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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO.6) ACT,2019

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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,
30th August, 2019

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.6) Act, 2019. |
| 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 ENERGY AND WATER UTILITIES
REGULATORY AUTHORITY ACT,
(CAP. 414)**

- | | |
|---------------------------|---|
| Construction
Cap. 414 | 3. This Part shall be read as one with the Energy and Water Utilities Regulatory Authority Act, hereinafter referred to as the “principal Act”. |
| Amendment of
section 9 | 4. The principal Act is amended in section 9(1), by-
(a) adding immediately after paragraph (a), a new paragraph (b) as follows:
“(b) Permanent Secretaries or their representatives |

from the sector Ministries;” and
(b) renaming paragraph (b) as paragraph (c).

Amendment of
section 40

5. The principal Act is amended in section 40 (1) by deleting the opening phrase and substituting for it the following:

“(1) The Authority may, in consultation with the Minister and, where applicable, the sector Minister, make Rules in respect of-”.

Addition of
section 42A

6. The principal Act is amended by adding immediately after section 42, a new section 42A as follows:

42A.-(1) Notwithstanding the provisions of this Act relating to penalties, where a person admits in writing that he has committed an offence under this Act or any other sector legislation, the Director General or a person authorised by him in writing may, at any time prior to the commencement of the proceedings by a court of competent jurisdiction compound such offence and order such person to pay sum of money not exceeding one half of the amount of the fine to which such person would otherwise have been liable to pay if he had been convicted of such offence.

(2) Where an offence is compounded in accordance with 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) Where the person fails to comply with the compounding order issued under this section within the prescribed period, the Authority may in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(4) Where the person fails to comply with subsection (3), the Authority may enforce

the compounding order and interest accrued thereof in the same manner as a decree of a court.

(5) The Authority shall submit quarterly report of all compounded offences under this section to the Director of Public Prosecution.

(6) The forms and manner of compounding of offences shall be as prescribed in the regulations made under this Act.”

Amendment of section 48 **7.** The principal Act is amended in section 48 (1) by adding the words “and the sector Ministers” immediately after the word “Minister”.

Amendment of section 49 **8.** The principal Act is amended in section 49 by adding the words “and the sector Ministers” after the word “Minister” wherever it appears in subsection (2).

**PART III
AMENDMENT OF FERRIES ACT,
(CAP. 173)**

Construction Cap. 173 **9.** This Part shall be read as one with the Ferries Act hereinafter referred to as the “principal Act”.

Amendment of section 1 **10.** The principal Act is amended in section 1(2)-
(a) in the definition of the term "public ferry", by deleting the word “of” appearing after the words “means” and substituting for it the article “a”;
(b) by inserting in the appropriate alphabetical order the following new definitions:
““Agency” means Tanzania Electrical Mechanical and Electronics Services Agency established under the Executive Agencies Act;
Cap. 245 “ferry” includes a boat or ship other than boat or ship owned or operated by security forces, whether owned by the Government or private person, for conveyance of passengers or goods in a passage over any river, arm of the sea,

lake or part of a lake from any place to which the public has access to any other place;

“ship” means a floating vessel which is self-propelled and capable of carrying passengers or cargo and includes every description of vessel used in navigation;”.

Amendment of section 2

11. The principal Act is amended in section 2 by deleting subsection (3).

Amendment of section 3

12. The principal Act is amended in section 3 by deleting the word “ferry” appearing between the words “any” and “as” and substituting for it the word “passage”.

Addition of sections 3A and 3B

13. The principal Act is amended by adding immediately after section 3, the following new sections:

3A.-(1) The Agency shall be responsible for-
Agency

- (a) management and operation of Government owned ferries;
- (b) provision of ferry services;
- (c) management and control of public ferries; and
- (d) maintenance of safe and efficient ferry services.

(2) In exercising its responsibilities, the Agency shall have regards to the principles of safety, security and protection of environment as provided for under the Merchant Shipping Act.”

Cap. 165

Regulatory role of Corporation

3B.-(1) The Corporation shall regulate compliance of the Agency or such other person licenced to provide ferry services on matters relating to safety, security and prevention of pollution.

(2) In exercising its regulatory role under this Act, the Corporation shall comply with the provisions of the Merchant Shipping Act.”

Cap. 165

Repeal and replacement of section 5

14. The principal Act is amended by repealing section 5 and replacing for it the following:

“Mandate to provide ferry services”

5.-(1) The Agency shall have exclusive mandate to provide ferry services on a public ferry.

(2) Notwithstanding the provisions of subsection (1), the Agency may, upon consultation with the Corporation, license any person to provide ferry services on a public ferry.

(3) The Minister may make regulations for-

- (a) issuance and management of licence;
- (b) fees for issuance of licence; and
- (c) any other matter that he considers necessary for better implementation of this section.”

Repeal of sections 6, 7, and 8

15. The principal Act is amended by repealing sections 6, 7 and 8 respectively.

Repeal and replacement of section 9

16. The principal Act is amended by repealing section 9 and replacing for it the following:

“Complaints handling and court redress”

9.-(1) A person aggrieved by the decision of the Agency under this Act may, within twenty one days from the date of the decision, lodge a written complaint to the Minister.

(2) The manner and procedure of handling complaints by the Minister shall be as prescribed in the regulations.

(3) Any person aggrieved by a decision of the Minister made or given pursuant to this Act may, within thirty days from the date on which the decision is given or made, seek redress in the High Court.”

Amendment of section 11

17. The principal Act is amended in section 11, by-

- (a) deleting paragraphs (a), (c), (d), (e), (f), (g), (h) and

- (i) respectively;
- (b) re-naming paragraph (b) as paragraph (a); and
- (c) adding immediately after paragraph (a) as re-named, the following new paragraphs:
 - “(b) ferry services management and operations; and
 - (c) any other matters for which the Minister considers necessary for proper implementation of this Act.”.

