#### THE UNITED REPUBLIC OF TANZANIA

11th October, 2024 No. 14

#### **ACT SUPPLEMENT**

To The Gazette of the United Republic of Tanzania No.42 Vol. 105 Dated 11th October, 2024 Printed by The Government Printer, Dodoma by Order of Government

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#### THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 2) ACT, 2024

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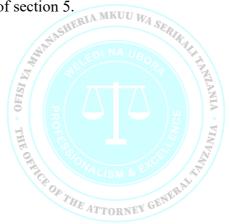
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#### THE UNITED REPUBLIC OF TANZANIA



No. 14 of 2024

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SAMIA SULUHU HASSAN

President

[2<sup>nd</sup> October, 2024]

An Act to amend certain written laws.

**ENACTED** by the 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. 2) Act, 2024.

Amendme nt 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 ANTI-TRAFFICKING IN PERSONS ACT, (CAP. 432)

Constructi on Cap. 432 3. This Part shall be read as one with the Anti-Trafficking in Persons Act, hereinafter referred to as the "principal Act".

Amendme nt of section 3

**4.** The principal Act is amended in section 3 by adding in the appropriate alphabetical order the following new definition:

""Secretariat" means the Anti-trafficking in Persons Secretariat established under section 24A;".

Amendme nt of section 17

**5.** The principal Act is amended in section 17(3) by deleting the words "Commissioner for Social Welfare" and substituting for them the words "Social Welfare Officer".

Addition of Part IVA

**6.** The principal Act is amended by adding immediately after Part IV the following:

# "PART IVA THE ANTI-TRAFFICKING IN PERSONS SECRETARIAT

"Establishment of Secretariat

24A.- There is established a Secretariat to be known as the Anti-trafficking in Persons Secretariat.

(2) The functions of the Secretariat shall be to(a) coordinate activities of all

- (a) coordinate activities of all relevant institutions on matters connected with trafficking in persons;
- (b) take measures to prevent and combat trafficking in persons, including creating public awareness, conducting training, joint investigation and operations to disrupt trafficking routes and networks;

- (c) identify, rescue, protect, rehabilitate and reintegrate victims of trafficking in persons;
- (d) ensurethe implementation of international agreements and conventions on matters relating to trafficking in persons on which the United Republic is a party;
- (e) collaborate with other organs in the investigation and prosecution of trafficking in persons cases;
- (f) foster cooperation with international, regional and national institutions and organizations on combating trafficking in persons;
- (g) establish, facilitate, promote and manage the operation of safe houses for victims of trafficking in persons;
- (h) provide advice to the Anti-Trafficking Committee on matters relating to general administration of this Act and those referred to the Minister;



- (i) coordinate affairs of and provide secretariat services to the Anti-Trafficking Committee;
- (j) conduct research, monitor and make follow up of trafficking in persons incidences in the country; and
- (k) carry out such other functions as are necessary in combating trafficking in persons.

(3) In the performance of its functions under this section, the Secretariat may-

- (a) establish data collection and management system on trafficking in persons at the national level;
- (b) enter into any premise for the purpose of preventing and combating trafficking in persons activities; and
- (c) request information from and summon any person dealing with matters relating to trafficking in persons.

Secretary

**24B**.-(1) The President shall appoint among senior public officers a Secretary to the

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Secretariat.

(2) The Secretary shall be responsible for the proper administration and management of the functions and affairs of the Secretariat.

Deputy Secretaries

- **24**C.-(1) There shall be two Deputy Secretaries who shall be appointed by the President one from each part of the Union.
- (2) The Deputy Secretaries appointed under this section shall be heads of the Prevention and Victims Protection Section and Zanzibar Anti-trafficking in Persons Office, respectively.
- (3) The Deputy Secretaries shall, in discharging their functions under this Act, be the principal assistants of the Secretary.

Staff of Secretariat Cap. 298

24D. There shall be arrow employed such number of employees of the Secretariat in accordance with the Public Service Act.".

