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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)(NO.3) ACT, 2018

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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.

Dodoma,
7 June, 2018

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.3) Act, 2018.

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 APPELLATE JURISDICTION ACT,
(CAP. 141)

Construction Cap. 141 **3.** This Part shall be read as one with the Appellate Jurisdiction Act, hereinafter referred to as the “principal Act”.

Addition of sections 3A and 3B **4.** The principal Act is amended by adding immediately after section 3 the following -

“Overriding objective of Act **3A.**-(1) The overriding objective of this Act shall be to facilitate the just, expeditious, proportionate and affordable resolution of all matters governed by this Act.

(2) The Court shall, in the exercise of its powers under this Act or the interpretation of any of its provisions, seek to give effect to the overriding objective specified in subsection (1).

Duty to uphold objective

3B.-(1) For the purpose of furthering the overriding objective specified in section 3A, the Court shall handle all matters presented before it with a view to attaining the following-

- (a) just determination of the proceedings;
- (b) efficient use of the available judicial and administrative resources including the use of suitable technology; and
- (c) timely disposal of the proceedings in the Court at a cost affordable by the respective parties.

(2) A party to proceedings before the court or an advocate for such a party shall have the duty to assist the Court to further the overriding objective and to that effect, participate in the processes of the Court and comply with directions and orders of the Court.”

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

Construction Cap. 33

5. This Part shall be read as one with the Civil Procedure Code, hereinafter referred to as the “principal Act”.

Addition of sections 3A and 3B

6. The principal Act is amended by adding immediately after section 3 the following-

“Overriding objective of Act

3A.-(1) The overriding objective of this Act shall be to facilitate the just, expeditious, proportionate and affordable resolution of civil disputes governed by this Act.

(2) The Court shall, in the exercise of its powers under this Act or the interpretation of any of its provisions, seek to give effect to the overriding objective specified in subsection (1).

Duty to uphold objective

3B.-(1). For the purpose of furthering the overriding objective specified in section 3A, the Court shall handle all matters presented before it with a view to attaining the following-

- (a) just determination of the proceedings;
- (b) efficient use of the available judicial and administrative resources including the use of suitable technology; and
- (c) timely disposal of the proceedings at a cost affordable by the respective parties.

(2) A party to civil proceedings or an advocate for such

a party shall have a duty to assist the Court to further overriding the objective of this Act and, to that effect, to participate in the processes of the Court and to comply with the directions and orders of the Court.”

**PART IV
AMENDMENT OF THE LAND DISPUTES COURTS ACT,
(CAP 216)**

Construction
Cap. 216

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

Addition of
section 41A

8. The principal Act is amended by adding immediately after section 41 the following new section-

“Extended
jurisdiction

41A-(1) Notwithstanding section 41, the Chief Justice may, after consultation with the Minister responsible for legal affairs and the Attorney General, by order published in the Gazette, vest any resident magistrate with the appellate or revisional jurisdiction ordinarily exercisable by the High Court under this Act.

(2) For the purpose of any appeal from or revision in the exercise of jurisdiction referred to under subsection (1), the resident magistrate with extended jurisdiction shall be deemed to be the judge of the High Court, and court presided over by him while exercising such jurisdiction shall be deemed to be the High Court.

(3) The High Court may direct that an appeal or revision instituted in the High Court be transferred to and be heard by a resident magistrate upon whom extended jurisdiction has been conferred by this section.”

Amendment
of section 47

9. The principal Act is amended in section 47, by-

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

“(1) A person who is aggrieved by the decision of the High Court in the exercise of its original jurisdiction may appeal to the Court of Appeal in accordance with the provisions of the Appellate Jurisdiction Act.”

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

“(2) A person who is aggrieved by the decision of the High Court in the exercise of its revisional or appellate jurisdiction may, with leave of the High Court or Court of Appeal, appeal to the Court of Appeal.”

(c) renumbering subsections (2) and (3) as subsections (3) and (4) respectively.

PART V
AMENDMENT OF THE MAGISTRATES' COURTS ACT,
(CAP.11)

Construction
Cap. 11 **10.** This Part shall be read as one with the Magistrates' Courts Act, hereinafter referred to as the "principal Act".

