

THE UNITED REPUBLIC OF TANZANIA

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO.3) ACT, 2020

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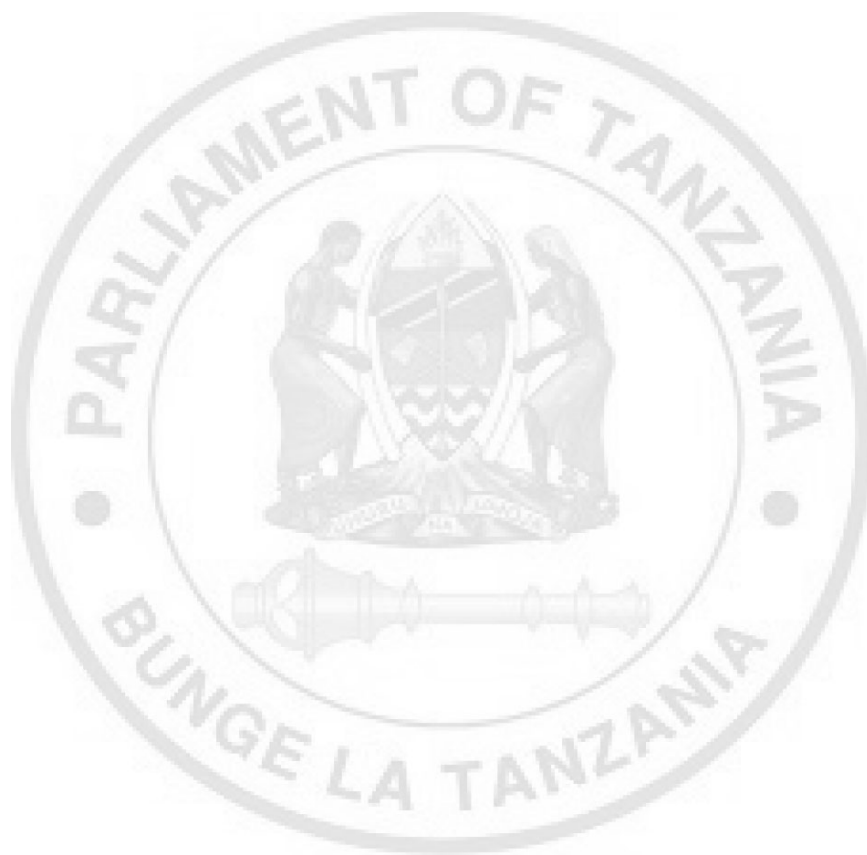
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THE UNITED REPUBLIC OF TANZANIA



NO. 6 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. 3) 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 ANIMAL WELFARE ACT,
(CAP. 154)

Construction Cap. 154

3. This Part shall be read as one with the Animal Welfare Act, hereinafter referred to as the "principal Act".

Addition of section 9A

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

"Relationship between local government authorities and

9A.-(1) A local government authority shall, upon request, provide to the Director a report on implementation of policies relating to and development of animal welfare in its area of

Ministry jurisdiction, and the Director shall, on receipt of the report, inform the Minister accordingly.

(2) Where, after considering the report from the Director under subsection (1), the Minister is satisfied that a local government authority to which the report relates, collects revenue from livestock sector and does not implement policies relating to and develop livestock sector he may, upon consultation with the Minister responsible for finance and the Minister responsible for local government authorities, suspend such local government authority from collecting revenues sourced from the livestock sector.

(3) The Minister shall notify the Minister responsible for local government authorities on the suspension undertaken under subsection (2).

(4) The Minister responsible for local government authorities shall, upon receipt of the notification under subsection (3), take necessary measures to remedy the shortcomings of the respective local government authority.”

Amendment
of section 59

5. The principal Act is amended in section 59(1), by-

(a) adding immediately after paragraph (f) the following:

“(g) unlawfully or without reasonable cause kill an animal;”

(b) renaming paragraphs (g) and (h) as paragraphs (h) and (i) respectively.

