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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENT) (NO.2)
ACT, 2016

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NOTICE

This Bill to be submitted to the National Assembly is published for general information to the general public together with a statement of its objects and reasons.

Dar es Salaam,
17th May, 2016

JOHN W. H. KIJAZI
Secretary to the Cabinet

A BILL
for

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.2) Act, 2016. |
| 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 ANTI-MONEY LAUNDERING ACT
(CAP. 423)

- | | |
|--------------------------|--|
| Construction
Cap. 423 | 3. This Part shall be read as one with the Anti-Money Laundering Act, hereinafter referred to as the “principal Act”. |
| Amendment of section 13 | 4. The principal Act is amended in section |

13(1)(a) by inserting immediately after the words “one hundred million shillings” the phrase “or an amount equivalent to three times the market value of the property, whichever is greater”.

PART III
AMENDMENT OF THE ANTI TRAFFICKING IN PERSONS ACT
(CAP. 432)

Construction
Cap. 432

5. This Part shall be read as one with the Anti Trafficking in Persons Act, hereinafter referred to as the “principal Act”.

Amendment of
section 14

6. The principal Act is amended in section 14 by deleting subsection (1) and substituting for it the following:

“(1) In addition to the penalty imposed for the commission of an offence under this Act, the court may on its own motion or on application by the Attorney General, order confiscation and forfeiture to the Government of -

- (a) all proceeds and properties derived from the commission of the offence of trafficking in person; or
- (b) anything used for purposes of committing or facilitating the commission of the offence of trafficking in persons.”

Amendment of
section 20

7. The principal Act is amended in section 20(1) by deleting the words “Task Force” and substituting for them the words “Anti-trafficking Committee”.

PART IV
AMENDMENT OF THE CIVIL PROCEDURE CODE
(CAP.33)

Construction
Cap. 33

8. This Part shall be read as one with the Civil Procedure Code, hereinafter referred to as the “the

principal Act”.

Amendment of
section 13

9. The principal Act is amended in section 13 by adding at the end of that section the following proviso:-

“Provided that the provisions of this section shall not be construed to oust the general jurisdiction of the High Court”.

PART V

**AMENDMENT OF THE CONTRACTORS REGISTRATION ACT
(CAP. 235)**

Construction
Cap. 235

10. This Part shall be read as one with Contractors Registration Act, hereinafter referred to as the “principal Act”.

Amendment of
section 6

11. The principal Act is amended by deleting section 6 and substituting for it the following:

“Appointment
of Registrar

6.-(1) The Board shall appoint a Registrar to the Board who shall be either a registered engineer, architect, quantity surveyor or a qualified person in either law, economics, finance or management.

(2) The Registrar shall hold or vacate office in accordance with the terms of his appointment.”

Amendment of
section 10

12. The principal Act is amended in section 10 by inserting immediately after sub section (5) the following new subsection:

“(6) An applicant under this section who is found guilty of an offence of submitting forged documents, misrepresentation or any form of fraudulent conduct, inducement or corrupt practice shall:

(a) in the case of an applicant for registration as a contractor-

(i) have his application deferred; and

(ii) be debarred from being registered as contractor for a period of not more than two years; and

- (b) in the case of an applicant for upgrading or for obtaining any service from the Board-
- (i) have his application deferred;
- (ii) have his registration deleted; or
- (iii) be debarred as contractor for a period of not more than two years.”

Amendment of section 12

13. The principal Act is amended in section 12 by-

(a) inserting immediately after subsection (1) the following subsections:

“(2) An assessment of the majority shareholders shall base on the aggregate of shares owned by locals in the individual firm or company.

(3) Where the company applying for registration is a shareholder which is a limited liability company, the majority share holding within that limited liability company shall be assessed to determine the aggregate shares owned between the locals and foreigners.”

(b) re-numbering subsections (2) to (5) as subsections (4) to (7) respectively.

Amendment of section 13

14. Section 13 of the principal Act is amended:

(a) in subsection (1), by-

(i) inserting immediately after paragraph (i) a new paragraph (j) as follows:

“(j) forgery, misrepresentation, fraudulent conduct, inducement or corrupt practice;”

(ii) re-naming paragraph (j) as paragraph (k); and

(b) by deleting subsection (6) and substituting for it the following:

“(6) A sole proprietor, partners, directors or share holders of a company shall not be allowed to register a new contracting sole proprietorship or company after having been deleted as registered contractor for a period of three years unless otherwise directed

by the Board.”

Amendment of
section 15

- 15.** Section 15 of the principal Act is amended:
- (a) in subsection (1), by inserting immediately after the words “suspend” appearing in the opening phrase, the phrase “for a period to be specified by the Board.”;
 - (b) by deleting paragraph (c) ;
 - (c) in paragraph (e) by-
 - (i) deleting sub-paragraph (ii); and
 - (ii) re-naming sub-paragraph (iii) as sub-paragraph (ii).

Amendment of
section 16

16. The principal Act is amended in section 16 (1), by inserting immediately after the words “under section” the words “13 or”.

Amendment of
section 17

17. The principal Act is amended in section 17 (1) by deleting the opening phrase and substituting for it the following:

“ Any contractor who, having been served with a summons under section 16(2)(b) or an order issued under the provisions of section 16(2)(c), fails to comply or omits, without sufficient cause-”

Amendment of
section 23

18. The principal Act is amended in section 23(2) by deleting the words “within one year” and substituting for them the words “within sixty days”.

Amendment of
section 33

- 19.** The principal Act is amended in section 33 by:
- (a) designating the contents of section 33 as section 33 (1); and
 - (b) inserting immediately after subsection (1) as designated, the following:
 - “(2) A person who contravenes subsection (1) commits an offence and is liable to a fine of 0.5% of the class limit.”

PART VI
AMENDMENT OF THE EDUCATION ACT
(CAP. 353)

Construction
Cap 353

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

Amendment
of section 60

21. The principal Act is amended in section 60(1) by deleting paragraph (k).

Addition of a
new section
60A

22. The principal Act is amended by adding immediately after section 60 the following new section:

Prohibition to
marry or
impregnate a
primary or a
secondary
pupil

60A.-(1) It shall be unlawful under any circumstance for:

- (a) any person to marry a primary or secondary school girl or a school boy; or
- (b) a primary or secondary school boy to marry any person.

(2) Any person who contravenes any provision of subsection (1) commits an offence and shall, on conviction, be liable to imprisonment for a term of thirty years.

(3) Any person who impregnates a primary school or a secondary school girl commits an offence and shall, on conviction, be liable to imprisonment for a term of thirty years.

(4) Any person who aids, abates or solicits a primary or secondary school girl or a school boy to marry while pursuing primary or secondary education commits an offence and shall, on conviction, be liable to a fine of not less than five

million shillings or to imprisonment for a term of five years or to both.

(5) Every Head of School shall keep record and submit to the Commissioner or his representative a detailed quarterly report of cases of marriages and pregnancies under subsection (1), (3) or (4) and legal actions taken against the offenders.