Amendme nt of section 30

- 7. The principal Act is amended in section 30, by-
- (a) deleting subsection (2) and substituting for it the following:
  - "(2) The Secretary shall coordinate affairs of and provide secretariat services to the Committee."; and
- (b) deleting subsections (3) and (4).

Amendme nt of section 31

**8.** The principal Act is amended in section 31(1) by deleting the words "a Director of Immigration" appearing in

paragraph (a) and substituting for them the words "a Commissioner General of Immigration".

Amendme nt of section 32

- 9. The principal Act is amended in section 32, by-
- (a) deleting paragraphs (a), (d), (f) and (g); and
- (b) renaming paragraphs (b), (c), (e), (h) and (i) as paragraphs (a), (b), (c), (d) and (e) respectively.

# PART III AMENDMENT OF THE CRIMINAL PROCEDURE ACT, (CAP. 20)

Constructi on Cap. 20 Procedure Act, hereinafter referred to as the "principal Act".

Amendme nt of section 205A 11. The principal Act is amended in section 205A by adding immediately after subsection (2) the following:

"(3) The mode and manner of preparation of report under subsection (1) shall be as set out in the form prescribed in the Fifth Schedule."

Addition of Fifth Schedule

12. The principal Act is amended by adding immediately after the Fourth Schedule the following:

#### FIFTH SCHEDULE

#### THE UNITED REPUBLIC OF TANZANIA

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# PART IV AMENDMENT OF THE e-GOVERNMENT ACT, (CAP. 273)

Constructi on Cap. 273 13. This Part shall be read as one with the e-Government Act, hereinafter referred to as the "principal Act".

Amendme nt of section 57

- 14. The principal Act is amended in the closing phrase of section 57(1)-
  - (a) in subparagraph (ii), by deleting the words "paragraphs (b), (e) and (g)" and substituting for them the words "paragraphs (b) and (g)"; and
  - (b) by adding immediately after subparagraph (ii) the following:
    - "(iii) in the case of offences under paragraph
      (e), be liable to a fine of not less than
      three million shillings but not exceeding
      fifty million shillings or to imprisonment
      for a term of not less than one year but
      not exceeding twenty years or to both.".

# PART V AMENDMENT OF THE IMMIGRATION ACT, (CAP. 54)

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Constructi on Cap. 54

15. This Part shall be read as one with the Immigration Act, hereinafter referred to as the "principal Act".

Amendme nt of section 3

- 16. The principal Act is amended in section 3, by-
- (a) deleting the definition of the term "medical practitioner" and substituting for it the following:

Cap. 152
Act No.
12 of 1999

""medical practitioner" has the meaning ascribed to it under the Medical, Dental and Allied Health Professionals Act and the Medical Practitioners and Dentists Act of Zanzibar;";

(b) adding in the appropriate alphabetical order the following new definitions:

""illegal immigrant" means an alien immigrant who has violated any of the conditions

of entry or residence in the United Republic;

"order of departure" means an order issued in accordance with regulations made under this Act to an alien immigrant required to leave the United Republic; and

"smuggling of immigrants" means the procuring of an alien immigrant in order to obtain, whether directly or indirectly, benefits for the purpose of illegal entry or exit of the alien immigrant from the United Republic;".

Addition of section 8B

17. The principal Act is amended by adding immediately after section 8A the following:

"Governing Board of Training Academy

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**8B.**-(1) There shall be a Governing Board of the Training Academy which shall be responsible for the general control and supervision of the Training Academy.

- (2) The Governing Board shall consist of the following seven members appointed by the Commissioner General:
  - (a) a senior officer from a Public University, who shall be the Chairperson;
  - (b) the Training Academy Commandant, who shall be the Secretary;
  - (c) a senior member from security organ;
  - (d) a retired senior immigration officer of the rank not below Deputy Commissioner of Immigration;

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- (e) a senior officer from the Ministry responsible for foreign affairs;
- (f) a senior officer from the Office of the Second Vice President of the Revolutionary Government of Zanzibar; and
- (g) a senior officer from the Treasury office.
- (3) In appointing members of the Governing Board, the Commissioner General shall have regard to-
  - (a) the need to have diversity of members with requisite knowledge and experience in immigration matters; and
  - (b) academic qualification and professional competencies.
- (4) The provisions of the Schedule shall have effect as to the tenure and termination of members, proceedings and other matters in relation to the Governing Board and its members."

