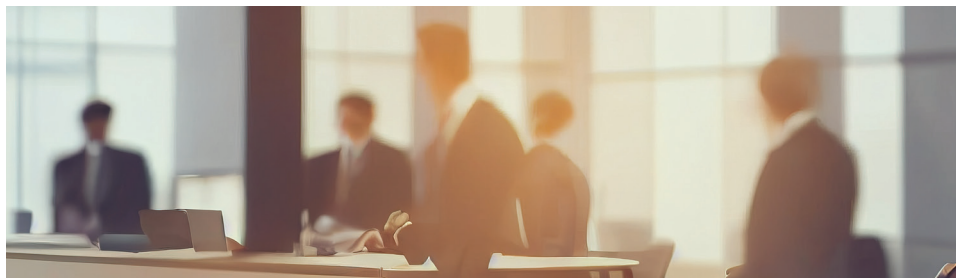


20 September 2023



## New Business Licensing Regulations Published

- Application procedure stipulated
- Conditions for issuance of duplicate licence provided
- Conditions annexed to licences stated
- Duty to maintain business licence register enunciated
- Articulate the manner of business inspection
- Appeal procedure elucidated
- Standard forms provided
- The 1972 Business Licensing Regulations revoked

On 1 September 2023, the Minister for Industry and Trade (the Minister) issued the Business Licensing Regulations, 2023 (the New Regulations), vide the Government Notice No. 626 of 2023.

The New Regulations require every application for a business licence to be made to the relevant licensing authority in the area in which the business is/intended to be carried on. Further, regulation 3 requires the application to be made through Form No. TFN 211 as prescribed in the Schedule to the New Regulations. Notwithstanding the above requirement, applications for licences relating to night clubs are required to be accompanied by an approval from the relevant authority confirming that the area where the business will be conducted conforms to the conditions set for purposes of protecting public health and safety.

In so far as duplicate licences are concerned, the New Regulations demand that where a licence has been lost, destroyed, rendered illegible or has become mutilated, a duplicate of the licence may be issued upon satisfying the issuing Authority and payment of the required fee. Further, the New Regulations oblige a licensing authority to maintain a register of issued licences and specifically capture certain details such as: name and address of the licensee; type and registration number of a company; Taxpayer Identification Number (TIN); dates of issuance and expiry of a licence; business sector; type of business; and nationality of the licensee. Furthermore, every licensing authority is required to furnish a report with information

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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.

FB Attorneys has been ranked as a tier 1 law firm by the IFLR 1000 in the Energy & Infrastructure and Financial & Corporate sectors, tier 1 by Legal 500 and band 1 by Chambers and Partners General Business Law.

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# LEGAL UPDATE

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20 September 2023



in respect of business licensing to the Minister after every three months.

Regarding conditions annexed to licences, the Regulations stipulate certain conditions to be mandatory. The said conditions include: the requirement that the business premises must comply with the by-laws applicable in that particular area (including by-laws relating to environment, hygiene and public health); the requirement that the licensee shall, based on the notice issued by the Permanent Secretary Ministry of Industry and Trade (PS) or licensing authority, provide a return of his turnover for such period as specified in the notice; and where the licence fee is charged based on turnover, the licensee should submit a duly consolidated and adjusted balance sheet for that purpose.

It is important to note that the New Regulations empower the PS, a licensing authority, public officer, authorised officer or a police officer above the rank of Inspector to enter into any premises on which he reasonably suspects any person of carrying on any business and may require such person to produce to him the business licence, if any, granted to such person. On top of the above, the said inspection shall focus on the business licence issued; the place where the business is conducted; if the business conducted is in line with the licence issued; the legality of the issued licence; if the business conducted adheres to the conditions of the issued licence; and any other matters the licensing authority may consider relevant.

Moreover, the New Regulations require every appeal to be made within 30 days by lodging with the Appellate Authority a Memorandum of Appeal as prescribed in the Schedule to the New Regulations. It is worth noting that, in case of appeals relating to refusal by a licensing authority to grant a business licence; a revocation of a business by the licensing authority; a revocation of a business licence by the PS or any disqualification imposed by the PS, the aggrieved person may appeal to the Minister. Apart from the above, where any person is aggrieved by the assessment by a licensing authority of any licence fee, may appeal to the PS.

To read the Business Licensing Regulations, 2023 [click here](#)

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