

15 September 2017



New law passed in National Assembly amending other laws

- **AG to intervene in all proceedings by or against the Mining Commission**
- **National Assembly approval not required for new PSAs**
- **Dar es Salaam Water and Sewerage Authority (DAWASA) given more powers to implement its activities**
- **Commissioner of Education to register or deregister schools**
- **Repeals the Rufiji Basin Development Authority Act**
- **More powers to SUMATRA to review any tariffs and charges**
- **'medical device' now accommodates other laboratory equipment and reagents**
- **Minister of Finance can grant VAT exemption in respect of projects funded by donor funds or concessional loans**

On 5 September 2017, the Government submitted the Written Laws (Miscellaneous Amendments) Act (No.3) 2017 (Written Laws Act 2017) to the National Assembly under a certificate of urgency. Public hearing to obtain stakeholders views was conducted on 9 September 2017 and earlier this week the Written Laws Act 2017 was passed by the National Assembly in Dodoma and is now awaiting assent of the President before becoming law.

A summary of the proposed amendments is provided below:

The Value Added Tax Act, (Cap.148)

- Section 6 is amended, the Minister of Finance can grant VAT exemptions in respect of projects funded by donor funds or concessional loans
- Minister to specify the goods or services that are eligible for exemption, commencement and expiry date of the exemptions
- Minister to appoint a Technical Committee to advise him on the granting and monitoring of exemptions
- Minister to prescribe the procedures for monitoring utilisation of exemptions granted
- Exemptions cease to apply and VAT becomes due if the exempted goods are subsequently transferred or sold to persons not entitled to receive the exemptions

The Mining Act, (Cap.123)

- Section 21 of the Act is amended so as to enable the Attorney General to intervene in all proceedings for or against the Mining Commission
- The Commission must notify the AG of all impending suits or the intention to institute suits
- For extra protection of the Mining Commission, the Government Proceedings Act will apply to the proceedings to which the Commission is a party

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About FB Attorneys
FB Attorneys is an all service law firm based out of Dar es Salaam, Tanzania.

We cover all aspects of the law and specialise in all corporate and commercial matters including Mining, Oil & Gas, Tax, Litigation, Competition, Banking & Intellectual Property law.

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The Dar es Salaam Water and Sewerage Authority Act, (Cap. 273)

Section 6 is amended to include the following additional functions:

- Disconnect the supply of water from any premises or to diminish, withhold or divert the supply of water through or by means of any pipe or fitting wholly or in part
- To produce and sell bulk water to retailers

The Education Act, (Cap. 353)

- Section 16 is amended to allow the operational functions of approval of schools to be done by the Commissioner instead of the Minister
- Section 60(1) is amended by imposing penalties to any person who operates an unregistered school

The Rufiji Basin Development Authority Act, (Cap.138)

- This Act is repealed and effectively abolishes the Rufiji Basin Development Authority (RUBADA)
- Transfer of assets and liabilities of the RUBADA to other Government entities

The Surface and Marine Transport Regulatory Authority Act, (Cap. 413)

- Section 16A is proposed to enable the Authority to review any tariffs and charges
- Section 30 is amended so as to introduce a new function of the Authority relating to researching on matters affecting interest of consumers
- Sections 38 and 40 proposes enhancement penalties for contravention of the provisions of this Act

The Tanzania Food, Drugs and Cosmetics Act, (Cap.219)

- Section 3 is amended, the term "medical device" now accommodates other laboratory equipment and reagent
- Section 105(1) (a) is amended to recognise "health laboratory practitioners" as persons eligible for appointment or authorisation under that section

The Urban Planning Act, (Cap. 355)

- New section 6A empowers the Director of Urban Planning to delegate some of his power and functions to the town planners

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