Repeal and replacement of section 12

18. The principal Act is amended by repealing section 12 and replacing for it the following:

“Prohibition of maintenance of ferry within prescribed distance of public ferry

12.-(1) A person shall not establish, maintain or operate a ferry within two miles upon either side of a public ferry or within such distance as the Minister may prescribe.

(2) A person shall not carry on any activities within the prescribed distance of a public ferry which are likely to interfere with ferry service operations or pollute public ferry environment.

(3) Any person who contravenes the provision of this section commits an offence and upon conviction shall be liable to a fine of not less than fifty thousand shillings but not exceeding five hundred thousand shillings or to imprisonment for a term not exceeding six months or to both.”.

Repeal and replacement of section 13

19. The principal Act is amended by repealing section 13 and replacing for it the following:

“General penalty

13. A person who contravenes any of the provisions of this Act for which no specific penalty is provided, commits an offence and on conviction shall be liable to a fine of not less than fifty thousand shillings but not exceeding one million shillings or to imprisonment for a term not exceeding twelve months or to both.”.

PART IV
AMENDMENT OF THE GAMING ACT,
(CAP. 41)

- Construction
Cap. 41 **20.** This Part shall be read as one with the Gaming Act, hereinafter referred to as the “principal Act”.
- Amendment of
section 3 **21.** The principal Act is amended in section 3, by-
- (a) deleting the definition of the term “court” and substituting for it the following:
 ““court” means a court of competent jurisdiction;”;
 - (b) adding in the appropriate alphabetical order the following new definition:
 “gaming management system” means a computerized record keeping system that includes all devices, hardware, software and networking links which form part of the system that record and manage gaming transactions;”.
- Amendment of
section 7 **22.** The principal Act is amended in section 7(2), by-
- (a) deleting the words “lotteries and” appearing in paragraph (c);
 - (b) adding immediately after paragraph (i) the following:
 “(j) handling and determining complaints arising from gaming activities involving licensees and players;”;
 - (c) renaming paragraph (j) as paragraph (k).
- Addition of
section 9A **23.** The principal Act is amended by adding immediately after section 9 a new section 9A as follows:
- “Power of inspection, seizure, forfeiture and destruction”
- 9A.** The Board shall, for the purpose of implementing its functions, have powers to conduct inspection, auditing, seizure, forfeiture and destroying illegal gaming device or any other item related or connected directly or indirectly with gaming activities.”.
- Amendment of
section 13 **24.** The principal Act is amended in section 13 by adding immediately after subsection (2) a new subsection (3) as

follows:

“(3) A person shall not, unless with a licence duly issued by the Board, provide gaming consultancy.”.

Repeal and replacement of section 14

25. The principal Act is amended by repealing section 14 and replacing for it the following:

“Certifica
te to
manufact
ure and
licence to
sell, lease
or
distribute
equipmen
t
14. A person shall not, unless he is a holder of a certificate or, as the case may be, a licence issued pursuant to the provisions of this Act, manufacture, sell, lease or distribute any software or system, article, machine, instrument or device used for gaming activity.”.

Addition of section 18A

26. The principal Act is amended by adding immediately after section 18, a new section 18A as follows:

“Perfor
mance
bond
18A. An operator of gaming activity or business of a specified category or type of licence other than casino shall deposit with the Board a performance bond in the nature, manner and amount as may be prescribed in the regulations.”

Amendment of section 26

27. The principal Act is amended in section 26(1), by-
(a) adding immediately after paragraph (m), the following:

“(n) national lottery licence for conduct of national lottery;
(o) lottery licence issued pursuant to section 41 (3) to conduct business lotteries;
(p) service provider licence to provide services on gaming operations;
(q) gaming consultancy licence;
(r) virtual games licence;”;

(b) renaming paragraph (n) as paragraph (s).

Amendment of section 36

28. The principal Act is amended in section 36(6) by inserting the word “unauthorized” between the words “any” and “lottery” appearing in the opening phrase.

Repeal and replacement of section 51

29. The principal Act is amended by repealing section 51 and replacing for it the following:

“Authoris **51.**-(1) The Board may, through the
ation of issuance of a license, authorize the
promotio promotion of gaming products other than
n of other those specified or contemplated under this
gaming Act, and includes the manner in which the
products gaming activities may be conducted.

(2) The license issued under this section shall be valid for a period of six months from the date of issue, and may, upon application by the license holder, be extended by the Board for a further period not exceeding twelve months in aggregate.

(3) The Board may make rules prescribing fees and levies that may be paid in respect of any gaming activities under this section.”.

Amendment of section 66

30. The principal Act is amended in section 66, by-

(a) deleting the word “commercial” appearing in subsection (1) and substituting for it the word “acceptable”; and

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

“(2) The financial statements of the Board relating to that financial year shall, not later than six months after the closure of every financial year, be audited by the Controller and Auditor-General.”.

Repeal and replacement of section 67

31. The principal Act is amended by repealing section 67 and replacing for it the following:

“Perform **67.** The Controller and Auditor-General
ance may conduct performance audit on the
audit Board in accordance with the Public Audit Act.”.

Cap. 418

Amendment of section 68

32. The principal Act is amended in section 68(1) by deleting the word “September” and substituting for it the word “December”.

Amendment of
section 70

33. The principal Act is amended in section 70:

- (a) in subsection (1), by-
 - (i) deleting the opening phrase and substituting for it the following:
“(1) A person above the age of eighteen years shall not permit or cause a person of the age below eighteen years to-”;
 - (ii) deleting the words “area of a casino” appearing in paragraph (a) and substituting for them the word “premises”; and
- (b) by deleting subsection (2) and substituting for it the following:
“(2) Any person who contravenes any of the provisions of this section commits an offence and on conviction shall be liable to a fine of not less than one million shillings but not exceeding five million shillings or to imprisonment for a term not exceeding twelve months or to both.”.