Amendme nt of section 20

- **18.** The principal Act is amended in section 20(2) by deleting the word "and" appearing between the words "still picture" and "audio" and substituting for it the word "or".
  - 19. The principal Act is amended in section 23, by-

Amendme nt of section 23

- (a) adding immediately after subsection (1) the following:
  - "(2) The Commissioner General shall, subject to subsection (1), issue a prohibited immigrant notice to any person who is a prohibited immigrant.
  - (3) Notwithstanding subsection (2), the Commissioner General may, for purposes of fostering regional or multilateral integration, diplomatic ties or such other related purposes, issue an order of departure to any person who is a prohibited immigrant."; and
- (b) renumbering subsection (2) as subsection (4).

Amendme nt of section 28

- **20**. The principal Act is amended in section 28-
- (a) by deleting subsection (1) and substituting for it the following:
  - "(1) Subject to subsections (3) and (4), a person to whom this section applies shall not enter Tanzania from any place outside Tanzania or remain in Tanzania unless-
    - (a) he is in possession of a valid visa;
    - (b) he is in possession of a valid pass;
    - (c) he is a holder of a valid residence
  - permit; or

    (d) he is in possession of, or his name enrollment notification issued to the applicant prior to issuance of the valid permit.";
- (b) by adding immediately after subsection (1) the following:
  - "(2) Notwithstanding the provisions of subsection (1), a person who enters Tanzania from any place outside Tanzania shall be required to be in possession of a valid passport.";
- (c) in subsection (5) by deleting the opening phrase and substituting for it the following:

- "(5) The provisions of paragraphs (a), (b) and (d) of subsection (1) and of subsection (2) shall apply to every person other than-";
- (d) by deleting reference to subsection (5) wherever it appears in subsections (6) and (7) and substituting for it reference to subsection (6); and
- (e) by renumbering subsections (2) to (8) as subsections (3) to (9) respectively.

Amendme nt of section 32

- 21. The principal Act is amended in section 32-
  - (a) by deleting subsection (2) and substituting for it the following:
    - "(2) A residence permit may be issued for a period not exceeding two years and may be renewed."; and

Act No. 10 of 2023

(b) in subsection (4), by adding the words "or the Zanzibar Investment Act" immediately after the word "Act".

Amendme nt of section 37

22. The principal Act is amended in section 37 by deleting the phrase "refusing an application for a residence permit or varying the conditions or period of validity specified in the permit," and substituting for it the words "under this Act".

Addition of section 42A

23. The principal Act is amended by adding immediately after section 42 the following:

"Mode of application and issuance of documents 42A. An application for, and the issuance of any immigration document under this Act shall be done electronically or by such other means as the Commissioner General may determine."

Amendme nt of section 45

- **24**. The principal Act is amended in section 45-
- (a) in subsection (1), by-
  - (i) deleting the word "and" appearing at the end of paragraph (p);

- (ii) adding immediately after paragraph (p) the following:
  - "(q) fails to furnish any list or information required to be furnished by him under this Act;
  - (r) fails to comply with an order of departure issued by the Commissioner General; or";
- (iii) renaming paragraph (q) as paragraph (s); and
- (b) in subsection (2), by deleting the words "or to imprisonment for a term not exceeding three years" and substituting for them the words "but not exceeding five million shillings or to imprisonment for a term not less than six months but not exceeding three years".

Amendme nt of section 46

- 25. The principal Act is amended in section 46-
- (a) in the closing phrase of subsection (1), by deleting the words "or to imprisonment for a term of twenty years" and substituting for them the words "but not exceeding one hundred million shillings or to imprisonment for a term of not less than twelve years but not exceeding twenty years"; and
- (b) in subsection (2), by deleting the term "Attorney General" and substituting for it the term "Director of Public Prosecutions".