Amendment
of section 2 **11.** The principal Act is amended in section 2 by adding in the appropriate alphabetical order the following definitions:
"mobile court" means a court established pursuant to section 17A having a pecuniary jurisdiction to cater for small claims or criminal matters of such nature as may be specified by the Chief Justice;
"small claim" means a claim of civil nature the value of which does not exceed one hundred million shillings;
"special court" means a court established pursuant to section 17A for purposes of determination of such matter as may be specified by the Chief Justice;"

Addition of
sections 17A,
17B and 17C **12.** The principal Act is amended by adding immediately after section 17, the following:

"Establishment
of mobile
courts or
special courts **17A.**-(1) Notwithstanding the provisions of this Act and any other written laws on the jurisdiction of the magistrate courts, the Chief Justice may, if in his opinion it is in the public interest to do so, by Order published in the *Gazette* establish a mobile court or special court for expeditious determination of specified cases.

(2) The Chief Justice shall, in the Order under subsection (1), specify-

- (a) matters relating to the jurisdiction of the mobile court or special court;
- (b) the type of cases to be determined by the mobile court or special court; or
- (c) such other matters as the Chief Justice may deem appropriate for the purpose of operations of the mobile court or special court.

Rules of
procedure for
mobile courts
or special
courts **17B.** The Chief Justice may make rules prescribing matters relating to practice and procedure of mobile courts or special court.

Appeals from
mobile courts
or special
courts **17C.**-(1) No appeal shall lie or be made against a decision or order of a mobile courts or special court in respect of small claims except on a point of law, in which case an appeal shall lie before the High Court.

(2) Appeals from mobile court or special court regarding other matters shall be governed in a manner provided for under Part III and IV of this Act.”

Addition of section 42A

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

“Representation in mobile courts

42A.-(1) An advocate, other than an advocate who is a party acting solely on his own behalf, shall not appear on behalf of any party in small claim proceedings before a mobile court, except that, the court may permit any relative or any member of the household of any party to any proceedings, upon the request of such party, to appear and act for that party.

(2) In any proceedings before a mobile court or special court to which a body corporate is a party, a person in the employment of the body corporate and duly authorized in that behalf, other than an advocate, may appear and act on behalf of that party.”

Amendment of section 45

14. The principal Act is amended in section 45(1), by adding immediately after the words “High Court” appearing at the end of paragraphs (a) and (b) the words, “under this Part and subpart (c) of Part III to this Act.”

PART VI
AMENDMENT OF THE NATIONAL SPORTS COUNCIL OF TANZANIA ACT,
(CAP 49)

Construction Cap. 49

15. This part shall be read as one with the National Sports Council of Tanzania Act, hereinafter referred to as the “principal Act”.

Amendment of section 2

16. The principal Act is amended in section 2, by-

(a) deleting the word “amateur” in the definition of the term “sports association” and substituting for it the words “all forms of”;

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

““sports” means an activity involving physical exertion and skill in which an individual or team competes against another for entertainment, and includes sports betting;”.

Amendment of section 3

17. The principal Act is amended in section 3, by-

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

“(2) Notwithstanding the provisions of subsection (1), the Attorney General shall have the right to intervene in any suit or matter instituted by or against the Council.

Cap.5 (3) Where the Attorney General intervenes in any matter pursuant to subsection (2), the provisions of the Government Proceedings Act shall apply in relation to the proceedings of that suit or matter as if it had been instituted by or against the Government.

(4) The Council or such other person on its behalf shall have the duty of notifying the Attorney General of any impending suit or intention to institute a suit or matter for or against the Council.”;
(b) renaming subsection (2) as subsection (5).

Amendment of section 4

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

- (a) deleting the word “amateur” appearing in subsection (1) (a);
- (b) deleting the word “amateur” appearing in subsection (2) (g) and substituting for it the words “all forms of”.

Amendment of section 6

19. The principal Act is amended in section 6(b), by deleting the word “or” appearing immediately after the word “approval” and substituting for it the word “of”.