Amendment of
section 72

34. The principal Act is amended in section 72, by-

- (a) re-designating the contents of section 72 as section 72(1); and
- (b) adding immediately after subsection (1) as re-designated, the following new subsection:
“(2) Any person who contravenes subsection (1), commits an offence and shall on conviction be liable to a fine of not less than one million shillings or to imprisonment for a term of not less than twelve months or to both.”.

Amendment of
section 82A

35. The principal Act is amended in section 82A:

- (a) in subsection (3), by-
 - (i) inserting immediately after paragraph (b) the following new paragraph:
“(c) gaming machine or device placed in unauthorised premises by licensee;”
 - (ii) renaming paragraph (c) as paragraph (d); and
- (b) adding immediately after subsection (3), the following new subsection:
“(4) Monies found in the gaming device used in illegal operation pursuant to this section shall be seized by or forfeited to the Board.”.

Addition of sections 86A and 86B

36. The principal Act is amended by adding immediately after section 86, the following new subsections:

“Advertisements of gaming activities

86A.-(1) The Board shall regulate gaming advertisements in a manner provided in the regulations.

(2) Subject to subsection (1) the Board shall, in particular, have regard to the need to protect children and other vulnerable persons from being harmed or exploited by gaming activities.

Gaming management system

86B.-(1) A licensee shall maintain a gaming management system in the manner set out in the regulations or as may be specified by the Board.

(2) A licensee shall send gaming transactions of their gaming management systems and gaming devices in the manner specified by the Board.”.

PART V
AMENDMENT OF THE INTERPRETATION OF LAWS ACT,
(CAP. 1)

Construction Cap. 1

37. This Part shall be read as one with the Interpretation of Laws Act, hereinafter referred to as the “principal Act”.

Addition of section 54

38. The principal Act is amended in section 54, by-

- (a) designating the contents of section 54 as contents of subsection (1); and
- (b) adding immediately after subsection (1) as designated, the following:

“(2) Where any written law establishes a board and the board is not duly constituted, it shall be lawful for any prescribed operations requiring the decisions of the board to be performed by the Permanent Secretary of the Ministry responsible for the board until such time the board is duly constituted.

(3) Where a board under any written law has been dissolved, it shall be lawful for any operations requiring the decisions of the board

to be performed by the Permanent Secretary of the Ministry responsible for the board until such time until when a new board is duly constituted.

(4) Where the tenure of board prescribed in any written law has come to an end, it shall be lawful for any operations requiring the decisions of the board to be performed by the Permanent Secretary of the Ministry responsible for the board until such time a new board is constituted.”.

PART VI
AMENDMENT OF MERCHANT SHIPPING ACT,
(CAP. 165)

Construction
Cap. 165

39. This Part shall be read as one with the Merchant Shipping Act hereinafter referred to as the “principal Act.”

General
amendment

40. The principal Act is amended generally by deleting the terms “Registrar of Ships”, “Registrar of Seafarers” and “Registrar of Wrecks” wherever they appear in the Act and substituting for them the term “Registrar”.

Amendment
of section 2

41. The principal Act is amended in section 2(1)-

- (a) by deleting the definitions of the term “Deputy Registrar”;
- (b) by deleting the definitions of the terms, “Registrar of Seafarers” and “Registrar of Ships” respectively;
- (c) in the definition of the term “Receiver of Wrecks” by deleting figure “7” and substituting for it figure “306”;
- (d) by deleting the definitions of the term “ship” and substituting for it the following:
 - “ship” means a floating vessel which is self-propelled and capable of carrying passengers or cargo and includes every description of vessel used in navigation;”;
- (e) by adding, in the definition of the term “vessel”, the word “ferry” immediately after the words “sailing vessel”; and
- (f) by inserting in the appropriate alphabetical order the following new definition:

Amendment
of section 110

49. The principal Act is amended in section 110 by-
(a) deleting subsection (2); and
(b) re-numbering subsections (3) and (4) as subsections (2) and (3) respectively.

Amendment
of section 209

50. The principal Act is amended in section 209 by deleting subsections (1) and (2) and substituting for them the following-
“(1) The Registrar shall take appropriate steps to advise the seafaring community and the public of any developing or existing situations which may adversely affect maritime safety, security and prevention of pollution.
(2) The Registrar shall communicate the following notices to the seafaring community-
(a) Merchant Shipping Notices; and
(b) Notices to Mariners and Navigational Warnings.”

General
amendment of
sections

51. The principal Act is amended in sections 212, 213 and 217 by deleting the words “navigational aids” and substituting for them the words “aids to navigation” wherever they appear in those sections.

Amendment
of section 226

52. The principal Act is amended in section 226 (3) by deleting the words “Customs Officer” and substituting for them the words “Port Master”.

Amendment
of section 247

53. The principal Act is amended in section 247, by-
(a) deleting subsection (1) and substituting for it the following new subsections-
“(1) Where the owner or person making application for a survey of a ship required under this Act is dissatisfied by the outcome of the survey, the owner or person may serve a notice to the person issuing the certificate within twenty one days of the completion of the survey for the dispute to be referred to a single arbitrator appointed by agreement between the parties for settlement.
(2) Where there is no agreement between the parties to appoint an arbitrator under subsection (1), the arbitrator may be appointed by the

