
THE UNITED REPUBLIC OF TANZANIA
SPECIAL BILL SUPPLEMENT

No. 1

12th January, 2017

to the Special Gazette of the United Republic of Tanzania No.1 Vol.98 dated 12th January, 2017
Printed by the Government Printer, Dar es Salaam by Order of Government

—————
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,
11 January, 2017

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) Act, 2017.

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.

AMENDMENT OF THE BUDGET ACT
(CAP.439)

Construction
Cap. 439

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

Amendment
of
section 41

4. The principal Act is amended in section 41, by deleting subsection (7) and substitution for it the following:

“(7) Any reallocations of funds shall be made in consultation with affected Government Ministries and government entities.

(8) The Minister shall lay before the National Assembly a mid-year report in respect of reallocation made under this section.”

Amendment
of section 53

5. The principal Act is amended in subsection (2) of section 53, by deleting the words “every quarter” appearing in the second line and substituting for them the words “mid-year”.

Amendment
of
section 56

6. The principal Act is amended in section 56, by-
(a) deleting subsection (1) and substituting for it the following:

“(1) The Minister shall, six months after approval of the annual national budget by the National Assembly and at the end of each financial year, lay before the National Assembly a compliance report.”

(b) deleting subsection (7).

Amendment
of
section 57

7. The principal Act is amended in section 57, by-
(a) deleting the words “Quarterly statements” appearing in the marginal note and substituting for them the words

“Mid-year Statement”; and
(b) deleting subsection (1) and substituting for it the following:

“(1) The Accountant-General shall prepare the aggregate actual revenue and expenditure of the Government and public entities and forward to Minister who shall, six months after approval of annual national budget, submit the same to the National Assembly.”.

Repeal of section 61

8. The principal Act is amended by repealing section 61 and replacing for it the following:

“Powers of the Minister to waive tax, fees or charges **61.** The Minister may waive tax, fees or charge imposed by the Government in accordance with criteria provided for under any written law, provided that he maintains a record of each waiver together with the reasons for the waiver and submit a mid-year report to the National Assembly.”.

Amendment of section 62

9. The principal Act is amended in section 62, by deleting the words “port folio” appearing in paragraph (a) of subsection (2) and substituting for them the word “portfolio”.

Amendment of section 63

10. The principal Act is amended in section 63, by deleting the word “quarterly” appearing in paragraph (b) of subsection (2) and substituting for it the words “mid-year”.

Amendment of section 65

11. The principal Act is amended in subsection (2) of section 65, by deleting the words “held personally liable for a disciplinary penalty” and substituting for them the words “subject to a deduction of six months’ salary and other disciplinary measures in accordance with the Public Service Act”.

Cap 298

PART III
AMENDMENT OF THE OFFICE OF THE ATTORNEY GENERAL
(DISCHARGE OF DUTIES) ACT
(CAP.268)

Construction
Cap.268

11. This Part shall be read as one with the Office of the Attorney General (Discharge of Duties) Act, hereinafter referred to as the principal Act”.

Amendment
of section 8

12. The principal Act is amended in subsection (2) of section 8 by:

- (a) deleting the term “Ordinance” wherever it appears in that subsection and substituting for it the term “Act”;
- and
- (b) in paragraph (b), deleting the term “Adoption” and substituting for it the term “Law of the Child”.

Amendment
of the
Heading of
Part VII

13. The principal Act is amended by deleting the “heading of Part VII” and substituting for it the following:
“RECRUITMENT AND CODE OF ETHICS FOR LAW OFFICERS, STATE ATTORNEYS AND LEGAL OFFICERS”

Amendment
of section 17

14. The principal Act is amended in subsection (1) of section 17 by deleting the phrase “suit inquiry on administrative body” and substituting for it the words “application, suit or petition in court, or inquiry on administrative body”.