Amendment of section 8

20. The principal Act is amended in section 8, by-

- (a) deleting the words “Tanzania Audit Corporation” appearing in subsection (2) and substituting for it the words “Controller and Auditor General”;
- (b) deleting the word “auditors” appearing in subsection (3), and substituting for it the words “Controller and Auditor General”;
- (c) deleting the word “auditor’s” appearing in subsection (4) and substituting for it the words “ Controller and Auditor General”.

Amendment of section 10

21. The principal Act is amended in section 10, by deleting the words “as many” and substituting for them the words “such number of”.

Amendment of section 21

22. The principal Act is amended in section 21(1), by deleting the word “up” appearing immediately after the word “binding” and substituting for it the word “upon”.

**PART VII
AMENDMENT OF THE STATISTICS ACT,
(CAP.351)**

Construction Cap.351

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

General amendment

24. The principal Act is amended generally by-

- (a) deleting the title “Director General” wherever it appears throughout the Act and substituting for it the title “Chief Government Statistician”;
- (b) deleting the words “statistical information” and “official statistical information” wherever they appear in sections 5, 6(2)(c) and (f), 19, 22(2), 23(1), 28 and 37(2), (4), (5), (6) and substituting for them the words “official statistics”.

Amendment of section 3

25. The principal Act is amended in section 3, by -

- (a) deleting the definition of the term “official statistics” and substituting for it the following:
 - ““official statistics” means statistics produced, validated, compiled or disseminated by or under the authority of the Bureau;”;
 - and
- (b) adding in the appropriate alphabetical order the following new definition:
 - ““statistical information” means any organized quantitative or qualitative information obtained from different sources through censuses, surveys or administrative data.”

Amendment of section 17

26. The principal Act is amended in section 17(3), by -

- (a) deleting the word “all” appearing in paragraph (a) and substituting for it the words “Government institutions and”;
- (b) inserting the word “Government institution and” between the words “by” and “agencies” appearing in paragraph (b).

Repeal and replacement of section 18

27. The principal Act is amended by repealing section 18 and replacing it with the following:

“Mandate to collect official statistics

18.-(1) Without prejudice to section 20, the Chief Government Statistician shall have powers to commence, vary or discontinue the collection of official statistics conducted through surveys or censuses.

(2) A person, Government institution or agency shall not authorise the commencement of the collection of official statistics through surveys or censuses except with the approval of the Chief Government Statistician.”

Repeal and replacement of section 19

28. The principal Act is amended by repealing section 19 and replacing it with the following:

“Delegation of powers to collect official statistics

19. Notwithstanding the generality of section 18(2) and subject to guidelines issued by the Bureau, powers to collect official statistics afforded to heads of Government institutions pursuant to any written laws shall be deemed to

be powers delegated to those institutions by the Chief Government Statistician.”

Amendment of section 20

- 29.** The principal Act is amended in section 20, by-
- (a) deleting the marginal note and substituting for it the following:
“Producers of official statistics”;
 - (b) deleting the opening words of subsection (1) and substituting for them the following:
“(1) Official statistics may be produced by-”;
 - (c) deleting subsection (3).

Amendment of section 22

- 30.** The principal Act is amended in section 22, by-
- (a) deleting the word “other” appearing in the marginal note;
 - (b) deleting subsection (2) and substituting for it the following:
“(2) The Bureau may cause to be published statistics collected pursuant to subsection (1).”.

Addition of section 24A

31. The principal Act is amended by adding immediately after section 24 the following:

“Dissemination of official statistics

24A.-(1) Any person who is authorised by the Bureau to process any official statistics, shall before publishing or communicating such information to the public, obtain an authorisation from the Bureau.

(2) A person shall not disseminate or otherwise communicate to the public any statistical information which is intended to invalidate, distort or discredit official statistics.”.

Amendment of section 37

- 32.** The principal Act is amended in section 37, by -
- (a) inserting the words “, being an employee of the Bureau,” between the words “person” and “who” appearing in the opening phrase of subsection (1);
 - (b) deleting subsection (4) and substituting for it the following:
“(4) Any person who publishes or causes to be published or communicates any official statistics or statistical information contrary to the provisions of this Act, commits an offence and is liable, on conviction to a fine of not less than ten million shillings or to imprisonment for a term of not less than three years or to both.”;
 - (c) deleting subsections (5) and (6).