PART III

AMENDMENT OF THE BASIC RIGHTS AND DUTIES ENFORCEMENT ACT, (CAP. 3)

Construction
Cap. 3

6. This Part shall be read as one with the Basic Rights and Duties Enforcement Act, hereinafter referred to as the “principal Act”.

Amendment
of section 4

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

(a) designating the contents of section 4 as subsection (1);

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

Cap 391

“(2) Without prejudice to the provisions of the Commission for Human Right and Good Governance Act, relating to powers of the Commission to institute

proceedings, an application under subsection (1) shall not be admitted by the High Court unless it is accompanied by an affidavit stating the extent to which the contravention of the provisions of Articles 12 to 29 of the Constitution has affected such person personally.

(3) For avoidance of doubt, a person exercising the right provided for under Article 26(2) of the Constitution shall abide with the provisions of Article 30(3) of the Constitution.

(4) Notwithstanding any provisions to the contrary, where redress is sought against the President, Vice-President, Prime Minister, the Speaker, Deputy Speaker or Chief Justice for any act or omission done in the performance of their duties, a petition shall only be brought against the Attorney General.

(5) A petitioner shall, prior to seeking redress under this Act, exhaust all available remedies under any other written laws.”

PART IV

AMENDMENT OF THE COLLEGE OF BUSINESS EDUCATION ACT, (CAP. 315)

Construction
Cap. 315

8. This Part shall be read as one with the College of Business Education Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

9. The principal Act is amended in section 2 by inserting in their appropriate alphabetical order the following new definitions:

““committee” means any committee formed by the Governing Body pursuant to section 6(2);

“Rector” means the Rector of the College appointed under section 6B(1);”

Amendment
of section 4

10. The principal Act is amended in section 4-

(a) by designating the contents of section 4 as subsection (1);

(b) in subsection (1) as designated by-

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

“(c) to advance learning and knowledge through teaching and research;

(d) to provide technical and professional services;

- (e) to promote, facilitate and sponsor research in technological, social, economic and cultural spheres for the welfare and development of mankind within and outside the United Republic; and
- (f) to conduct and administer examinations and confer degrees, diplomas, certificates and other awards;”
- (ii) renaming paragraph (c) as paragraph (g);
- (c) by adding immediately after subsection (1) as designated the following:

“(2) In providing education and training under this section, the College shall ensure that such education and training affords trainees with requisite skills for self-employment and manning of key positions in both public and private sectors.”

Amendment
of section 5

11. The principal Act is amended in section 5 by deleting subsections (2) and (3) and substituting for them the following-

“(2) The Governing Body established under subsection (1) shall be a body corporate with perpetual succession and a common seal and shall, in its corporate name, be capable of-

- (a) suing and being sued;
- (b) acquiring, holding, investing and disposing of movable and immovable property;
- (c) exercising the powers and performing the functions conferred upon it by or under this Act;
- (d) entering into any contract or other transaction; and
- (e) doing or suffer from doing all such other acts and things which a body corporate may lawfully perform, do or suffer to be done.

(3) Notwithstanding subsection (2), the provisions of section 17 of the Office of the Attorney General (Discharge of Duties) Act shall have effect in relation to powers of the Attorney General to intervene in any suit or matter by or against the Governing Body.”

Cap. 268

Addition of
section 5A

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

“Composition
and tenure of
Governing
Body

5A.-(1) The Governing Body shall consist of eight members as follows-

- (a) a Chairman to be appointed by the President;
- (b) the Rector; and
- (c) six other members to be appointed by the Minister as follows:
 - (i) a representative from the Ministry responsible for commerce;
 - (ii) the officer incharge of higher learning education from the Ministry responsible for higher education;
 - (iii) a Law Officer representing the Attorney General;
 - (iv) a representative of the private sector apex association;
 - (v) a representative from any professional body relating to any of the core programmes undertaken by the College; and
 - (vi) one member from amongst persons with qualifications and experience in commerce.

(2) For the purpose of subsection (1)(c)(iv), the apex association shall propose three names from member associations to the Minister.

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

(4) The Rector shall provide secretariat to the Governing Body.