Cap 16

(6) Notwithstanding anything in this section, the provisions of the Penal Code relating to sexual offences against girls or children under eighteen shall, where appropriate, apply *mutatis mutandis* in relation to primary and secondary school girls and boys under the age of eighteen”.

PART VII
AMENDMENT OF THE EMPLOYMENT AND LABOUR RELATIONS ACT, (CAP.366)

Construction
Cap. 366

23. This Part shall be read as one with the Employment and Labour Relations Act hereinafter referred to as the “principal Act.”

Amendment
of the Third
Schedule

24. The principal Act is amended in the Third Schedule by -
(a) deleting the words “by the Labour Commissioner” appearing in paragraph 13(5) of that Schedule; and
(b) deleting the whole of paragraph 13(9).

PART VIII
AMENDMENT OF THE EVIDENCE ACT
(CAP.6)

Construction
Cap. 6

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

Amendment

26. Section 127 of the principal Act is amended by-

of section
127

(a) inserting immediately after subsection (7) the following-

“(8) Notwithstanding the preceding provisions of this section, where in any criminal proceedings the only independent evidence is that of a child of tender age, the court shall receive the evidence, and may, after assessing the credibility of the evidence of the child of tender age on its own merits, notwithstanding that such evidence is not corroborated, proceed to convict, if for reasons to be recorded in the proceedings, the court is satisfied that the child of tender age is telling nothing but the truth”.

(b) renumbering subsection (8) as subsection (9).

PART IX
AMENDMENT OF THE FOREST ACT
(CAP. 323)

Construction
Cap 323

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

Amendment
of section 88

28. The principal Act is amended in section 88 by deleting the phrase “to a fine not exceeding one million shillings” and substituting for it the phrase “to a fine of not less than one hundred thousand shillings but not exceeding five million shillings”.

Amendment
of section 89

29. The principal Act is amended in section 89 by deleting the phrase “to a fine of not less than two hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term not exceeding two years” appearing in the closing phrase and substituting for it the phrase “to a fine of one million shillings or three times the market value of the prohibited produce whichever is greater or to imprisonment for a term not less than two years but not exceeding seven years”.

PART X
AMENDMENT OF THE IMMIGRATION ACT

Construction
Cap 54

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

Addition of
new section
31A

31. The principal Act is amended by adding immediately after section 31 the following new section:

“Smuggling
immigrants

31A. A person who-

- (a) smuggles immigrants;
- (b) hosts immigrants;
- (c) transports immigrants;
- (d) finances, organizes or, aids the smuggling of immigrants;
- (e) facilitates in anyway the smuggling of immigrants into the United Republic or to a foreign country;
- (f) commits any fraudulent act or makes any false representation by conduct, statement or otherwise, for the purpose of entering into, remaining in or departing from, or facilitating or assisting the entrance into, reside in or departing from the United Republic; or
- (g) transports any prohibited immigrants within the United Republic of Tanzania,

commits an offence and on conviction, is liable to a fine of not less than twenty million shillings or imprisonment for a term of twenty years.”

(2) In addition to the penalty imposed for the commission of an offence under this section, the court may on its own motion or on the application by the Attorney General, order

confiscation and forfeiture to the Government of -

- (a) all proceeds and properties derived from the commission of the offence of smuggling immigrants; or
- (b) anything used for purposes of committing or facilitating the commission of the offence of smuggling immigrants.”

PART XI
AMENDMENT OF THE LABOUR INSTITUTIONS ACT,
(CAP.300)

Construction
Cap. 300

32. This Part shall be read as one with the Labour Institutions Act hereinafter referred to as the “principal Act.”

Addition of
new section
45A

33. The principal Act is amended by inserting immediately after section 45 the following new section:

“Power to
compound
offences

45A.-(1) The labour officer may, if satisfied that any person has not complied with any provision of the labour laws or regulations made under this Act, by order, compound such offences by requiring such person to make payment of a sum of money except that -

- (a) such sum of money shall not be less than one hundred thousand shillings; and
- (b) the labour officer shall give a receipt to the person from whom he or she receives such sum of money.

(2) Where an offence is compounded in accordance with the provisions of subsection (1) and proceedings are brought against the offender for the same offence, it shall be a good defence for the offender to prove to the satisfaction of the court that the offence with which the offender is charged

has been compounded under subsection (1).

(3) Any person who is aggrieved by any order made under subsection (1) may, within thirty days from the date of that order, appeal to the Labour Commissioner.

(5) Where the employer fails to comply with the order given under this section within the prescribed time, the labour officer shall, in addition to the sum of money ordered, require the employer to pay an interest at the rate prescribed in the regulations.

(6) Subject to the provisions of this section, the labour officer may, seek for an execution order against the employer who fails to comply with the order issued under this section.”

PART XII
AMENDMENT OF THE LAW OF THE CHILD ACT
(CAP. 13)

Construction
Cap. 13

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

Addition of
section 100A

35. The principal Act is amended by adding a new section 100A immediately after section 100 as follows:

“Opinion and
recommendati
on of social
welfare officer

100A.-(1) The Juvenile Court may, during the proceedings, where it consider necessary, seek the opinion and recommendation of social welfare officer.

(2) Where the court considers necessary to have the opinion or recommendation of a social welfare officer, the court shall consider such opinion or recommendation before passing the sentence.”.

Amendment of section 103

36. The principal Act is amended in section 103 by-
(a) deleting the words “police officer” appearing in sub section (1) and substituting for them the words “public prosecutor”; and

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

“(2) Where a child is brought before the Juvenile court for any offence other than offences triable by the High Court, the case shall be disposed by the Juvenile court on the same day.

(3) The Juvenile court shall, subject to subsection (2), for any reason to be recorded in the proceedings adjourn the case to another day and may release the child on bail.”

Amendment of section 119

37. The principal Act is amended in section 119-

(a) by deleting sub section (1) and substituting for it the following:

“(1) Notwithstanding any provisions of any written law, a child shall not be sentenced to imprisonment.”

(b) in subsection (2) by inserting a new paragraph (d) immediately after paragraph (c) as follows-

“(b) order for corporal punishment;”

(c) by renaming paragraphs (b) and (c) as paragraphs (c) and (d) respectively.

Amendment of section 158

by-

38. The principal Act is amended in section 158 (1)

(a) deleting paragraph (a); and

(b) re-naming paragraphs (b) to (g) and paragraphs (a) to (f) respectively.

Addition of section 158A

39. The principal Act is amended by inserting a new section 158A immediately after section 158 as follows:

“Prohibition of female genital mutilation on a child

158A.-(1) A person shall not perform female genital mutilation on a child.

(2) A person who contravenes this section, commits an offence and is liable, on conviction, to a fine of not less than two million shillings or to imprisonment for term of not less than five years but not exceeding fifteen years or to both.”