OBJECTS AND REASONS

This Bill proposes to amend Six laws namely, the Appellate Jurisdiction Act, Cap 141, the Civil Procedure Code, Cap.33, the land Disputes Courts Act, Cap.216 the Magistrates' Courts Act, Cap.11, the National Sports Council of Tanzania Act, Cap.49, and the Statistics Act, Cap. 351.

This Bill is divided into Seven 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 amendment to the Appellate Jurisdiction Act, Cap.141. Appeals to the Court of Appeal from decisions of the High Court or Tribunals whose appeals lie to the Court of Appeal are guided by procedural laws contained in the Appellate Jurisdiction Act, written laws creating right of appeal to the Court of Appeal and also, the Court of Appeal Rules, 2009 and other specific Rules and Regulations. Procedural laws are expected to expedite the process of adjudicating disputes, by removing obstacles and must cut down delays in the Court of Appeal.

Despite the provisions of Article 107A (2)(e) of the Constitution directing the courts in Tanzania to dispense justice. So many appeals, revisions, reviews and other applications have been struck out on grounds of procedural irregularities making the jurisprudence of the Court of Appeal overly reliant on procedural technicalities instead of substantive justice expected by the Constitution. Apart from delaying or even eliminating the possibility of attaining substantive justice, the striking out of matters on procedural technicalities, increase the costs of litigation, the parties are invariably forced to initiate the matter afresh, by going back to the High Court to seek an extension of time before much later for the matter to be filed and determined on merit by the Court of Appeal.

Sections 3A and 3B of the proposed amendments which introduce the principle of objectives of attaining substantive justice are intended to give statutory effect to Article 107A (2) (e) of the Constitution which requires the courts, when applying rules of procedure that are couched in mandatory terms to actively take into account the wider interests of substantive justice to facilitate the just, expeditious, proportionate and affordable resolution of the civil disputes. The proposed amendments are not designed to blindly disregard the rules of procedure that are couched in mandatory terms, but are meant to task the Court of Appeal before striking out a matter on ground of procedural irregularity, to weigh the wider interests of substantive justice and decide whether there is an alternative available instead of striking out the matter before the Court of Appeal.

The proposed amendments will deal away with unnecessary objections and insist on the disposal of cases on merit.

Part III proposed amendment to the Civil Procedure Code, Cap.33. In order to expedite disposition of cases the proposed amendments are intended to reduce procedural hurdles for the

purposes of expediting both trials and appeals. Powers which will deal with unnecessary objections and insist on the disposal of cases on merit. The proposed addition of new sections 3A and 3B which introduce the principle of objectives of attaining substantive justice are intended to give statutory effect to Article 107A (2) (e) of the Constitution. The said Article requires the courts to determine cases without undue regard to technicalities.

Part IV proposed amendment to the Land Disputes Courts Act, Cap.216. At the moment, there are substantial number of appeals on land disputes pending at the High Court from decisions of the Ward Tribunals and District Land and Housing Tribunals. The backlog of cases in the High Court pending for determination is far beyond the current number of Judges of the High Court. The proposed addition of section 41A are intended to give powers to resident magistrate with extended jurisdiction, to hear and determine appeals originating from the Ward Tribunals and the District Land and Housing Tribunal. By off-loading of some of the pending appeals for determination by resident magistrates with extended jurisdiction, the intended amendments will assist the High Court to timely dispose of land disputes.

Part V proposes amendment of the Magistrate's Courts Act Cap.11 whereby section 2 is amended by adding new definitions appropriate to give meaning to the provisions of the Act. New section 17A is introduced with a view to empower the Chief Justice to establish, by Order published in the *Gazette*, mobile courts and special courts. A new section 17B is introduced to further empower the Chief Justice to make rules of practice and procedure for the mobile courts and special courts. Section 17C is introduced to limit appeals against decisions of a mobile court and special court, in which case, no appeal shall be tenable except on a point of law before the High Court. Section 42A is introduced to make provisions for the restriction of representation by Advocates, the rights of representation by a next of kin and the representation by body corporate. The objectives of the new provisions are to provide for an informal, inexpensive and expeditious form of determination of cases.