(5) The provisions of the Schedule to this Act shall have effect as to the tenure of office of members, proceedings of the Governing Body and other related matters.

(6) The Governing Body may co-opt any person to attend its meetings and deliberate on any matter as the Governing Body may determine, but such person shall not have the

right to vote.

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

Amendment
of section 6

13. The principal Act is amended in section 6-

(a) in subsection (1), by-

(i) deleting the words “ a Director” appearing in paragraph (b) and substituting for them the words “Deputy Rectors”;

(ii) deleting the word “and” appearing at the end of paragraph (c);

(iii) adding immediately after paragraph (c) the following:

“(d) to establish branches, campuses, centres or other departments, as the case may be, for the purposes of extending the services of the College; and”

(iv) renaming paragraph (d) as paragraph (e);

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

“(2) The Governing Body may from among its members, form such number of committees as it considers necessary for purposes which, in the opinion of the Body, would be better administered through committees.

(3) The Governing Body may, subject to such conditions or restrictions as it deems necessary, delegate to any committee of the Body or the Rector any of its functions or powers vested in it by this Act or any other written law.

(4) Notwithstanding subsection (3), the Governing Body shall not delegate its functions or powers to-

(a) appoint Deputy Rectors;

(b) prescribe fees, charges and commissions;

(c) borrow or lend money; and

(d) appoint management staff of the College.”

Addition of
sections 6A
and 6B

14. The principal Act is amended by adding immediately after section 6 the following:

“Directions by
Minister

6A. The Minister may give the Governing Body directions of a general or specific character and the Body shall, subject to the provisions of this Act, give effect to such directions.

Appointment
and functions of
Rector

6B.-(1) The Minister shall, upon advice of the Governing Body and subject to the National Council for Technical Education Act, appoint a suitable person to be a Rector of the College.

Cap. 129

(2) The Rector shall be the chief administrative and academic officer and accounting officer of the College and shall, for that purpose, be responsible for-

- (a) the proper administration of the College; and
- (b) enforcing rules made by the Governing Body.

(3) The Rector shall, in the performance of his functions, be responsible to the Governing Body.”

Amendment
of section 9

15. The principal Act is amended in section 9-

(a) by deleting paragraph (a) and substituting for it the following:

- “(a) money appropriated by the Parliament; and
- (b) any grants, donations, bequests or other contributions made to the College;”

(b) by renaming paragraph (b) as paragraph (c); and

(c) in paragraph (c) as renamed, by deleting the words “Governing Body” and substituting for them the word “College”.

Amendment
of section 14

16. The principal Act is amended in section 14, by-

- (a) deleting subsection (2); and
- (b) renumbering subsection (3) as subsection (2).

Amendment
of Schedule

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

- (a) deleting paragraph (1);
- (b) renumbering paragraphs (2) to (6) as paragraphs (1) to

(5) respectively.

PART V

AMENDMENT OF THE FIREARMS AND AMMUNITION CONTROL ACT, (CAP. 223)

Construction
Cap. 223

18. This Part shall be read as one with the Firearms and Ammunition Control Act, hereinafter referred to as the “principal Act”.

Addition of
section 20A

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

“Unlawful
transfer of
firearms or
ammunition

20A.-(1) A person shall not transfer any firearm or ammunition to any other person unless he has sought and obtained permission to do so under this Act.

(2) A person who contravenes the provisions of subsection (1) commits an offence and shall, upon conviction, be liable to a penalty specified in section 60 of this Act.

(3) The Minister may make regulations prescribing the manner and procedure for transferring of firearms or ammunition.”

PART VI

AMENDMENT OF THE IMMIGRATION ACT, (CAP. 54)

Construction
Cap. 54

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

Amendment
of
section 3

21. The principal Act is amended in section 3 by inserting in the appropriate alphabetical order the following new definition:

““Training Academy” means the Tanzania Regional Immigration Training Academy established under section 8A;”

Amendment
of
section 6

22. The principal Act is amended in section 6(a), by-
(a) deleting item (ii);
(b) renaming items (iii) to (xi) as items (ii) to (x) respectively.