- Minister.”; and
- (b) renumbering subsections (2) and (3) as subsections (3) and (4) respectively.
- Amendment of section 293 **54.** The principal Act is amended in section 293(3) by deleting the words “Minister or Registrar of ships” appearing in the second line and the word “Minister” appearing in the fourth and sixth line and substituting for them the word “registrar” respectively.
- Amendment of section 300 **55.** The principal Act is amended in section 300(1) by deleting the words “Minister may, by order published in the *Gazette*,” and substituting for them the words “Registrar may”.
- Amendment of section 301 **56.** The principal Act is amended in section 301(2) by deleting paragraph (c) and substituting for it the following-
“(c) a pleasure vessel when used for hire, reward or any commercial purpose;”
- Amendment of section 305 **57.** The principal Act is amended in section 305(2) by deleting paragraph (c) and substituting for it the following-
“(c) a pleasure vessel when used for hire, reward or any commercial purpose;”.
- Amendment of section 306 **58.** The principal Act is amended in section 306 by deleting the words “by notice in the *Gazette*”.
- Amendment of section 393 **59.** The principal Act is amended in section 393-
(a) in subsection (1), by deleting the closing words and substituting for them the following:
 “and, at the time it occurs, the ship was a Tanzanian ship or the ship or ship’s boat was in Tanzania waters, the Registrar shall cause a marine safety investigation into the casualty to be held by a person appointed the Registrar, and that person shall have the powers conferred on an Inspector under section 383”.
- (b) in subsection (2), by deleting the words “preliminary inquiry” and substituting for them the words “marine safety investigation”; and
- (c) by adding immediately after subsection (2), the following new subsection:

“(3) For the purpose of this section “marine safety investigation” includes the collection of, and analysis of, evidence, the identification of causal factors and the making of safety recommendation into a marine casualty or marine incident conducted with the objective of preventing marine casualties and marine incidents.”.

Amendment
of section 394

60. The principal Act is amended in section 394(3) by deleting the word “Board” appearing between the words “the” and “may cancel” and substituting for it the word “Registrar”.

Amendment
of section 402

61. The principal Act is amended in section 402 by deleting the words “Registrar of Ships” wherever they appear in subsection (1) and substituting for them the word “Corporation”.

Amendment
of section 423

62. The principal Act is amended in section 423 by deleting the word “Minister” wherever it appears in paragraph (c) and (e) and substituting for it the word “Registrar”.

PART VII
AMENDMENT OF THE PENAL CODE,
(CAP. 16)

Construction
Cap. 16

63. This Part shall be read as one with the Penal Code, hereinafter referred to as the “principal Act”.

General
amendment

64. The principal Act is generally amended by-

- (a) deleting the phrase “one hundred” wherever it appears in the Act and substituting for it the phrase “fifty thousand”.
- (b) deleting the phrase “one thousand” wherever it appears in the Act and substituting for it the phrase “one hundred thousand”.
- (c) deleting the phrase “two thousand” wherever it appears in the Act and substituting for it the phrase “two hundred thousand”.
- (d) deleting the phrase “three thousand” wherever it appears in the Act and substituting for it the phrase “three hundred thousand”.
- (e) deleting the phrase “four thousand” wherever it appears in the Act and substituting for it the phrase

four hundred thousand”.

- (f) deleting the phrase “five thousand” wherever it appears in the Act and substituting for it the phrase” five hundred thousand”.

Amendment of section 29

65. The principal Act is amended in section 29 by deleting the scale appearing under paragraph (d) and substituting for it the following:

Not exceeding Shs. 50,000/-	14 days
Exceeding Shs. 50,000/- but not exceeding Shs.100,000/=	2 months
Exceeding Shs. 100,000/- but not exceeding Shs.500,000/=	6 months
Exceeding Shs. 500,000/- but not exceeding 1,000,000/-	12 months
Exceeding shs. 1,000,000/-	24 months

Addition of section 162

66. The principal Act is amended by adding immediately after section 161 the following:

“Indecent communication of photograph pictures

162.-(1) A person shall not-

- (a) take photos, pictures or images of corpses, dead persons, victims of crimes or gruesome incidents without permission from a police officer or any other lawful authority; or
- (b) intentionally and without authority, use any form of communication to share pictures or photos of corpses, dead persons, victims of crimes or gruesome incidents.

(2) Any person who contravenes the provisions of this section commits an offence and on conviction is liable to a fine not less than one million or imprisonment of not less than one year or to both.”

PART VIII
AMENDMENT OF THE PUBLIC SERVICE ACT,
(CAP. 298)

- Construction
Cap. 298 **67.** This Part shall be read as one with the Public Service Act, hereinafter referred to as the “principal Act”.
- Amendment of
section 4 **68.** The principal Act is amended in section 4(3) by adding a new paragraph (e) as follows:
 “(e) be the highest authority in matters relating to labour mobility in the public service.”
- Amendment of
section 26 **69.** The principal Act is amended in section 26(2) by inserting the words “Clerk of the National Assembly” between the words “Intelligence” and “the Controller and Auditor-General”.
- Addition of
section 27 **70.** The principal Act is amended by adding immediately after section 26 the following new section:
 “Exemption **27.** Notwithstanding any other condition from to the contrary, the Chief Secretary shall application have power to exempt a public servant of certain from any condition required for grant of conditions pension or other terminal benefit.”.

PART IX
AMENDMENT OF THE SOCIAL SECURITY (REGULATORY
AUTHORITY) ACT,
(CAP. 135)

- Construction
Cap. 135 **71.** This Part shall be read as one with the Social Security (Regulatory Authority) Act, hereinafter referred to as the “principal Act”.
- General
amendments **72.** The principal Act is, unless otherwise stated, amended generally by deleting-
 (a) the word “Authority” wherever it appears in the Act and substituting for it the word “Ministry”;
 (b) the designation “Director General” wherever it appears in the Act and substituting for it the word “Ministry”; and
 (c) the word “Board” wherever it appears in the Act and substituting for it the word “Ministry”.