This Part further proposes amendment to section 45 to empower a resident magistrate who has been vested by the Minister responsible for Justice with extended jurisdiction, to hear and determine appeals which are ordinarily supposed to be heard and determined by the High Court. The High Court may transfer any such appeal to a resident magistrate for purpose of hearing and determination on extended jurisdiction. This provision is ordinarily resorted for purposes of helping the High Court to clear its backlog of cases.

Part VI proposes amendment to the National Sports Council of Tanzania Act, Cap. 49 whereby sections 2 is amended in the definition of the term "sports association" by deleting the word "amateur" and adding the definite of the term "sports". Section 4 which relates to functions of the Council is amended by removing the use of the term "amateur". Currently those sections empower Council to regulate amateur sports thereby living no organ to regulate professional sports. The amendments are aimed at broadening regulatory mandate of the Council in all forms sports including professional. Section 3 is amended by introducing provisions which allow the Attorney General to intervene in suits or matters instituted by or against the Council.

The amendments are aimed at engaging the Attorney General, who is the head legal adviser of Government, to partake in any dispute against any entity of Government.

Furthermore, amendments are done in sections 6(b) and 21 (1) with a view of rectifying errors. Section 8 is amended so as to name the Controller and Auditor General as the auditor of the Council's accounts instead of auditors from the Tanzania Audit Corporation. Section 10 which relates to Registrar of Sport Association is amended for clarity and appropriateness of provision.

Part VII proposes amendment of the Statistics Act, Cap.351 whereby the Act is amended generally by substituting the title Director General with the title Chief Government Statistician. The objective of the amendment is to provide for an appropriate title that depicts both the head of the National Bureau Statistics and the chief Government advisor in matters relating statistics. Section 3 is amended by making appropriate definition of the terms used in the Act. The Act is further generally amended in sections 6(2)(c), 19, 22(2), 28, and 37(2) by substituting the phrase "statistical information" with the phrase "official statistics". The amendments are intended to make consistent and appropriate usage of the term "official statistics" in the amended sections.

Other amendments include the repeal and replacement of sections 18 and 19 for clarity and appropriateness of provisions relating powers and functions of the Chief Government Statistician. Lastly the Act is amended by adding a new section 24A which relates to dissemination of official statistics. Currently the Act does not make provide for requirement to seek for the approval of the Bureau before disseminating official statistics. These amendments are aimed at restricting the dissemination of statistical information that will invalidate or discredit official statistics. Therefore any person who processes statistical information shall obtain approval of the Bureau before dissemination of information to the public.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya Marekebisho katika Sheria Sita ambazo ni Sheria ya Mamlaka ya Rufaa Sura ya 141, Sheria ya Mwenendo wa Mshauri ya Madai, Sura ya 33, Sheria ya Mahakama ya Migogoro ya Ardhi, Sura ya 216; Sheria ya Mahakama za Mahakimu, Sura ya 11; Sheria ya Baraza la Michezo la Taifa Sura ya 49 na Sheria ya Takwimu, Sura ya 351.

Muswada huu umegawanyika katika Sehemu Saba. Sehemu ya Kwanza inahusu masharti ya utangulizi ambayo yanajumuisha Jina la Muswada na namna ambavyo Sheria zinazopendekezwa kurekebishwa zitakavyorekebishwa ndani ya Muswada huu.

Madhumuni ya Marekebisho ya Sheria hizi ni kuondoa upungufu ambao umebainika katika utekelezaji wa baadhi ya masharti yaliyomo katika Sheria hizo na pia kuongeza ufanisi kwa taasisi zinazosimamia utekelezaji wa Sheria hizo. Marekebisho yanayopendekezwa yanalenga kuziwezesha Sheria husika kuendana na mabadiliko mbalimbali ya Kiteknolojia, Kisiasa na Kiuchumi ambayo yamejitokeza katika miaka ya hivi karibuni na yanaleta athari katika utekelezaji wake.