Amendme nt of section 48

- 26. The principal Act is amended in section 48-
- (a) in subsection (1), by-
  - (i) adding immediately after paragraph (o) the following:
    - "(p) prescribing procedure for appeals; and
  - (ii) renaming paragraphs (p), (q) and (r) as paragraphs (q), (r) and (s) respectively;
- (b) in subsection (2), by deleting the words "paragraph (a) to (q) of".

Addition Schedule

27. The principal Act is amended by adding immediately after section 52 the following:

**SCHEDULE** 

(Made under section 8B(4))

#### PROVISIONS RELATING TO THE GOVERNING BOARD

Tenure of office

- 1.-(1) Subject to the provisions of this Schedule, a member of the Governing Board shall hold office for a period of three years from the date of his appointment and he may be eligible for re-appointment for one further term.
- (2) Notwithstanding subparagraph (1), a member may resign at any time by giving notice in writing to the appointing authority and from the date specified in the notice or, if no date is so specified in the notice from the date of the receipt of the notice by the appointing authority, he shall cease to be a member.
- (3) A person who is a member by virtue of his office shall cease to be a member upon ceasing to hold the office by virtue of which he is a member.

appointment

Termination of 2. Where a member of the Governing Board absents himself from three consecutive meetings of the Governing Board without reasonable excuse, the Governing Board shall advise the appointing authority of the fact and the appointing authority may terminate the appointment of that member and may appoint a new member in his place.

Cessation of membership

3.-(1) Where a member of the Governing Board ceases to be a member by resignation or death or is unable to perform his functions as a member by reason of his absence from the United Republic or by reason of any infirmity of body or mind or where the appointing authority terminates his appointment, the appointing authority may appoint

another member in his place and the member so appointed shall, subject to the provisions of this Schedule hold office for the remainder of the term of his predecessor.

(2) Where in the opinion of the appointing authority, the absence or infirmity of a member is of a temporary nature, may appoint a temporary member to take his place and that temporary member shall have, so long as he remains a temporary member, all the powers and functions of a member of the Governing Board:

Provided that, on the resumption of office by the substantive member the temporary member shall cease to hold office.

Vice-Chairman

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4. The Governing Board shall elect one of its members to be the Vice-Chairman and a member elected as Vice-Chairman shall, subject to his continuing to be a member, hold office of Vice-Chairman for a term to be fixed by the Governing Board and shall be eligible for re- election after the end of that period.

Power of Chairman and Vice-Chairman

- **5.-**(1) The Chairman shall preside at all meetings of the Board.
- (2) Where at a meeting of the Governing Board the Chairman is absent, the Vice-Chairman shall preside.
- (3) In the absence of both the Chairman and the Vice-Chairman at a meeting of the Governing Board, the members present may, from amongst their number elect a temporary Chairman who shall preside at that meeting.
- (4) The Chairman, Vice-Chairman or temporary Chairman presiding at a meeting of the Governing Board, shall

have a right to vote and, in the event of an equality of votes, shall have a casting vote in addition to his deliberative vote.

Meetings and procedure of Governing Board

- 6.-(1) An ordinary meeting of the Governing Board, shall be convened by the Chairman and the notice specifying the place, date and time of the meeting shall be sent to each member at his usual place of business or residence not less than fourteen days before the date of such meeting.
- (2) The Governing Board shall ordinarily meet four times in a year, but the Chairman may convene an extraordinary meeting when the need to do so arises.

  (3) The Chairman and the chairman are convened to the chairman ar
  - (3) The Chairman of the Governing Board may invite any person who is not a member to participate in the deliberations of the Governing Board, provided that, such person shall not be entitled to vote.

Quorum

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7. At a meeting of the Governing Board not less than one third of the members in office for the time being shall constitute a quorum.

Decision by vote

**8**. All matters at a meeting of the Governing Board shall be determined by the majority of the votes of the members present, and where a member refuses or fails to vote on any matter, he shall be deemed to have cast a negative vote.

Decision by circulation of papers

9.-(1) Notwithstanding the provisions of this Schedule, decisions may be made by the Governing Board without a meeting by circulation of the relevant papers among the members and the expression of the views of the majority thereof in writing.