- Repeal and replacement of section 1
- 73.** The principal Act is amended by repealing section 1 and replacing for it the following:
“Short title 1. This Act may be cited as the Social Security Act.”.
- Amendment of section 3
- 74.** The principal Act is amended in section 3, by-
- (a) deleting the definition of the term “Act” and substituting for it the following:
““Act” means the Social Security Act;”;
 - (b) deleting the definition of the terms “Authority”, “Board”, “Director General”, “staff” and “Tribunal” respectively; and
 - (c) inserting in the appropriate alphabetical order the following new definition:
““Ministry” means the Ministry for the time being responsible for Social Security matters;”.
- Amendment of Part II
- 75.** The principal Act is amended by deleting the heading to Part II and substituting for it the following:
“PART II
ADMINISTRATIVE MATTERS”
- Repeal and replacement of section 4
- 76.** The principal Act is amended by repealing section 4 and replacing for it the following new section:
“Supervision of social security sector 4. Notwithstanding any provision of any other written law, the power relating to supervision of social security sector that is subject of this Act is vested in the Ministry.”.
- Repeal of sections 5, 6, 7, 9, 10, 11, 12 and 13
- 77.** The principal Act is amended by repealing sections 5, 6, 7, 9, 10, 11, 12 and 13 and replacing for them the following.
“Mandate of Ministry 5.-(1) Subject to the provisions of this Act, the Ministry shall, in relation to the supervision of social security Sector-
- (a) supervise the performance of all schemes, managers and custodians;
 - (b) facilitate extension of social security coverage to non-covered areas including informal groups;

- (c) conduct inspection and examination with or without prior notice on managers, custodians or schemes, premises, equipment, machinery, records, books of accounts or any other document and transaction of the managers, custodians, administrators or a scheme;
 - (d) where it deems fit, cause actuarial valuations to be carried out with respect to any of the schemes;
 - (e) protect and safeguard the interests of members;
 - (f) monitor and review regularly the performance of the social security sector;
 - (g) handle disputes and complaints relating to social security services;
 - (h) register all schemes, managers and custodians;
 - (i) register and supervise administrators;
 - (j) initiate studies, coordinate and implement reforms in the social security sector;
 - (k) conduct programmes for public awareness, sensitisation and tracing on social security;
 - (l) appoint interim administrator of schemes, where necessary;
 - (m) issue directions in the form of notices, letters, orders or circulars; and
 - (n) do such other things to ensure efficiency in the management of social security sector.
- (2) In order to facilitate efficient and

effective operation of the social security sector and execution of the mandates of the Ministry, the Minister may, by notice in the *Gazette*, issue guidelines to which all schemes shall abide.”

- Amendment of section 17 **78.** The principal Act is amended in section 17(1) by deleting the words “in such form as the Board may determine and shall enter therein such particulars as the Board may specify”.
- Amendment of section 21 **79.** The principal Act is amended in section 21(2) by deleting the words “subject to the approval of the Board”.
- Repeal of section 22 **80.** The principal Act is amended by repealing section 22.
- Amendment of section 24 **81.** The principal Act is amended in section 24 by deleting subsection (4).
- Amendment of section 26 **82.** The principal Act is amended in section 26-
(a) in subsection (5) by inserting the word “Bank” immediately before the word “report”
(b) deleting subsection (6).
- Amendment of section 28 **83.** The principal Act is amended in section 28 by-
(a) deleting the words “,in consultation with the Authority,” appearing in subsection (5); and
(b) deleting the words “the Authority should not recommend their disqualification” and substituting for them the words “they should not be disqualified” appearing in subsection (6);
(c) inserting the words “to the appointing authority the” between the words “recommend” and “disqualification” appearing in subsection (8).
- Amendment of section 32 **84.** The principal Act is amended in section 32(b) by deleting the words “and GEPF retirement benefits funds”.
- Repeal of section 33 **85.** The principal Act is amended by repealing section 33.
- Amendment of section 38 **86.** The principal Act is amended in section 38(1) by deleting the words “in consultation with the Authority”.

- Amendment of section 38A **87.** The principal Act is amended in section 38A by-
- (a) deleting the words “LAPF Pensions Fund Act, the National Health Insurance Fund Act, the National Social Security Fund Act, the PPF Pensions Fund Act, the Public Service Pensions Fund Act and the GEPF Retirement Benefits Fund Act” appearing in subsection (1) and substituting for it the words “Public Social Security Fund Act, the Workers Compensation Act and the National Social Security Fund Act.”; and
 - (b) deleting the words “Director-General” appearing in subsection (2)(c) and substituting for them the words “Representative from the Ministry.”.
- Amendment of section 39 **88.** The principal Act is amended in section 39(1) by deleting the words “of the Authority to be appointed by Director General” and substituting for them the words “who shall be appointed by the Minister.”.
- Amendment of section 40 **89.** The principal Act is amended in section 40, by
- (a) deleting the words “The Bank direct the Authority to” appearing in subsection (2)” and substituting for them the words “The Minister may”; and
 - (b) deleting the word “Authority” wherever it appears in subsection (4) and substituting for it the word “Minister”.
- Amendment of section 41 **90.** The principal Act is amended in section 41 by deleting the words “the Authority may, with the approval of the Board” appearing in subsection (1) and substituting the them the words “the Minister may”
- Repeal of section 43 **91.** The principal Act is amended by repealing section 43.
- Amendment of section 44 **92.** The principal Act is amended in section 44, by-
- (a) deleting the words “within thirty days of receipt of the decision” appearing in subsection (1); and
 - (b) deleting subsection (3) and substituting for it the following:
 - “(3) Subject to subsection (1), a dispute between a member or beneficiary and a scheme, a scheme and a scheme or a member and a manager shall be referred to the Minister.”.