PART XIII
AMENDMENT OF THE LAND DISPUTES COURTS
(CAP. 216)

Construction
Cap. 216

40. This Part shall be read as one with the Land Disputes Courts Act, hereinafter referred to as the “principal Act”.

Amendment
of section 41

41. The principal Act is amended in section 41 by-
(a) re-designating section 41 as section 41(1);
(b) adding after subsection (1) as re-designated the following new subsection -

“(2) An appeal under subsection (1) may be lodged within forty five days after the date of the decision or order:

Provided that, the High Court may, for good cause, extend the time for filing an appeal either before or after the expiration of such period of forty five days.”

PART XIV
AMENDMENT OF THE MENTAL HEALTH ACT
(CAP. 98)

Construction
Cap. 98

42. This Part shall be read as one with the Mental Health Act, hereinafter referred to as the “principal Act”.

Amendment
of the Second
Schedule

43. The principal Act is amended in the Second Schedule by deleting Form 3 and substituting for it the following:

“ The Mental Health Act
(CAP.98)

FORM 3

RECEPTION ORDER

To: Officer Incharge

..... Hospital

In the District Resident Magistrate’s Court of
at.....

Whereas.....has been brought
before this court on the position of
.....under the
provisions of section.....of this Act.

Now I.....Magistrate of the
.....

District/ResidentMagistrate
at.....having caused the said
.....and to be examined
by.....and being satisfied that
the said is mentally
disordered-

- (a) dangerous
- (b) not under proper care and control or
- (c) at risk to self or others
- (d) risk of deterioration.

Cruelly treated or neglected by the person having the care or charge of
him and is a proper person to be taken charge of and detained under care
hereby direct you to receive the said
.....
... admitted into your hospital into your
mental hospital.

Dated this.....day of
.....20.....

GIVEN UNDER MY HAND THE SEAL OF THE COURT
THISDAY OF.....YEAR
.....

.....
DISTRICT/RESIDENT MAGISTRATE
TANZANIA

- *Here state whether the person giving the certificate is a Government medical officer or a registered medical practitioner duly authorized to give certificate under this Act.”*

**PART XV
AMENDMENT OF THE NATIONAL KISWAHILI COUNCIL ACT
(CAP. 52)**

Constructi
on
Cap. 52 **44.** This Part shall be read as one with the National
Kiswahili Council of Act, hereinafter referred to as the
“principal Act.”

Addition of
section 11 **45.** The principal Act is amended by adding
immediately after section 10 the following new section:

“Regulations **11.** The Minister may make
regulations in respect of any matter which
under this Act is required or permitted to
be prescribed or is necessary or
convenient for better carrying out or
giving effect to this Act.”

**PART XVI
AMENDMENT OF THE NOTARIES PUBLIC AND
COMMISSIONERS FOR OATHS ACT,
(CAP.12)**

Construction
Cap. 12 **46.** This Part shall be read as one with the Notaries
Public and Commissioners for Oaths Act herein after
referred to as the “principal Act”.

Amendment of
section 8 **47.** The principal Act is amended in section 8 by
inserting the phrase “insert his name and” between the words
“shall” and “state” appearing in that section.

Amendment of
section 9 **48.** The principal Act is amended in section 9 by-
(a) deleting “sub section (2)”; and
(b) renumbering section 9 (1) as section 9.

Amendment of **49.** The principal Act is amended in section 13 by

section 13 deleting the words “High Court may, with the approval of the President”, and substituting for the words “Chief Justice may”.

Addition of new section 14 **50.** The principal Act is amended by adding immediately after section 13 the following new sections:

“Amendment of the schedule **14.** The Chief Justice may, by notice published in the *Gazette*, amend any Schedule to this Act.

Saving Provisions **15.** The coming into operation of the amended section 8 shall not affect any decision delivered regarding an affidavit or affidavit filed in court before coming into operation of that section.”

Repeal of Third Schedule **51.** The Third Scheduled to the principal Act is repealed and replaced by the following new Schedule:

“THIRD SCHEDULE
(Made under section 9)

FEES FOR CERTIFICATES

FEES FOR CERTIFICATES		AMOUNT
(a)	fee payable on application for a certificate to practice as a Notary Public and Commissioner for Oaths.	Tshs. 30,000/=
(b)	fee payable on each annual application for renewal of the certificate.	Tshs. 40,000
(c)	fee payable on application for lost, destroyed or mutilated certificate to be replaced	Tshs. 10,000

PART XVII
AMENDMENT OF THE PENAL CODE
(CAP. 16)

Construction Cap.16 **52.** This Part shall be read as one with the Penal Code, hereinafter referred to as the “principal Act”.

Repeal of section 55 **53.** The principal Act is amended by repealing section 55.

PART XVIII
AMENDMENT OF THE PREVENTION OF TERRORISM ACT
(CAP. 19)

Construction
Cap. 19

54. This Part shall be read as one with the Prevention of Terrorism Act, hereinafter referred to as the “principal Act”.

Addition of
section 11A

55. The principal Act is amended by adding immediately after section 11 the following:

“Penalties

11A.-(1) A person who commits an offence under sections 5, 7 or 8, shall, on conviction, be liable to-

Cap. 16

(a) where the offence causes death, be sentenced in terms of section 197 of the Penal Code;

(b) where the offence results into serious bodily harm or serious damage to property, be sentenced to life imprisonment; and

(c) in any other case, imprisonment for a term of not less than thirty years.

(2) A person who commits an offence under section 9 or 10 shall, on conviction be liable to imprisonment for a term of not less than ten years but not exceeding twenty years.”.

PART XIX
AMENDMENT OF THE PROBATE AND ADMINISTRATION OF
ESTATES ACT
(CAP.352)

Construction
Cap. 352

56. This Part shall be read as one with the Probate and Administration of Estates Act, hereinafter referred to as the “the principal Act”.

Amendment
of section 2

57. The principal Act is amended in section 2 by deleting the definition of the term “small estate” and substituting for it the following definition-

“small estate” means an estate the gross value of which a court, district court or other authority having jurisdiction in probate or administration is satisfied, does not exceed one hundred million shillings;”

PART XX
AMENDMENT OF THE VETERINARY ACT
(CAP. 319)

Construction
Cap. 319

58. This Part shall be read as one with the Veterinary Act hereinafter referred to as the “principal Act”.

Amendment
of Section 15

59. The principal Act is amended in section 15 by adding immediately after subsection (2) the following new subsection:

“(3) A person shall not be registered as a Veterinarian unless that person, in addition to the qualification stipulated under subsection (1), has undergone internship training for a period of not less than one year.”

PART XXI
AMENDMENT OF THE WILDLIFE CONSERVATION ACT,
(CAP. 283)

Construction
Cap. 283

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

Amendment
of section 86

61. The principal Act is amended in section 86(2) by-

(a) adding immediately after paragraph (ii) a new paragraph as follows:

“(iii) Where the value of the trophy which

is the subject matter of the charge exceeds one hundred thousand shillings but does not exceed one million shillings, to a fine of not less than the amount equal to thrice the value of the trophy or to imprisonment for a term of not less than ten years but not exceeding twenty years;” and

(b) re-naming paragraph (ii) as paragraph (iii).