OBJECTS AND REASONS

This Bill proposes to amend certain written laws, namely the Budget Act, Cap.439 and the Attorney General (Discharge of Duties) Act, Cap.268. The

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

This Bill is divided into Three Parts. 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 amendments to the Budget Act, Cap.439. It is proposed to amend sections 41(7), 53(2), 56(1) and (7), 57, 61, 62 and 63 to enable the Government to submit reallocations reports, expenditure commitments reports, compliance reports, revenue and expenditure statements of the Government and tax waiver reports in every six months instead of quarterly basis as provided for under the Act. The amendments aim at providing sufficient time for the Government to collect and scrutinize information before finalization of such reports and its submission to the National Assembly.

It also proposed to amend section 65(2) so as to increase penalties for public officers who contravenes the provisions of the Act.

Part III proposes amendments to the Office of the Attorney General (Discharge of Duties), Cap.268. The proposed amendments intend to delete the term "Ordinance" wherever it appears in subsection (2) of sections 8 and substituting for it the term "Act". Further, it is proposed to delete the term "Adoption" appearing in paragraph (b) of subsection (2) and substituting for it the term "Law of the Child". The proposed amendment intends to update the Act with amendments made in 2002 and 2009, thus replacing the "Ordinances" with "Acts", and the "Adoption Ordinance" with the "Law of the Child". Further, it is proposed to delete the heading of Part VII and substituting for it a new heading. Furthermore, it is proposed to amend subsection (1) of section 17 in order to correct typographic errors and bring clarity to that subsection.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria ya Bajeti, Sura ya 439 na Sheria ya Ofisi ya Mwanasheria Mkuu wa Serikali (Utekelezaji wa Majukumu), Sura ya 268. Marekebisho yanayopendekezwa yana lengo la kuondoa mapungufu yaliyojitokeza wakati wa utekelezaji wa Sheria hizo.

Muswada huu umegawanyika katika Sehemu Tatu. Sehemu ya Kwanza inahusu masharti ya utangulizi ambayo yanajumuisha jina la Muswada na namna ambavyo sheria zinazopendekezwa kurekebisha zitakavyorekebisha ndani ya Muswada huu.

Shemu ya Pili inapendekeza kuifanyia marekebisho Sheria ya Bajeti, Sura ya 439. Marekebisho yanapendekezwa katika vifungu vya 41(7), 53(2), 56(1) na (7), 57, 61, 62 na 63 kwa lengo la kuiwezesha Serikali kuwasilisha Bungeni taarifa za uhamisho wa fedha, taarifa za matumizi, taarifa za utekelezaji, taarifa kuhusu misamaha ya kodi mbalimbali na taarifa za mapato na matumizi kila baada ya miezi sita badala ya robo mwaka kama ilivyoainishwa kwenye vifungu tajwa.

Marekebisho haya yanalenga kuipatia Serikali muda wa kutosha kukusanya na kupitia taarifa hizo kabla ya kuziwasilisha Bungeni.

Aidha, inapendekezwa kurekebisha kifungu cha 65(2) kwa lengo la kuongeza adhabu kwa maafisa wa umma watakaokiuka masharti ya Sheria hii.

Sehemu ya Tatu inapendekeza kuifanyia marekebisho Sheria ya Ofisi ya Mwanasheria Mkuu wa Serikali (Utekelezaji wa Majukumu), Sura ya 268. Marekebisho hayo yanapendekezwa katika vifungu vya 8, kichwa cha Sehemu ya Saba na kifungu cha 17(1) ambayo yanaondoa mapungufu ya kiuandishi. Dhamira ni kwenda sambamba na marekebisho yaliyofanywa mwaka 2002 na 2009. Marekebisho hayo yaliondoa neno “Ordinance” na kuweka neno “Act”. Aidha, yalifuta Sheria ya Uasili na badala yake kutunga Sheria ya Mtoto, Sura ya

13. Vile vile, inapendekezwa kufanya marekebisho ya kiuhariri katika kifungu kidogo cha (1) cha kifungu cha 17.

Dar es Salaam,
10 Januari, 2017

GEORGE M. MASAJU
Mwanasheria Mkuu wa Serikali