(2) A member of the Governing Board shall be entitled to require that a decision made under this paragraph be deferred and the subject matter be considered at a meeting of the Governing Board.

Record of proceeding of Governing Board

- 10.-(1) The Governing Board shall cause minutes of all proceedings of meetings of the Governing Board to be entered in a book kept for the purpose.
- (2) Subject to subparagraph (1), the minutes if purporting to be approved by the members of the Governing Board and signed by the Chairman on the next succeeding meeting of the Governing Board shall be evidence of such proceeding and until the contrary is proved, the meeting to which the minutes related shall be deemed to have been duly convened and all proceedings thereto have been duly transacted.

Proceedings not to be invalid by reason of irregularity

Governing Board shall not be invalid by reason of the number of members not being complete at the time of such act or proceedings or of any defect in the appointment of any member or the fact that any member was at the time disqualified or disentitled to act as such.

Governing Board may regulate its proceedings **12**. Subject to the provisions of this Schedule, the Governing Board may regulate its proceedings.".

#### PART VI AMENDMENT OF THE MEDICAL STORES DEPARTMENT ACT, (CAP. 70)

Constructi on Cap. 70 **28.** This Part shall be read as one with the Medical Stores Department Act, hereinafter referred to as the "principal Act".

Amendme nt of section 16A **29.** The principal Act is amended in section 16A by deleting the phrase "subject to such conditions as may be prescribed under the Trustee Investments Act, in relation to investments of funds by trustees".

# PART VII AMENDMENT OF THE STANDARDS ACT, (CAP. 130)

Constructi on Cap. 130 **30.** This Part shall be read as one with the Standards Act, hereinafter referred to as the "principal Act".

Amendme nt of section 2

- 31. The principal Act is amended in section 2, by-
- (a) deleting the interpretation of the term "management";
- (b) adding the words "through metrological traceability" at the end of definition of the term "National Measurement Standard";
- (c) adding the words "for own use or trade or business purpose" at the end of definition of the term "commodity"; and
- (d) inserting in the appropriate alphabetical order the following new definitions:

""calibration" means operation that, under specified conditions, in a first step, establishes a relation between the quantity values with measurement uncertainties provided by the measurement standards and corresponding indications with associated measurement uncertainties and in a second step, uses this

information to establish a relation for obtaining a measurement result from an indication;

"food borne disease" means any disease, infectious or toxic in nature, caused or thought to be caused by consumption of contaminated food;

"owner" means a person in possession or having control of, or power of disposition of, or importer, exporter, consignee, agent or, of commodity, product or service;

"pre-packaged food" means food that is processed to extend its shelf life, packaged, labelled, and complying with specified standards ready for offer to the consumer and includes food supplements;".

Amendme nt of section 4

- **32.** The principal Act is amended in section 4(1)-
- (a) in paragraph (a), by deleting the words "quality control of commodities" and substituting for them the words "quality assurance, quality control and safety of commodities";
- (b) in paragraph (b), by inserting the word "metrological" between the words "and" and "traceability";
- (c) by deleting paragraph (f) and substituting for it the following:
  - "(f) assist industries and institutions in setting up and implementing management systems standards and enforcing quality assurance, safety and quality control;"; and
- (d) in paragraph (s), by adding the words "metrology, product safety" immediately after the word "standardisation".

Amendme nt of

**33.** The principal Act is amended in section 21A(4) by deleting the words "the CODEX Almentarious Commission"

section 21A

and substituting for them the words "international recognised standardisation bodies".

Amendme nt of section 22

- **34**. The principal Act is amended in section 22-
- (a) in subsection (2), by deleting the words "samples of any commodity" and substituting for them the words "reference measurement standards"; and
- (b) in subsection (3), by inserting the words "or licensed calibration laboratory" between the words "Bureau" and "for calibration".

Amendme nt of section 23

**35**. The principal Act is amended in section 23(2) by deleting the words "a certificate of appointment" and substituting for them the words "an identity card".