PART XXII
AMENDMENT OF THE PUBLIC LEADERSHIP CODE OF
ETHICS ACT,
(CAP. 398)

Construction
Cap. 398

62. This Part shall be read as one with the Public Leadership Code of Ethics Act, hereinafter referred to as the “principal Act”.

Amendment of
section 4

63. The principal Act is amended in section 4(1), by inserting in the appropriate alphabetical order the following new definitions:
“child” means a biological, adopted or dependant child of a public leader who is below the age of eighteen years and is not married;
“conflict of interest” is the situation where a public leader through his position in office or service, obtains or expects to obtain any interest or benefit, financial or otherwise, direct or indirect for himself or for some other person for whom he has a fiduciary relationship;”.

Amendment of
section 6

64. Section 6 of the principal Act is amended,
(a) by-re-designating the contents of section 6 as subsection 6(1);
(b) in subsection (1) as re-designated by,
(i) deleting paragraph (e) and substituting for it the following:

- “(e) in relation to public interest, that on appointment or election to office and thereafter, the public leader shall arrange his affairs in a manner that would not occasion real, potential or apparent conflict of interest;
- (f) in relation to execution of duties, the public leader shall not, whether directly or indirectly, act or make decision in furtherance of his private interest or interest of the member of his family or any other person for whom he has a fiduciary relationship;”
- (ii) re-naming paragraphs (f) to (j) as paragraphs (g) to (k), respectively;
- (iii) deleting paragraph (k) as re-named and substituting for it the following:
 - “(k) in relation to post employment that:
 - (i) a public leader shall, within six months after the termination of his service, not seek or engage in any private employment that he was associated with when he was a public leader or when he had a supervisory role in the post of public leader, and for which he had direct management of;
 - (ii) a public leader shall not act, after he leaves a public office, in such

a manner as to bring the service to ridicule or take improper advantage of his previous office, so that the possibilities may be minimized by:

- (aa) allowing prospects of outside employment to create a real, potential or apparent conflict of interest for public leaders while in a public office;
- (bb) obtaining preferential treatment or privileged access to government after leaving a public office;
- (cc) taking personal advantage of information obtained in the course of official duties and responsibilities until it becomes generally available to the public; and
- (dd) using a public

office to unfair advantages in obtaining opportunities outside employment.”

(c) inserting after subsection (1), as re-designated the following new subsection:

“(2) A public leader who fails to comply with the requirements under subsection (1) breaches the code of ethics for public leaders and is liable to the actions specified under section 8.”

Amendment of section 9

65. Section 9 of the principal Act is amended in -

(a) in subsection (1), by-

- (i) deleting paragraph (a);
- (ii) renaming paragraphs (b) to (d) as paragraphs (a) to (c) respectively;
- (iii) adding the word “calendar” between words “each” and “year” appearing in the renamed paragraph (b);
- (iv) deleting the words “unmarried minor children” appearing in the closing words of that subsection and substituting for it the word “child”;
- (v) adding immediately after subsection (1) the following proviso:

“Provided that where the declaration of assets is made by a Commissioner under this section, the declaration shall be submitted to the President.”;

(b) deleting subsection (2);

(c) in subsection (3), by-

- (i) by renumbering subsections (3) to (6) as subsections (2) to (5) respectively; and
- (ii) deleting paragraph (c) of the re-numbered subsection (2).

The Written Laws (Miscellaneous Amendment)(No.2) Act

Amendment of
section 11

66. The principal Act is amended in section 11(2), by adding the words “or non commercial” between the words “commercial” and “operation” appearing in paragraph (f).

Amendment of
Section 12

67. The principal Act is amended in section 12, by-

- (a) deleting the word “fifty” appearing in subsection (2) and substituting for it the word “two hundred”;
- (b) adding immediately after subsection (2) a new subsection (3) as follows:

“(3) An accounting officer who receives a declaration in terms of subsection (2) (b) shall report the declaration and disposal of the gifts to the Commissioner.”

Amendment of
section 13

68. The principal Act is amended in section 13-

- (a) by deleting subsection (1) and substituting for it the following:

“(1) A public leader shall not speak in the Cabinet, National Assembly, Local Government Council or its Committee, official forum or part of it as the case may be, in any matter in which he has a direct pecuniary interest unless-

- (a) he has disclosed the nature of that interest to the Cabinet, the National Assembly, the Local Government Council or Committee or such other forum or part of it; and
- (b) the direct pecuniary interest for which the public leader has disclosed under paragraph (a) serves or

safeguards public
interest.”

- (b) by deleting the words “minor children” appearing in subsection (2) and substituting for them the word “child”

Addition of
section 13A

69. The principal Act is amended, by adding immediately after section 13 the following:

“Restriction
of public
leaders to
enter into
contracts

13A. A public leader shall not, whether by himself, or through a family member or any company or association to which he is affiliated, enter into or take part in any contract with the Government or entity of the Government thereof, unless the Government or entity for which the contract is being entered into is not under the direct management of that leader.”

Amendment of
section 14

70. The principal Act is amended in section 14, by deleting the word “children” appearing in subsection (3) and substituting for them the words “child”.

Amendment of
section 15

71. The principal Act is amended in section 15, by-

- (a) deleting the word “or” appearing at the end of paragraph (a);
- (b) deleting a full stop appearing at the end of paragraph (b); and
- (c) inserting immediately after paragraph (b) a new paragraph (c) as follows:

“(c) without reasonable cause, delays to make a declaration under section 9(1)(c).”

Amendment of
section 18

72. The principal Act is amended in section 18, by-
(a) deleting subsections (2), (3) and (4) and substituting for them the following:

“(2) The Secretariat shall, subject to this Act and the relevant provision of the Constitution, have the duty to-

- (a) receive declaration which are required to be made by public leaders under the Constitution or any other law;
- (b) receive allegations and notifications of breach of the code by all public leaders who subject to this Act;
- (c) make inquiries into any alleged or suspected breach of the code by all public leaders who are subject to this Act;
- (d) conduct physical verification in respect of declaration made pursuant to this Act; and
- (e) initiate and conduct any investigation in respect of the breach of ethics prescribed under this Act.

(3) The Secretariat shall, except for matters stipulated under subsections (4) and (5), have powers to order any person to -

- (a) attend before the Secretariat for the purpose of being interviewed, orally or in writing, in relation to any matter which may assist investigation of an alleged breach of the code;
- (b) produce any book, document or any certified copy thereof and any article which may

assist the investigation of an alleged breach of the code.

(4) The Commissioner shall, where the Secretariat intends to conduct investigation in respect of a bank account, by order in writing supported by a warrant issued by a magistrate, authorise an officer of the Secretariat to investigate a bank account of a public leader concerned.”