Sehemu ya Pili inapendekeza kuifanyia Marekebisho Sheria Mamlaka ya Rufaa, Sura ya 141, kwa kuongeza vifungu vipya vya 3A na 3B kwa lengo la kuweka kwenye sheria msingi unaoitaka Mahakama inapotoa uamuzi katika mashauri ya madai na jinai itende haki bila kufungwa kupita kiasi na mashauri ya kiufundi yanayoweza kukwamisha haki kutendeka. Msingi huu umeainishwa kwenye Ibara 107(2)(e) ya Katiba ya Jamhuri ya Muungano. Madhumuni ya mapendekezo haya ni kuitaka Mahakama ya Rufaa itumie njia mbadala ili haki itendeke kabla ya kukataa shauri kwa kuzingatia masharti ya kiufundi.

Mapendekezo haya ya marekebisho yatasaidia kesi za msingi kumalizika pasipokutumia muda mrefu kusikiliza mapigamizi ya awali yasiyo na msingi.

Sehemu ya Tatu inapendekeza kuifanyia Marekebisho Sheria ya Mwenendo wa Makosa ya Madai, Sura ya 33 kwa kuongeza vifungu vipya vya 3A na 3B. Kama ilivyo kwenye mapendekezo ya Sheria ya Mamlaka ya Rufaa Mapendekezo haya ya marekebisho yanalenga kuziwezesha Mahakama kuu, Makahama za Hakimu Mkazi na Mahakama za Wilaya kutenda haki bila kufungwa kupitia kiasi na masharti ya kiufundi yanayoweza kuchelewesha au kukwamisha haki kutendeka.

Sehemu ya Nne inapendekeza kuifanyia marekebisho Sheria ya Mahakama ya Migogoro ya Ardhi, Sura ya 216. Mapendekezo haya ya marekebisho yanalenga kuongeza kifungu kipya cha 41A kinachompa mamlaka Hakimu Mkazi mwenye mamlaka ya zaida kusikiliza na kuamua rufaa kutoka mabaraza ya kata na mabaraza ya ardhi na nyumba ya wilaya. Marekebisho haya yanalenga kupunguza mlundikano wa rufaa za mashauri ya ardhi katika Mahakama kuu. Aidha, mapendekezo haya ya marekebisho yataiwezesha Mahakama Kuu kumaliza mashauri ya ardhi mapema kutokana na kupungua kwa mlundikano wa mashauri.

Sehemu ya Tano inapendekeza marekebisho katika Sheria ya Mahakama ya Mahakimu, Sura ya 11 ambapo kifungu cha 2 kinarekebishwa kwa kuongeza tafsiri ya maneno ili kuleta maana iliyokusudiwa katika Sheria. Kifungu kipya cha 17A kimeongezwa ili kumpa Jaji Mkuu mamlaka ya kuanzisha Mahakama za kuhamishika na Mahakama Maalum. Kifugu kipya cha 17B kinaongezwa ili kumuwezesha Jaji Mkuu kutunga kanuni na taratibu za uendeshaji wa Mahakama za kuhamishika na Mahakama Maalum. Kifungu kipya cha 17C kinaongezwa ili kuzuia rufaa dhidi ya maamuzi ya Mahakama hizi isipokuwa kwa hoja za kisheria ambazo rufaa hizo zitapelekwa Mahakama Kuu. Kifungu kipya cha 42A kinaongezwa ili kuweka masharti ya uwakilishi wa ndugu au jamaa wa karibu na uwakilishi wa makampuni. Aidha uwakilishi kupitia wakili umezuiliwa. Madhumuni ya marekebisho haya ni kupunguza gharama, kuharakisha utatuzi wa migogoro na kuweka mfumo rahisi wa uendeshaji wa mashauri yenye thamani ndogo. Sehemu hii pia inapendekeza kufanya marekebisho kwenye kifungu cha 45. Mapendekezo haya

ya marekebisho yanalenga kumfanya Hakimu mwenye mamlaka ya ziada (*Extended Jurisdiction*) mamlaka ya kusikiliza rufaa ambazo kwa kawaida husikilizwa na Mahakama Kuu awe na mamlaka ya kusikiliza na kuamua rufaa zinazoanzia Mahakama ya Mwanzo. Kwa utaratibu wa sasa, hakimu mwenye mamlaka ya ziada anaweza kusikiliza na kuamua mashauri yaliyoanzia Mahakama ya Wilaya au Mahakama ya Hakimu Mkazi.