Amendme nt of section 24

- 36. The principal Act is amended in section 24-
- (a) in subsection (1), by-

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- (i) inserting immediately after paragraph (e) the following:
  - "(f) seize any commodity in respect of which he has reasonable cause to believe or suspect that the commodity does not conform with the standard or requirements prescribed by the Bureau;"; and
- (ii) renaming paragraphs (f) and (g) as paragraphs (g) and (h) respectively; and
- (b) in subsection (2), by deleting the words "the certificate" and substituting for them the words "an identity card".

Amendme nt of section 25

**37**. The principal Act is amended in section 25(1)(c) by deleting subparagraph (i) and substituting for it the following:

"(i) take corrective and preventive action or repair the defective commodity;".

Amendme nt of section 27

- 38. The principal Act is amended in section 27, by-
- (a) deleting subsections (1) and (2) and substituting for them the following:

- "(1) A person who contravenes any of the provisions of this Act for which no specific penalty is provided, commits an offence and upon conviction shall be liable-
- (a) in case of a first offender, to a fine of not less than thirty percent but not exceeding fifty percent of the total market value or assessed value of the defective, substandard, unfit, unregistered product or commodity or any commodity or product to which the percentage applies or a fine of fifty million shillings, whichever is greater, or to imprisonment for a term of not less than six months but not exceeding one year or to both;
- (b) in case of a second or subsequent offender, to a fine of not less than fifty percent of the total market value or assessed value of the defective, substandard, unfit, unregistered product or commodity or any commodity or product to which the percentage applies or a fine of eighty million shillings, whichever is greater, or to imprisonment for a term of not less than one year but not exceeding three years or to both; and
  - (c) in case of an offence which percentage of the defective, substandard, unfit, unregistered product or commodity or any commodity or product does not apply, to a fine of not less than ten million shillings or to imprisonment for a term of not less than six months or to both."; and
- (b) renumbering subsection (3) as subsection (2).

Amendme nt of section 36

- **39.** The principal Act is amended in section 36-
- (a) in subsection (3), by inserting the words "advertisement of food or cosmetics" between the words "with" and "premise" appearing in paragraph (e); and
- (b) by deleting subsection (4) and substituting for it the following:
  - "(4) The regulations and by-laws made under this Act may, where no specific penalty is provided, provide for a penalty not exceeding a fine of thirty percent of the total market value or assessed value of the product or commodity to which the percentage applies or a term of imprisonment of not less than six months but not exceeding three years or to both."

### PART VIII AMENDMENT OF SHERIA YA TUME YA MIPANGO, (CAP. 127)

Constructio n Cap.127 40. This Part shall be read as one with the Sheria ya Tume ya Mipango, hereinafter referred to as the "principal Act".

General amendmen **41.** The principal Act is generally amended in the long title, section 1, in the definition of the term "Tume" appearing in section 3, heading to Part II and section 4(1) by deleting the words "Tume ya Mipango" and substituting for them the words "Tume ya Taifa ya Mipango".

Amendme nt of section 5

- **42**. The principal Act is amended in section 5-
- (a) In subsection (1), by-
  - deleting the word "sita" appearing in the opening phrase and substituting for it the word "nane";
  - (ii) adding the words "ambaye atakuwa Makamu Mwenyekiti" immediately after the word "taifa" appearing at the end of paragraph (a); and

- (iii) deleting the word "wanne" appearing in paragraph (c) and substituting for it the word "sita";
- (b) by adding immediately after subsection (1) the following:
  - "(2) Katibu Mkuu Kiongozi, Mwanasheria Mkuu wa Serikali, Katibu Mkuu wa Wizara yenye dhamana na masuala ya mipango ya maendeleo ya taifa na Katibu Mkuu wa Wizara yenye dhamana na masuala ya fedha watashiriki vikao vya Tume kwa nyadhifa zao."; and
- (c) by renumbering subsections (2) to (5) as subsections (3) to (6) respectively.

Passed by the National Assembly on the 3<sup>rd</sup> September, 2024

NENELWA JOYCE MWIHAMBI. Clerk of the National Assembly