(b) re-numbering subsections (6) and (7) as subsections (5) and (6) respectively.

Addition of sections 18A and 18B

73. The principal Act is amended, by adding immediately after section 18 the following new sections:

“Immunity of officers of the Secretariat

18A. An officer of the Secretariat or any other person acting on behalf of the Secretariat shall not be liable for an acts done in good faith in the course of discharging his official duties.

Obstruction of officers from execution of duties

18B. Any person who, knowingly or without reasonable cause-

(a) obstructs, whether directly or indirectly, an officer from execution of his duties or powers under the Act;

(b) makes any false or misleading information, commits an offence and is liable on conviction to a fine of not less than one million shillings or to imprisonment for a term not exceeding one year or to both.”

Amendment of
section 22

- 74.** The principal Act is amended in section 22, by-
- (a) deleting the words “appoint a tribunal in accordance with” appearing in subsection (5) and substituting for them the words “direct the tribunal appointed in terms of”;
 - (b) deleting the words “of its appointment” appearing in subsection (6) and substituting for them the words “upon receipt of directives made to it under subsection (5)”.

Amendment of
section 26

- 75.** The principal Act is amended in section 26, by-
- (a) deleting the article “A” appearing in the first line and substituting for it the words “Subject to subsection (2), a” ; and
 - (b) adding immediately after subsection (1) a new subsection (2) as follows:
 - “(2) A member of the Tribunal shall hold office for a term of three years and shall be eligible for reappointment for another term.”;
 - (c) re-numbering subsections (2) to (10) as subsections (3) to (11) respectively.

Amendment of
section 31

- 76.** Section 31 of the principal Act is amended ,
- (a) in subsection (1) by deleting the words “local government”;
 - (b) in subsection (2), by inserting immediately after paragraph (e) a new paragraph (f) as follows-
 - “(f) matters that constitute conflict of interest, measures and procedures for the control of conflict of interest.”

OBJECTS AND REASONS

This Bill proposes to amend Twenty One Laws namely the Anti-Money Laundering Act, Cap.423; the Anti-trafficking in Persons Act, Cap. 432; the Civil Procedure Code, Cap.33; the Contractors Registration Act (Cap. 235); the Education Act, Cap. 353; the Employment and Labour Relations Act, 366; the Evidence Act, Cap.6; the Forests Act, Cap. 323; the Immigration Act, Cap 54; Labour Institutions Act, Cap.300; the Law of the Child Act, Cap. 13; the Land Disputes Courts Act, Cap. 216; the Mental Health Act, Cap 98; the National Kiswahili Council of Tanzania, Cap 52; the Notaries Public and Commissioners for Oaths Act, Cap.12; the Penal Code, Cap. 16; the Prevention of Terrorism Act, Cap. 19; the Probate and Administration of Estate, Cap.352; the Veterinary Act, Cap.319; the Wildlife Management Act, Cap. 283 and the Public Leadership Code of Ethics Act, Cap. 398.

The proposed amendments intend to keep the respective laws with changes so far observed in their implementation.

This Bill is divided into Twenty Two Parts, whereby, Part I deals with Preliminary Provisions which includes the title of the Bill and the manner in which the laws proposed to be amended, are amended in their respective Parts.

Part II proposes to amend the Anti-Money Laundering Act, Cap. 423 whereby section 13 of the Act is amended for the purposes of lifting up the penalty. The proposed amendments are expected to embed an accused who may have committed an offence which is above the prescribed fine. Nevertheless, the amendments provide for an alternative sanction as well as keeping section 13 of the Act in uniformity with other sections.

Part III proposes amendments to the Anti-Trafficking in Persons Act, Cap. 432, where by section 14 is proposed to be amended so as to include instruments which are used in commission of an offence to be among the things which may be forfeited to the Government. This Part further amends section 20 by deleting the words “task force” and be replaced with the words “Anti-trafficking Committee” the reasons is that

the task force referred to under that section does not exist instead thereof, there is the Anti-trafficking Committee is in place.

Part IV proposes amendments to the Civil Procedure Code, Cap. 33 whereby section 13 is proposed to be amended so that the thrust of the provisions of that section should not be interpreted to oust the jurisdiction of the High Court given under that section.

Part V of the Bill proposes to amend the Contractors Registration Act, Cap. 235. It is intended to amend section 6 to include qualified person in the fields of law, economics, finance or management to be eligible to for appointment as a Registrar. The aim of the amendment is to widen the scope of professionalism to suit the changing needs of the industry

It is proposed to amend section 10 by introducing new sub sections (6) and (7) so as to give the Board the power to impose a penalty for a contractor found guilty of forgery, misrepresentation and corrupt practices the aim is to deter crimes. Moreover, the Bill proposes amendments to section 12 so as to introduce of new sub sections (2) and (3) to set out the procedure for assessing majority share-holders owned by locals in an individual company and a limited liability company.

Section 15 (1) is being amended to delete paragraph (c) because its contents are the same with those of paragraph Paragraphs (a). Additionally, it is proposed to delete paragraph (e)(ii) because cannot be practically implemented. It is also proposed to introduce a new sub section (3) so as to prohibit a contractor from carrying on business after being suspended and also to give mandate to the Board to set the period of suspension.

Section 16(1) is being amended so as to empower Board with the mandate to conduct inquiry for matters that would lead to suspension and also to give the contractor an opportunity to be heard during the inquiry.

It is also proposed to amend section 17(1) by adding a clause that will sanction the contractor for failure to heed to a summons or order issued to him in light of the conduct of the inquiry. Section 23(2) is being amended by deleting the words “within one year” and substituting for them the words “within sixty days”. The amendments will enable the contractor to carry on with work following the death of the technical

director. Lastly, it is proposed to amend section 33 so as to add a proviso that will penalize a contractor who does not file annual returns to the Board.

Part VI proposes amendments to the Education Act, Cap. 353 whereby section 60 is proposed to be amended by deleting paragraph (k) which recognizes an act of impregnating a primary or secondary pupil to be among the offences under that section. The reasons for such deletion is to enable the Act to recognize an act of impregnating, marrying or abetting a person to marry a pupil to be an independent offence with a substantive punishment of thirty years, therefore it is proposed to introduce new section 60A for that purposes.

Further, Part VII proposes to amend paragraph 13 of Third Schedule of the Employment and Labour Relations Act, Cap.366 for the purposes of allowing labour disputes which originated from the repealed Labour Laws to be filed to the Commission of Mediation and Arbitration.

Part VIII proposes amendment to the Evidence Act, Cap.6, whereby section 127 is amended so as the evidence of a child of tender may be accepted without taking an oath or making an affirmation.

Part IX proposes amendments to the Forests Act, Cap. 323. The purposes of such amendments are to elevate the penalties imposed under that Act so as to curb the rampant occurrence of offence under the Act.