Amendment
of
section 7

23. The principal Act is amended in section 7(1) by deleting the words “Deputy Commissioner General”.

Amendment
of
section 8

24. The principal Act is amended in section 8 by deleting subsection (1) and substituting for it the following:

“(1) The Department shall be divided into divisions, sections, units, regions, districts, entry or exit points and border posts as the Minister may determine.”

Addition of
section 8A

25.-(1) The principal Act is amended by adding immediately after section 8 the following:

“Establish
ment of
Training
Academy

8A.-(1) There is hereby established within the Department a Training Academy to be known as Tanzania Regional Immigration Training Academy or in its acronym “TRITA”.

(2) The Training Academy shall provide basic immigration training, promotional training courses and such other trainings for-

- (a) persons who intend to join the Department;
- (b) employees of the Department; or
- (c) such other persons as the Commissioner General may determine.

(3) The Commissioner General shall have power to allocate to other training centres persons who intend to join the Department or employees of the Department.

(4) The Training Academy shall be under the supervision of the Commissioner responsible for training.

(5) The Commissioner General may provide guidance on the conduct and management of the Training Academy.

(6) The Commissioner General may, by order published in the *Gazette*, establish other immigration training centres.”

Amendment
of
section 9

26. The principal Act is amended in section 9, by-

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

“(2) In the performance of his functions under this section, the Commissioner General may issue orders for governing the discharge of duties of the Department.”

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

Amendment of
section 11

27. The principal Act is amended in section 11(1), (2) and (3) by inserting immediately before the word “disciplinary” the word “final”.

Repeal of
section 29

28. The principal Act is amended by repealing section 29.

Addition of
section 32A

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

“Power to
issue pass

32A. Without prejudice to the provisions of section 32, the Commissioner General may, subject to the regulations prescribed by the Minister, issue temporary passes as the circumstances may require.”

Amendment of
section 48

30. The principal Act is amended in section 48(1), by-

- (a) deleting the words “ and the issue of visas” appearing in paragraph (h) and substituting for them the words “ issue of visas and fees payable for such visas”;
- (b) deleting paragraph (q);
- (c) renaming paragraph (r) as paragraph (q); and
- (d) in paragraph (q) as renamed by adding immediately after subparagraph (iii) the following:
“(iv) procedure and regulation of the Training Academy.”

Amendment of
Schedule

31. The principal Act is amended by deleting the Schedule.

PART VII

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

Construction
Cap. 1

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

Amendment of
section 84

33. The principal Act is amended in section 84, by-

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

following:

- “(2) The Attorney General may translate any written law from one language of enactment into another and, by notice in the *Gazette*, publish the version which is translated.”;
- (b) renumbering subsections (2) and (3) as subsections (3) and (4) respectively.

PART VIII

AMENDMENT OF THE JUDICIARY ADMINISTRATION ACT, (CAP. 237)

Construction
Cap. 237

34. This Part shall be read as one with the Judiciary Administration Act, hereinafter referred to as the “principal Act”.

Addition of
section 65A

35. The principal Act is amended by adding immediately after section 65 the following:

“Protection
of judicial
officer

65A. A judicial officer shall not be liable in an action or suit in respect of anything done or omitted to be done in good faith in the performance of judicial function.”

PART IX

AMENDMENT OF THE LAW REFORM (FATAL ACCIDENTS AND MISCELLANEOUS PROVISIONS) ACT, (CAP. 310)

Construction
Cap. 310

36. This Part shall be read as one with the Law Reform (Fatal Accidents and Miscellaneous Provisions) Act, hereinafter referred to as the “principal Act”.

Addition of
section 18A

37. The principal Act is amended by adding immediately after section 18 the following:

“Suit against
President,
Speaker or
Chief Justice

18A. Notwithstanding any provisions to the contrary, leave of application for orders under section 18 or any other suit under this Act for any act or omission by the President, Vice-President, Prime Minister, Speaker, Deputy Speaker or Chief Justice shall be sought or brought against the Attorney General.”