Repeal of sections 45 and 46	93. The principal Act is amended by repealing sections 45 and 46.
Repeal of Part VIII	94. The principal Act is amended by repealing the whole of Part VIII.
Amendment of section 54	95. The principal Act is amended in section 54(2), by- (a) deleting paragraphs (d) and (e); and (b) renaming paragraphs (f) to (m) as paragraphs (d) to (k) respectively.
Repeal of sections 57 and 58	96. The principal Act is amended by repealing sections 57 and 58.
Addition of Part X	97. The principal Act is amended by adding immediately after section 59 the following new Part:

“PART X
SAVINGS AND PROVISIONS

Effective date	60. For the purpose of this Part, “effective date” means the date of coming into operation of this Part.
Savings	61. Notwithstanding the repeal of various sections occasioning the dis-establishment of the Social Security Regulatory Authority- (a) all appointments and directions made, issued or given by the Social Security Regulatory Authority under the provisions of the Social Security (Regulatory Authority) Act shall continue to be valid unless they are revoked, cancelled or otherwise cease by reason of affluxion of time; and (b) unless the context otherwise requires, any reference in any written law or such other

statutory instrument to-

- (i) Social Security (Regulatory Authority) Act shall be construed as a reference to the Social Security Act; and
- (ii) Social Security Regulatory Authority shall be construed as a reference to the Ministry, save for the National Health Insurance Fund which shall be construed as reference to the Ministry responsible for health matters.

Existing contracts

62. Subject to the provisions of this Act, all deeds, bonds, agreements, instruments and working arrangements subsisting immediately before the effective date, affecting any of the property transferred, shall be of full force and effect against or in favour of the Ministry and enforceable as fully and effectually as if the Ministry has been named therein or had been a party thereto instead of the Authority.

Pending disciplinary proceedings

63. Where immediately before the effective date any disciplinary proceedings have been initiated against any employee of the Authority and such proceedings are still pending before the Authority or in the course of being heard or investigated by the Authority or had been heard or investigated by the Authority and no order or decision had been rendered thereon or any such employee or an officer has been interdicted or suspended, the Minister shall-

- (a) in the case of disciplinary proceedings, carry on and

complete the hearing, investigation and make an order or render a decision, as the case may be; and

- (b) in the case of interdiction or suspension, deal with such employee or officer in such manner as it deems appropriate, having regard to the offence against him, including the institution and completion of disciplinary proceedings and the making of any order or the rendering of a decision as the case may be, as if those disciplinary proceedings had been commenced by the Ministry to which the employee or an officer would be employed.

Vesting of assets and liabilities

64. All assets and liabilities which were, immediately before the effective date, under the Authority shall be vested in the Ministry.

Rights and obligations

65. Powers, rights, privileges, duties or obligations which, immediately before the effective date were exercisable by the Authority shall, as from that date, be vested in the Ministry.

Pending legal proceedings

66.-(1) Any legal proceedings pending before any court or other tribunal which were instituted immediately before the effective date and to which the Authority is a party may, in so far as they relate to any property, right, liability or obligation vested or deemed to have been vested in the Authority by this Act shall, after the effective date, be deemed to have been instituted by or against the Ministry.

(2) All pending complaints and claims

lodged to the Authority against the schemes shall be presumed to be complaints lodged to the Ministry.

Provision
regarding
employees
Cap. 298

67. The provisions of the Public Service Act shall apply in relation to matters relating to employees of the Authority.”.

Revocation of
Schedule

98. The principal Act is amended by revoking the Schedule.

PART X
AMENDMENT OF THE VALUE ADDED TAX ACT,
(CAP. 148)

Construction
Cap. 148

99. This Part shall be read as one with the Value Added Tax Act, hereinafter referred to as the “principal Act”.

Amendment of
section 6

100. The principal Act is amended in section 6 by deleting subsection (2) and substituting for it the following:

“(2) Notwithstanding the provisions of subsection (1), the Minister may, by order published in the *Gazette*, grant value added tax exemption on:

- (a) importation of raw materials to be used solely in the manufacture of long-lasting mosquito nets by local manufacturer having a performance agreement with the Government of the United Republic;
- (b) importation by a government entity or supply to a government entity of goods or services to be used solely for implementation of a project funded by-
 - (i) the Government;
 - (ii) concessional loan, non-concessional loan or grant through an agreement between the Government of the United Republic of Tanzania and another government, donor or lender of concessional loan or non-concessional loan; or
 - (iii) a grant agreement duly

Cap.134

approved by the Minister in accordance with the provisions of the Government Loans, Grants and Guarantees Act entered between local government authority and a donor:

Provided that, such agreement provide for value added tax exemption on such goods or service; or

(c) importation or supply of goods or services for the relief of natural calamity or disaster.”

OBJECTS AND REASONS

This Bill proposes to amend Nine laws namely: the Energy and Water Utilities Regulatory Authority Act, (Cap. 414), the Ferries Act, (Cap. 173), the Gaming Act, (Cap. 41), the Interpretation of Laws Act, (Cap. 1), the Merchant Shipping Act, (Cap. 165), the Penal Code, (Cap. 16), the Public Service Act, (Cap. 298), the Social Security (Regulatory Authority) Act, (Cap. 135) and the Value Added Tax Act, (Cap.148).

Part II of the Bill proposes amendment to the Energy and Water Utilities Regulatory Authority Act, Cap. 414, Section 9 is amended to introduce in the Nomination Committee Permanent Secretaries of Sector Ministries. The objective is to ensure that all sector ministries are represented in the nomination process of the Board members. Sections 40, 48 and 49 are amended severally to accommodate Sector Ministers’ involvement in various mandates already vested in the Minister responsible for the Authority. The objective of the amendment is to enhance oversight role of Sector Ministers on matters which are regulated by the Authority. Section 42A of the Act is added to provide a mechanism for compounding offences. This mechanism is intended to avoid protracted prosecutions in order to save both time and costs.

Part III of the Bill proposes amendment to the Ferries Act, Cap. 173 whereby section 1 is proposed to be amended with a view to align the interpretation of some terms as used in other sector legislation. Section 2 of the Act is amended to enhance the regulatory framework for ferries with the objective of ensuring the safety and security of persons and properties, and generally the protection of marine environment. The Act is further amended by vesting powers to the Tanzania Shipping Agency (TASAC) to regulate ferries in the manner set out under the Tanzania Shipping Agencies Act. The Act further proposes amendment to sections 5, 9, 11 and 12 and repeal of sections 5, 6, 7 and 8 with a view to providing seamless operation and regulation of Government owned ferries under the Ferries Act, Tanzania Shipping Agencies Act and other related laws.