Part X proposes amendments to the Immigration Act, Cap 54. The purposes of amending the Act are to recognize in the laws an offence of smuggling immigrant or transporting prohibited immigrants, before this proposal come round, the laws did not recognize such offences.

Part XI proposes by introducing new section 45A, which empowers labour officers to compound offences for non compliance to the provisions of the labour laws of the Labour Institutions Act, Cap.300.

Part XII proposes amendment to the Law of the Child Act, Cap. 13. The aim of this amendment is to provide for the manner in which the court may deal with an accused who is a juvenile. This Part further proposes amendments for the purposes of making female genital mutilation to a child to be an offence.

Part XIII proposes amendment to the Land Disputes Act, Cap 216. The proposal intends to set a time within which a person may appeal to the High Court from the District Land and Housing Tribunal exercising its original jurisdiction. The absence of such provision has been a source of conflicting decisions as to the time within which a person may appeal. There are decisions to that effect that the appeal from a decision of the District Land and Housing Tribunal exercising its original jurisdiction has to be lodged within forty five days and yet other decision state that it is ninety days under item I of Part II of the Schedule to the Law of Limitation Act, Cap, 89. The purpose of this amendment aims at providing the time frame within which a person aggrieved by a decision of a District Land and Housing Tribunal exercising its original jurisdiction may lodge an appeal to the High Court.

Part XIV proposes amendment to the Mental Health Act, Cap. 98 for the purposes of earmarking some shortfalls featured in Form 3. The shortfalls earmarked are the lack of a space for a Magistrates' name and signature.

Part XV proposes amendment to the National Kiswahili Council of Tanzania Act, Cap. 52. The aim of this amendment is to empower the Minister to make Regulations for the purposes of smooth implementation of the Act.

Part XVI proposes amendment to the Notaries Public and Commissioners for Oaths Act, Cap.12. The proposed amendment is intended to among other things, to empower Chief Justice to amend the Schedules under that Act. The purposes of this amendment are to expediate any amendment intended to be effected in the Schedule. This Part also proposes amendement to the Schedule for the puroposes of elevating the fees chargeable on certificates issued under that Act.

Part XVII proposes amendment to the Penal Code, Cap 16, whereby section 55 is proposed to be amended due to the facts that the offence of seditious is now under the law governing Newspaper.

Part XVIII proposes amendments to the Prevention of Terrorism Act, Cap. 19. The Act is proposed to introduce new section 11A which shall provide punishment for the offences created under Part II of the Act.

This Part also proposes amendment to the Act to recognize in the Act an offences of recruiting or to be recruited to become a member of a terrorist group.

Part XIX proposes amendments to the Probate and Administration of Estate, Cap.352. The proposed amendments in the Probate and Administration Act, are intended to enhance the value of the probate or administration matter which is handled by the district delegate. It is proposed that the value be raised enhanced from ten thousand shillings to one hundred million shillings.

Part XX proposes amendment to the Veterinary Act, Cap.319, whereby, section 15 of the Act is amended by adding new subsection (3) which will require a veterinarian to undergo internship training before registration. This requirement shall be an additional qualification for a person who is to be registered as a Veterinarian.

Part XXI proposes amendments to the Wildlife Conservation Act, Cap.283. This Part proposes amendment to the Act so as to create an offence for any person who is found in possession of Government trophy whose value is one hundred thousand shillings but does not exceed one million shillings. The purpose of this amendment is to recognize offences falling under this category and its punishment.

Part XXII proposes to amend the Public Leadership Code of Ethics Act, Cap.398 by adding the definition of the terms biological child, adopted child and dependant. This part also propose to amend section 6 of the Act by renaming that section and adding new subsection (2) which creates an offence to any public leader who will violate the provisions of the Act. Under this Part new sections 18A and 18B which provide for immunity to any person who performs the functions of the Chief Executive Secretary, and create an offence to any person who obstruct any officer to the Commission from performing his duty.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria Ishirini na Moja ambazo ni Sheria ya Kudhibiti Utakatishaji wa Fedha Haramu, Sura ya 423; Sheria ya Kuzuia Usafirishaji wa Binadamu, Sura ya 432; Sheria ya Kanuni za Madai, Sura ya 33; Sheria ya Usajili wa Makandarasi, Sura ya 235; Sheria ya Elimu, Sura ya 353; Sheria ya Taasisi za Kazi, Sura ya 300; Sheria ya Ushahidi, Sura ya 6; Sheria ya Misitua, Sura ya 323; Sheria ya Uhamiaji, Sura ya 54; Sheria ya Ajira na Mahusiano Kazini, 366; Sheria ya Mtoto, Sura ya 13; Sheria ya Mahakama za Migogoro ya Ardhi, Sura 216; Sheria ya Afya ya Akili, Sura ya 98; Sheria ya Baraza la Kiswahili Tanzania Sura ya 52; Sheria ya Viapo, Sura ya 12; Sheria ya Kanuni ya Adhabu, Sura ya 16; Sheria ya Kuzuia Ugaidi, Sura ya 19; Sheria ya Usimamizi wa Mirathi, Sura ya 352; Sheria ya Veterinari Sura ya 319; Sheria ya Uhifadhi wa Wanyamapori, Sura ya 283 na Sheria ya Maadili ya Viongozi wa Umma, Sura 398.

Mapendekezo ya marekebisho yanalenga kuondoa mapungufu ambayo yamejitokeza katika Sheria hizo wakati wa utekelezaji wa baadhi ya masharti katika Sheria hizo.

Muswada umegawanyika katika Sehemu Ishirini na Mbili, ambapo Sehemu ya I inahusu masharti ya Utangulizi ambayo yanajuisha, jina la Muswada na namna ambavyo Sheria zinazopendekezwa kurekebishwa zitakavyorekebishwa ndani ya Muswada huu.

Sehemu ya II inapendekeza kufanya marekebisho kwenye Sheria ya Kudhibiti Utakatishaji wa Fedha Haramu, Sura ya 423, ambapo kifungu cha 13 kinarekebishwa ili kuongeza adhabu. Lengo la kuongeza adhabu ni kuwalenga watuhumiwa ambao wanaweza kutenda makosa ambayo faini iliyoainishwa kwenye Sheria hailingani na kosa alilolitenda. Marekebisho haya pia yanalenga kutoa adhabu mbadala, pamoja na kuhakikisha kwamba mashartiya kifungu cha 13 yanakwenda sambamba na vifungu vingine ndani ya Sheria hii.

Sehemu ya III inapendekeza kufanya marekebisho kwenye Sheria ya Kuzuia Usafirishaji wa Binadamu, Sura ya 432, ambapo kifungu cha 14 kinapendekezwa kurekebishwa ili kuweka ndani ya Sheria utaratibu wa

kufilisi vifaa vilivyotumika katika kutenda kosa chini ya sheria. Sheria hii pia inapendekezwa kufanyiwa marekebisho katika kifungu cha 20 kwa kupendekeza kufuta neno “kikosikazi” na badala yake yawekwe maneno “Kamati ya Kuzuia Usafirishaji”. Sababu za marekebisho haya ni kwamba, kikosikazi ndani ya sheria hakitambuliki na badala yake ipo kamati ya kuzuia usafirishaji.

