6) Where an employee or staff whose service with the Tanzania Central Freight Bureau is deemed to be continuous is a member of any statutory, voluntary pension or any other superannuate scheme, such employee shall continue to be governed by the same laws and regulations governing such scheme and the Authority shall contribute to such scheme accordingly.

(7) Subject to the provisions of subsections (1), (2) and (4), nothing in this section shall operate so as to create an entitlement for any employee or staff of the Tanzania Central Freight Bureau to become employees or staff of the Authority.

“Restriction on execution against property of the Authority

48B. Notwithstanding anything 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 Authority or against the property or assets of the Authority, but the Divisional Director 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.:

- (f) by adding immediately after Section 48B as added the following:

“PART X

CONSEQUENTIAL AMENDMENTS

Act No. 2 The Sisal Act, 1997
of 1997

The Act is amended in the Schedule by deleting item (c) of paragraph 1 and substituting for it the following:

- (c) two members appointed by the Minister from amongst not less than three and not more than five persons nominated by the Sisal Association of Tanzania.

Act No. 3 The Tea Act, 1997
of 1997

The Act is amended in the Schedule by repealing paragraph 2 and substituting for it the following:

“Composi-
tion of the
Board

2.—(1) The Board of Directors shall consist of members to be appointed by the Minister as follows –

- (a) The Chairman;
- (b) two representatives of tea smallholder farmers appointed from not less than three but not more than five nominated persons.
- (c) the Chief Executive of the institution responsible for smallholder tea development;

- (d) two members appointed by the Minister from amongst not less than three but not more than five persons nominated by the Tea Association of Tanzania;
- (e) one member representing the Ministry;
- (f) one member possessing knowledge and experience beneficial to the tea industry;
- (g) the Chief Executive of the Board who shall be the Secretary.

(2) Any member of the Board may authorize in writing a representative who shall be deemed to be a member of the Board for the purpose of the meeting which he is authorized to attend.

(3) Members of the Board shall elect a Deputy Chairman annually from amongst themselves.

(4) The term of office of members of the Board shall be three years and a member who ceases to hold office as such shall be eligible for reappointment.”

Act No. 2 of 2002 The Courts (Land Disputes Settlements) Act, 2002. The Act is amended in section 25 by –

- (a) deleting subsection (2) and substituting for it the following
“(2) The Chairman of the Tribunal shall before holding office take an oath before a Judge of the High Court”.

(b) by adding immediately after subsection (2) the following new subsection –

“(3) The provisions of subsection (2) shall not apply where a Resident Magistrate is appointed to be Chairman to the Tribunal.”

Act No. 1
of 2003

The Tanzania Food, Drugs and Cosmetics Act, 2003.

The Act is amended in section (1) of section 9 by–

(i) deleting a semicolon and the word “and” appearing at the end of paragraph (b) and substituting for them a full stop;

(ii) by deleting paragraph (c);

(iii) by deleting the word “and” appearing at the end of paragraph (b) and inserting the word “and” at the end of paragraph (a).

Act
No. 49
of 1966

The Civil Procedure Code 1966.

The Civil Procedure Code 1966 is amended in section 74:

(a) by deleting the opening statement of subsection (1) and substituting for it the following –

“(1) An appeal shall lie to the High Court from the following orders of the District Courts, Resident Magistrate’s Courts and any other tribunal, the decisions of which are appellable to the High Court, and, save as otherwise expressly provided in this code or by any law for the time being in force from no other order.”

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

“(2) Notwithstanding the provisions of subsection (1), no appeal shall lie against or be made in respect of any preliminary or interlocutory decision or order of the District Court, Resident Magistrate’s Court or any other tribunal, unless such decision or order has effect of finally determining the suit”.

Act
No. 26 of
1974 Audio Visual Institute of Dar es Salaam Act, 1974 The Act is hereby repealed.

Act No. 4
of 1999 The Land Act, 1999 The Act is amended in section 19 by adding immediately after subsection (2) the following subsections –

“(3) the provisions of subsection (2) shall not apply to –

(a) a not-for-profit foreign or local corporation or organization of the relief of poverty or distress of public or provision of health or other social services for the advancement of religion or education under an agreement to which the Government of United Republic is a party, and where no such agreement exists, the Minister is satisfied that such corporation or organization is established solely for the purpose of the relief of poverty or distress for the public, or for provision of health or other social services or for the advancement of religion or educations;

(b) a foreign Government, an institution wholly owned by a foreign Government, an International Institution or organization.”

(4) Subject to the provisions of subsection (3), the provisions of sections 47, 48 and 49 shall apply *mutatis mutandis* where there is a breach of agreement.

Passed in the National Assembly on the 8th June, 2004.



.....
Clerk of the National Assembly