PART X

AMENDMENT OF THE LAWS REVISION ACT,

(CAP. 4)

Construction
Cap. 4

38. This Part shall be read as one with the Laws Revision Act, hereinafter referred to as the “principal Act”.

Amendment
of section 4

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

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

“(3) Notwithstanding any other provision to the contrary, the Attorney General may require the Chief Parliamentary Draftsman to carry out a specific revision of any written laws.

(4) Notwithstanding the provision of section 12(1), the written laws revised in terms of subsection (3) shall come into operation on such date as the Attorney General may, by notice published in the *Gazette*, appoint.”;

(b) renumbering subsection (3) as subsection (5).

Amendment
of section 5

40. The principal Act is amended in section 5 by adding immediately after subsection (6) the following:

“(7) The Attorney General shall, by notice in the *Gazette*, publish annual supplement prepared under this section.”

Amendment
of section 12

41. The principal Act is amended in section 12, by deleting subsections (1) and (2) and substituting for them the following:

“(1) The President may immediately after completion of the revision of laws carried out under section 4(2), issue a proclamation specifying the date of commencement of the Revised Edition.

(2) From the date specified in the proclamation, the Revised Edition described in such proclamation shall, subject to the provisions of section 13, be deemed to be and shall be noted, in all courts of law, as the proper law of Tanzania in respect of the laws included therein.”

PART XI

AMENDMENT OF THE LAW SCHOOL OF TANZANIA ACT, (CAP. 425)

Construction
Cap. 425

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

Amendment of
section 2

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

“(2) Notwithstanding subsection (1), the Chief Justice may, upon application, exempt from the requirements of subsection (1)-

Cap. 341

- (a) any Law Officer;
 - (b) any judicial officer of the rank of senior officer and above;
 - (c) any legally qualified lawyer in the public service of the rank equivalent to senior State Attorney or above;
- who holds the professional qualifications set out in section 8(1)(a) of the Advocates Act.
- (3) The Chief Justice may make rules prescribing for-
- (a) procedures and manner of application for exemption;
 - (b) practical experience necessary for exemption; and
 - (c) modality of scrutinising the applications.”

PART XII
AMENDMENT OF THE NATIONAL ASSEMBLY (ADMINISTRATION) ACT,
(CAP. 115)

Construction
Cap.115

- 44.** This Part shall be read as one with the National Assembly (Administration) Act, hereinafter referred to as the “principal Act”.

Amendment of
section 5

- 45.** The principal Act is amended in section 5-
- (a) in subsection (1), by adding immediately after the words “There shall” the words “upon approval by the President,”
 - (b) in subsection (2), by adding immediately after the words “The Commission may” the words “upon approval by the President, and”.

Amendment of
section 7

- 46.** The principal Act is amended in section 7 by deleting subsection (3).

PART XIII

AMENDMENT OF THE PRESIDENTIAL AFFAIRS ACT,
(CAP. 9)Construction
Cap. 9

47. This Part shall be read as one with the Presidential Affairs Act, hereinafter referred to as the “principal Act.”

Amendment of
section 6

48. The principal Act is amended in section 6-
(a) in subsection (1) by deleting paragraph (b);
(b) by deleting subsection (3) and substituting for it the following”

“(2) Civil proceedings instituted pursuant to this section shall be instituted after the President ceases to hold Office of the President.

Cap. 33

(3) The provisions of the Civil Procedure Code shall apply in respect to the civil proceedings against the retired President under this section.

(4) In computing the time limit within which civil proceedings may be instituted against the retired President, the period which a person held the office of the President shall be excluded.”

Amendment of
section 7

49. The principal Act is amended in section 7, by-

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

“(1) Notwithstanding any provisions to the contrary, proceedings against an act or omission by the President other than those referred to in section 6 shall be brought against the Attorney General.”;

(e) deleting the word “President” appearing at the end of subsection (2) and substituting for it the words “Attorney General”.

PART XIV

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

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

Amendment of
section 116

51. The principal Act is amended in section 116 by deleting the word “livestock” appearing in subsection (3)(a).

Passed by the National Assembly on the 10th June, 2020.

STEPHEN KAGAIGAI
Clerk of the National Assembly