Sehemu ya IV inapendekeza kufanya marekebisho kwenye Sheria ya Mwenendo wa Mashauri ya Madai, Sura ya 33, ambapo kifungu cha 13 kinarekebishwa kwa lengo la kutambua mamlaka ya Mahakama Kuu na kuhakikisha kuwa mamlaka za Mahakama Kuu haziingiliwi kwa namna yeyote kwa mujibu wa kifungu hiki.

Sehemu V ya Muswada inapendekeza kufanya marekebisho kwenye Sheria ya Usajili wa Wakandarasi, Sura ya 235. Inapendekezwa kurekebisha kifungu cha 6 ilikuongeza sifa za mtu kuteuliwa kuwa Msajili kwa kujumuisha fani za sheria, uchumi, fedha na usimamizi. Marekebisho haya yatapanua wigo wa kitaalamu na pia kuendana na mabadiliko katika taaluma ya ukandarasi.

Inakusudiwa kurekebisha kifungu cha 10 kwa kuongeza vifungu vidogo vya (6) na (7) ilikuipa Bodi uwezo wa kutoa adhabu kwa mkandarasi anayetiwa hatiani kwa makosa ya kughushi, udanganyifu na masuala kuhusiana na rushwa. Marekebisho hayo yanakusudia kuzuia uhalifu. Vilevile, inakusudiwa kufanya marekebisho kwenye kifungu 12 kwa kuongeza vifungu vipya vya (2) na (3) ilikuweka utaratibu wa namna ya kutathmini wanashia wakubwa kwenye makampuni yanayomilikiwa na wazawa.

Kifungu cha 15(1) kinarekebshwa ilikufuta aya ya (c) kwani mahudhui yake yanalingana na maudhui ya aya ya (a). Vilevile, inapendekezwa kufuta aya ya (e)(ii) kwasababu kimsingi masharti haya hayatekelezeki. Kifungu kidogo kipya cha (3) kinaongezwa ilikumzuia mkandarasi kuendesha biashara baada ya kusimamishwa kwa muda na pia kuipa Bodi mamlaka ya kuweka kipindi ambacho mkandarasi atasimishwa kufanya shughuli za ukandarasi.

Kifungu cha 16(1) kinarekebishwa ilikuipa Bodi mamlaka ya kuendesha mwenendo wa uchunguzi kwa masuala yanayohusiana na kusimamishwa kwa mkandarasi. Vile vile, kifungu hiki kinatoa fursa kwa

mkandarasi aliyesimamishwa kusikilizwa. Inapendekezwa kurekebisha kifungu cha 17(1) kwa kuongeza masharti ambayo yatatoa adhabu kwa mkandarasi atakaye kaidi wito au amri iliyotolewa kuhusiana na mwenendo wa uchunguzi utakao kuwa unaendeshwa na Bodi.

Kifungu cha 23(2) kinarekebishwa kwa kufuta maneno “ndani ya mwaka mmoja” na kuweka badala yake maneno “ndani ya miezi sita”. Lengo la marekebisho ni kumuwezesha mkandarasi kuendeleza shughuli za biashara hata baada ya mkandarasi mtaalam kufariki. Mwisho, inapendekezwa kurekebisha kifungu cha 33 ilikuongeza masharti yatakayo toa adhabu kwa mkandarasi atakaye shindwa kuwasilisha marejesho yake ya mwaka kwa Bodi.

Sehemu ya VI inakusudia kufanya marekebisho katika Sheria ya Elimu, Sura ya 353. Kifungu cha 60 kinapendekezwa kifanyiwe marekebisho kwa kufuta aya ya (k) ambayo ilikuwa inaainisha kuwa kumpa mwanafunzi wa shule ya msingi au sekondari mimba ni miongoni mwa makosa chini ya kifungu hicho. Lengo la kufuta aya hiyo ni kufuta adhabu iliyotolewa kwa makosa yaliyainishwa katika kifungu hicho kwa kuwa hailingani na kosa la kumpa mwanafunzi mimba. Hivyo basi, inapendekezwa aya hiyo ifutwe na badala yake kosa la kumpa mimba, kuo au kuolewa mwanafunzi au mtu kumsaidia mtu mwingine kumuo au kuolewa mwanafunzi pamoja na adhabu yake vijitegemee, hivyo inapendekezwa kuongeza kifungu kipya cha 60A. Adhabu ya makosa itakuwa ni kifungu cha muda usiopungua miaka thelathini.

Sehemu ya VII inapendekeza kufanya marekebisho kwenye Sheria ya Ajira na Mahusiano Kazini Sura ya 366, ambapo, Ibara ya 13 ya Jedwali la Tatu la Sheria ili kuondoa urasimu katika uwasilishaji wa migogoro ya kikazi iliyotokana na utekelezaji wa sheria za kazi zilizofutwa kwenye Tume ya Usuluhisi na Uamuzi iliyotokana na utekelezaji wa sheria za kazi.

Sehemu ya VIII inapendekeza kufanya marekebisho kwenye Sheria ya Ushahidi, Sura ya 6, ambapo kifungu cha 127 kinapendekezwa kifanyiwe marekebisho ili kuruhusu ushahidi wa mtoto mdogo kupokelewa mahakamani bila kiapo.

Sehemu ya IX inapendekeza kufanya marekebisho kwenye Sheria ya Misititu, Sura 323. Madhumuni ya marekebisho hayo ni kuongeza

adhabu kwa mtu yeyote atakayetenda kosa chini ya sheria hii. Lengo la marekebisho haya ni kupunguza makosa yanayotendeka kinyume na sheria hiyo.

Sehemu ya X inapendekeza kufanya marekebisho kwenye Sheria ya Uhamiaji, Sura ya 54. Mapendekezo hayo yanalenga kutambuliwa kisheria kwa makosa yatokanayo na uhamiaji haramu au usafirishaji wa wahamiaji haramu. Makosa haya awali hayakuainishwa katika sheria zetu, hivyo kwa marekebisho haya, makosa hayo yanatambulika kisheria ndani ya sheria hiyo.

Sehemu ya XI inapendekeza kufanya marekebisho kwenye Sheria ya Taasisi za Kazi, Sura 300 kwa kuongeza kifungu kipya cha 45A kwa lengo kuweka adhabu ya kufilisha kosa dhidi ya mwajiri ambaye atashindwa kutekeleza maelekezo yaliyoainishwa chini ya sheria za kazi.