Part IV of the Bill proposes amendment to the Gaming Act, Cap. 41. Section 3 is amended in order to improve definitions of various terminologies used in the Act in order to widen their scope of meaning or coverage and cure ambiguity as to their interpretation. A new terminology is also introduced for better understanding of the new provisions introduced in the Act. Section 7 of the Act is amended to empower the Board to handle complaints arising from gaming activities. A new section 9A is introduced to give the Board powers to conduct inspections, seizure, forfeiture etc. of illegal gaming devices with the object to enable the Board to implement its functions more effectively.

Section 13 of the Act is amended in order to restrict the operation of gaming consultancy except with a valid license. Section 18A is proposed to be introduced in order to provide for the requirement for deposit of performance bond as a prerequisite for licensing/certification of an operator of gaming activity. The objective of the amendment is to provide security in case of default by gaming operators. Section 26 which deals with the types of gaming licenses and certificates is amended to identify and accommodate different types of licenses based on the various kinds of gaming activities provided for under the Act.

Section 67 is amended to make provisions for better reporting of gaming activities and performance audit by the Controller and Auditor General. The objective of the amendment is to ensure accountability in gaming activities. The Act is also amended in section 70 with a view to

make better regulation and impounding of gaming machines and devices associated with offences under the Act.

The Act is further amended by introducing Gaming Management System with the objective of making efficient and effective means of issuance and management of licenses under the Act. New sections 86A is proposed to be added to the Act in order to empower the Board to regulate all advertisements relating to gaming activities.

Part V of the Bill proposes to amend the Interpretation of Laws Act, Cap 1. The proposed amendment intends to add provisions to section 54 so as to empower Permanent Secretaries of the respective ministries to proceed conducting the businesses of the boards in case there is a vacuum in circumstances where the board is not constituted, dissolved or its tenure has come to an end. The purpose of this amendment is to ensure seamless operation of Government during transitional period of a board.

Part VI of the Bill proposes amendment to the Merchant Shipping Act, Cap. 165. Section 3 which relate to the application of the Act is amended with the objective of making the Act apply to government and private owned ferries when used for commercial services including the carriage of paying passengers.

Section 4 of the Act is proposed to be amended to broaden the scope and responsibilities of the Authority to cover not only maritime safety and security but also prevention of pollution from ships, which is in line with the functions of a maritime authority. Section 209 is amended to widen the duties and functions of the maritime authority by including prevention of pollution from ships. Also to add Merchant Shipping Notices in the content of that section in order to indicate that Merchant Shipping Notices shall be issued by the Registrar of Ships. Sections 14, 189, 293, 300, 321 and 375 are generally amended by transferring certain mandates of the Minister to the Registrar. The objective of the amendment is to enable the implementation of the day to day functions of the Registrar.

Sections 212, 213 and 217 are proposed to be amended to make use of the most appropriate and commonly used terminology of “aids to navigation” instead of “navigational aids”. Section 247 on the other hand

is amended to provide clarity to the subsection and remove its limitation of application to sections 297 and 298. Section 305 is also amended to remove misconception regarding the application of the Regulations to pleasure vessels.

Part VII of the Bill proposes to make amendments in the Penal Code, Cap.16. The proposed amendments intend to update the scale of fines provided under section 29 of the Act. Also to update old fines in its various sections which do not correlate with the current trend of living. Section 156A is proposed to be added with a view to provide for punishment to persons who use or share indigent communication of pictures of dead persons, victims of crimes and gruesome incidents to disturb or attempts to disturb the peace, or infringe the right of privacy of any person with no intent of legitimate communication.

Part VIII proposes to amend the Public Service Act, Cap. 298. Section 4 is amended to empower the Chief Secretary, as the highest authority on labour mobility in the public service to facilitate labour mobility of public servants for effective service in the Public Service. Section 26 is amended to include the Clerk of the National Assembly on the list of public servants who receive special pension. The Public Service Social Security Act of 2018 recognizes the Clerk of the National Assembly as one of the special beneficiaries but such recognition which ought to have been covered under the Public Service Act, was missing in that Act.

Part IX proposes to amend the Social Security (Regulatory Authority) Act, Cap. 135. The amendments are generally aimed at transferring the supervisory responsibility of social security sector to the Ministry responsible for social security. The current institutional framework under the Social Security (Regulatory Authority) Act is proposed to be repealed and be replaced by the Ministry responsible for social security.

The Act thus, proposes amendments that delete the terms “Authority” and “Director General” and instead substituting for them the word “Ministry”. The short title under section 1 is also amended to remove the aspect of a regulatory Authority. Some terms and expressions in section 2 are proposed to be revised in order to adapt the new supervision mandate of the social security sector.

Section 4 that establishes the Social Security Regulatory Authority is proposed to be repealed in order to disestablish the Authority and confer the Ministry responsible for social security with powers to supervise the social security sector. The Bill proposes to repeal sections 5, 6, 7, 9, 10, 11, 12 and 13 which establish the Board and its responsibilities and provide for matters relating to staff of the Authority. The Bill also proposes to amend sections 22, 26, 40 and 54 by removing all the references to the “Authority and replace it with the reference to “Ministry”.

The Bill further proposes to amend section 44, among other things, by removing the time frame required for lodging of complaint by a member or beneficiary. The objective of the amendment is to afford the member or beneficiary the right to claim at any time, the right is otherwise denied upon the lapse of the specified time frame. Section 57 and 58 are proposed to be repealed as they are no longer applicable in the proposed new supervisory system of the sector. The Bill further proposes to repeal Part Eight of the Act that provides for financial provisions. The Bill proposes to add a new Part Ten that sets out saving provisions. The objective of the amendments is to cater for smooth transition of the proposed institutional re-arrangements.