Sehemu ya Sita inapendekeza marekebisho katika Sheria ya Baraza la Michezo la Taifa, Sura ya 49, ambapo vifungu vya 2 na 4 vinarekebishwa ili kuliwezesha Baraza kusimamia michezo ya kulipwa. Sheria ilivyo sasa inalipa mamlaka Baraza la Michezo la Taifa kusimamia michezo ya ridhaa pekee, hivyo kupelekea kukosekana kwa chombo mahsusi cha kusimamia michezo ya kulipwa. Marekebisho haya yanalenga kuliongezea Baraza wigo wa usimamizi katika michezo na kuliwezesha kusimamia michezo yote nchini, ikiwemo michezo ya kulipwa. Kifungu cha 3 kinarekebishwa ili kumuwezesha Mwanasheria Mkuu wa Serikali kuingilia shauri lolote lilofunguliwa na au dhidi ya Baraza. Marekebisho haya yanalenga kumshirikisha Mwanasheria Mkuu wa Serikali, ambae ni mshauri wa Serikali katika masuala ya Sheria, katika kuingilia shauri lolote linalohusu chombo chochote cha Serikali.

Aidha, marekebisho mengine yanafanywa katika vifungu vya 6 (b) na 12(1) kwa lengo la kurekebisha makosa ya kiuandishi. Vile vile, kifungu cha 8 kinarekebishwa kwa kumtaja Msimamizi na Mkaguzi Mkuu wa Hesabu za Serikali kuwa mkaguzi wa hesabu za Baraza badala ya wakaguzi wa shirika la Tanzania Audit Corporation ambalo halipo kwa sasa. Kifungu cha 10 kinarekebishwa ili kuweka maneno sahihi yanayomuwezesha Waziri kuwateua Wasajili Wasaidizi wa Vyama vya Michezo kwa idadi iliyokadri ya mahitaji.

Sehemu ya Saba inapendekeza marekebisho katika Sheria ya Takwimu, Sura ya 351 ambapo Sheria inapendekeza marekebisho ya jumla kwa kufuta cheo cha Mkurugenzi Mkuu na badala yake kuweka cheo cha Mtakwimu Mkuu. Lengo la marekebisho haya ni kuongeza matumizi ya cheo sahihi kitakachoonisha kuwa kiongozi huyu ni mkuu wa ofisi ya Taifa ya Takwimu na mshauri mkuu wa Serikali katika masuala ya Takwimu. Sheria inapendekeza marekebisho katika vifungu vya 6(2)(c) na (f), 19, 22(2), 28 na 37(2) kwa kuondoa matumizi ya maneno “statistical information” na badala yake kuweka maneno “official statistics”. Marekebisho haya yamelenga kuweka matumizi sahihi ya maneno “official statistics” katika vifungu vilivyoainishwa. Kifungu cha 3 kinarekebishwa kwa kuongeza tafsiri ya misamiati inayotumika katika masharti mbali mbali ya Sheria hii.

Aidha, marekebisho mengine ni pamoja na kufuta vifungu vya 18 na 19 na kuviandika upya kwa lengo la kuongeza ufasaha zaidi katika majukumu ya Mtakwimu Mkuu kama yalivyoainishwa katika vifungu hivyo. Mwisho, Sheria pia inarekebishwa kwa kuongeza kifungu kipya cha 24A kinachohusu usambazaji wa taarifa rasmi za takwimu. Sheria ilivyo sasa haina masharti yanayomtaka mtu kupata idhini ya Ofisi ya Taifa ya Takwimu kabla ya kusambaza taarifa rasmi za takwimu. Marekebisho haya yamelenga kumzuia mtu yeyote kusambaza kwa umma taarifa za takwimu kwa lengo la kupotosha au kuonesha kuwa taarifa rasmi za takwimu zilizotolewa na Ofisi ya Taifa ya Takwimu sio sahihi. Hivyo kwa mujibu wa marekebisho haya,

mtu yeyote aliyechakata taarifa za takwimu atalazimika kuomba idhini ya Ofisi ya Taifa ya Takwimu kabla ya kusambaza kwa umma takwimu hizo.

Dodoma,
23 Mei, 2018

ADELARDUS L. KILANGI
Mwanasheria Mkuu wa Serikali