Sehemu ya XII inapendekeza kufanya marekebisho kwenye Sheria ya Mtoto, Sura ya 13. Madhumuni ya marekebisho hayo ni kuweka katika Sheria utaratibu utakaotumiwa na Mahakama wakati mshtakiwa mbele ya Mahakama ya Watoto akiwa ni mtoto. Pia sehemu hii inapendekeza kutambulika katika sheria kuwa ni kosa kwa mtu atakayejihusisha na ukeketaji wa watoto wa kike, na adhabu ya kosa hili imeainishwa kwa lengo la kupunguza tabia ya ukeketaji.

Sehemu ya XIII inapendekeza kufanya marekebisho kwenye Sheria ya Mahakama zinazoshughulikia malalamiko ya Ardhi, Sura ya 216. Katika sheria hiyo kwa sasa hakuna kifungu mahsusi kinachompa mtu nafasi ya kukata rufaa kwenda Mahakama Kuu kutoka kwenye Mabaraza ya Ardhi ya Wilaya au Kata. Kukosekana kwa kifungu hicho kumekuwa ni chanzo cha mgongano wa maamuzi kuhusu ni wakati gani mtu anaweza kukata rufaa kwenda Mahakama Kuu. Kuna maamuzi mbalimbali katika suala hili kwamba rufaa kutoka Baraza la Wilaya katika kutekeleza maamuzi yake inatakiwa iwasilishwe ndani ya siku arobaini na tano, maamuzi mengine yanasema siku tisini kama ilivyo katika Sheria ya Mipaka ya Kufungua Mashauri, Sura ya 89 katika kipengele cha I cha Sehemu ya II cha Jedwali. Mapendekezo haya yanalenga kuweka muda mahsusi wa mtu asiyeridhika na maamuzi ya Baraza, kuweza kukata rufaa Mahakama Kuu.

Sehemu ya XIV inapendekeza kufanya marekebisho katika Sheria ya Afya ya Akili, Sura ya 98, ambapo katika Jedwali la Pili Fomu Namba 3 inapendekezwa ifutwe na badala yake iwekwe fomu nyingine. Marekebisho haya yanalenga kuondoa upungufu uliojitokeza kwenye Fomu iliyopo kwenye Sheria kwa sasa, kwani fomu hiyo haina sehemu ya Hakimu ya kusaini, hivyo kwa marekebisho haya, upungufu huo unapatiwa ufumbuzi.

Sehemu ya XV inapendekeza kufanya marekebisho kwenye Sheria ya Baraza la Kiswahili Tanzania, Sura ya 52. Lengo la marekebisho hayo ni kumpa Waziri mamlaka ya kutengeneza kanuni zitakazotumika kurahisisha utekelezaji wa masharti ya Sheria hiyo.

Sehemu ya XVI inapendekeza kufanya marekebisho kwenye Sheria ya Viapo, Sura ya 12. Marekebisho yanayopendekezwa, miongoni mwa mambo mengine, yatampa mamlaka Jaji Mkuu kufanya marekebisho katika Majedwali yaliyopo ndani ya Sheria hiyo. Sababu za marekebisho haya ni kurahisisha ufanyaji wa marekebisho katika Sheria pale inapohitajika kufanya marekebisho kwenye Jedwali. Sehemu hii pia inapendekeza kufanya marekebisho kwenye Jedwali kwa lengo la kuongeza viwango vya tozo zinazotowazwa kutokana na Hati mbalimbali zinazotolewa kwa mujibu wa Sheria hii

Sehemu ya XVII inapendekeza kufanya marekebisho kwenye Sheria Kanuni za Adhabu, Sura ya 16, ambapo kifungu cha 55 kinapendekezwa kifutwe kutokana na sababu kwamba makosa ya “seditious” kwa sasa hivi yanatambulika chini ya Sheria inayohusiana na Magazeti.

Sehemu ya XVIII inapendekeza kufanya marekebisho kwenye Sheria ya Kuzuia Ugaidi, Sura ya 19. Mapendekezo hayo yanapendekeza kuongeza kifungu kipya cha 11A kutokana na sababu kwamba, hamna adhabu zilizoainisha katika Sehemu ya Pili katika Sheria hiyo. Marekebisho haya yanaweka adhabu zinazohitajika. Sehemu hii pia inapendekeza kutambulika kwa kosa la mtu kujitolea au kumlazimisha mtu kujitolea kujiunga na kikosi cha kigaidi.

Sehemu ya XIX inapendekeza kufanya marekebisho kwenye Sheria ya Usimamizi wa Mirathi, Sura ya 352. Marekebisho katika Sheria hii yanalenga kuweka kiwango cha thamani ya Mirathi

itakayoshughulikiwa na Mahakama ya Wilaya. Thamani ya Mirathi inayopendekezwa kushughulikiwa na Mahakama ya Wilaya ni shilingi milioni mia moja badala ya kiwango cha shilingi milioni kumi kilivyo ainishwa kwenye Sheria kwa sasa.

Sehemu ya XX inapendekeza kufanya marekebisho kwenye Sheria ya Veterinari, Sura ya 319 ambapo kifungu cha 15 kinafanyiwa marekebisho kwa kuongeza kifungu kidogo cha (3) ambacho kinatoa sifa za ziada za mtu anayetaka kusajiliwa kuwa mganga wa mifugo, ambapo mganga huyo atalazimika apate mafunzo ya vitendo kwa kipindi kisichopungua mwaka mmoja.

Sehemu ya XXI inapendekeza marekebisho kwenye Sheria ya Uhifadhi wa Wanyamapori, Sura 283. Sehemu hii inapendekeza marekebisho ili kutambua kuwa ni kosa kwa mtu anayekamatwa na nyara za Serikali zenye thamani ya kiasi kisichopungua shilingi laki moja na kisichozidi shilingi milioni moja. Madhumuni ya marekebisho haya ni kuweka bayana ya kosa la kupatikana na nyara za Serikali zenye thamani iliyoainishwa katika kifungu hicho.

Sehemu ya XXII inakusudia kufanya marekebisho katika Sheria ya Maadili ya Viongozi wa Umma Sura ya 398 kwa kuongeza tafsiri ya maneno mtoto na mgongano wa maslahi. Pia kumtaka kiongozi yeyote wa umma kuainisha mali na maslahi yote katika kipindi chote ambacho anafanya kazi.

Sehemu pia inapendekeza marekebisho kwenye kifungu cha 6 kwa lengo la kutoa adhabu kwa kiongozi yeyote wa umma ambaye anatenda kosa kwa kukiuka maadili chini ya Sheria hii. Aidha, katika Sehemu hii inapendekezwa vifungu vipya vya 18A na 18B viongezwa ili kuweza kutoa kinga kwa mtu yeyote ambaye anafanya kazi au kutekeleza majukumu kwa niaba ya Mtendaji Mkuu, kutochukua hatua iwapo alifanya kazi hiyo au maamuzi hayo kwa nia njema. Pia inatoa adhabu kwa mtu ambaye kwa makusudi anawazuia Maafisa wa Tume kutekeleza majukumu yao au kutoa taarifa za uongo.

Dar es Salaam,
10 Mei, 2016

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