Part X propose amendments to the Value Added Tax Act, Cap.148 by deleting subsection (2) of section 6. The amendment intend to enable the Minister to grant value added tax exemption on raw materials used to manufacture long lasting mosquito nets by a notice in the *Gazette*.

MADHUMUNI NA SABABU

Muswada huu unapendekeza marekebisho katika Sheria Tisa zifuatazo Sheria ya Mamlaka ya Udhhibiti wa Nishati na Huduma za Maji, (Sura ya 414), Sheria ya Vivuko, (Sura ya 173), Sheria ya Michezo ya Kubahatisha, (Sura ya 41), Sheria ya Tafsiri ya Sheria, (Sura ya 1), Sheria ya Usafirishaji Majini, (Sura ya 165), Sheria ya Kanuni za Adhabu, (Sura ya 16), Sheria ya Utumishi wa Umma, (Sura ya 298),

Sheria ya Mamlaka ya Udhhibiti wa Hifadhi ya Jamii, (Sura 135) na Sheria ya Kodi ya Ongezeko la Thamani, (Sura ya 148).

Sehemu ya Pili ya Muswada inapendekeza kurekebisha Sheria ya Mamlaka ya Udhhibiti wa Nishati na Huduma za Maji, Sura 414 kifungu cha 9 kinapendekezwa kufanyiwa marekebisho kwa lengo la kuwawezesha Makatibu Wakuu kuwa mjumbe wa Kamati ya Uteuzi (*Nomination Committee*). Lengo ni kuhakikisha Wizara zote zinazosimamia sekta zinazodhibitiwa zinawakilishwa kwenye mchakato wa uteuzi wa wajumbe wa Bodi. Vifungu vya 40, 48 na 49 vinarekebishwa ili kuruhusu ushirikishwaji wa Mawaziri wa sekta katika maeneo mbalimbali yanayosimamiwa na Waziri mwenye dhamana na Mamlaka. Dhumuni la marekebisho haya ni kuboresha ushiriki wa Mawaziri wa Sekta kwenye masuala ya usimamizi ambayo Mamlaka inadhibiti. Kifungu cha 42A cha Sheria kinaongezwa ili kuweka mfumo wa kufililisha makosa, jambo ambalo litaepusha mchakato mrefu wa mashtaka na hivyo kuokoa gharama na muda na pia kupunguza mlundikano wa kesi.

Sehemu ya Tatu ya Muswada inapendekeza kurekebisha Sheria ya Vivuko, Sura ya 173 ambapo kifungu cha 1 kinapendekezwa kurekebishwa kwa lengo la kuonisha tafsiri ya misamiati katika Sheria hii na misamiati inayotumika kwenye sheria za kisekta. Kifungu cha 2 cha Sheria kinarekebishwa kwa lengo la kuweka utaratibu wa udhibiti juu wa vivuko vya Serikali ili kuimarisha ulinzi na usalama wa watu na mali zao, pamoja na kulinda mazingira ya bahari/majini (*marine*). Vilevile Sheria hii inapendekezwa kurekebishwa ili kulipa Shirika la Uwakala wa Meli mamlaka ya kuthibiti vivuko kwa namna iliyoainishwa chini ya Sheria ya Wakala wa Meli Tanzania. Sheria hii pia inapendekeza kurekebisha kifungu cha 5, 9, 11 na 12 na kufuta kifungu cha 5, 6, 7, na 8 kwa lengo la kuweka mfumo bora wa utendaji na udhibiti wa vivuko vinavyomilikiwa na Serikali chini ya Sheria za Vivuko, Sheria ya Wakala wa Meli na sheria nyingine.

Sehemu ya Nne ya Muswada inapendekeza marekebisho ya Sheria ya Michezo ya Kubahatisha, Sura ya 41, ambapo kifungu cha 3 kinarekebishwa kwa kuboresha maana ya misamiati mbalimbali iliyotafsiriwa kwenye Sheria ili misamiati hiyo iweze kukidhi matumizi yake kwa upana uliokusudiwa na kuepusha utata wowote wa kimantiki.

Tafsiri mpya zinapendekezwa kuongezwa pia ili kuvipa maana stahiki ya vifungu vipya vilivyooongezwa kwenye Sheria.

Kifungu cha 7 cha Sheria kinarekebisha ili kuipa Bodi mamlaka ya kushughulikia malalamiko yanayotokana na michezo ya kubahatisha. Kifungu kipya cha 9A kinaongezwa ili kuipa Bodi mamlaka ya kufanya ukaguzi, ukamataji, ufilisi na kuchua hatua zingine juu ya vifaa vya michezo ya kubahatisha visivyokidhi masharti ya Sheria. Lengo ni kuiwezesha Bodi kutekeleza majukumu yake kwa ufanisi.

Kifungu cha 13 cha Sheria kinarekebisha kwa lengo la kudhibiti utoaji wa ushauri wa kitaalam katika michezo ya kubahatisha bila kuwa na leseni. Kifungu cha 18A kinapendekezwa kuongezwa ili kuweka sharti la dhamana kama kigezo cha msingi cha kupata leseni ya uendeshaji wa michezo ya kubahatisha. Dhumuni la marekebisha ni kuweka dhamana dhidi ya waendeshaji wa michezo ya kubahatisha wanaoshindwa kufanya ipasavyo.

Kifungu cha 26 kinachohusu aina za leseni za michezo ya kubahatisha na vyeti kinapendekeza kurekebisha ili kutambua na kujumuisha aina mbalimbali za leseni kwa michezo mbalimbali ya kubahatisha iliyoainishwa kwenye Sheria.

Kifungu cha 67 kinarekebisha ili kuweka utaratibu mzuri wa utoaji taarifa kwa waendeshaji wa michezo ya kubahatisha na ukaguzi wa hesabu utakaofanywa na Mdhibiti na Mkaguzi Mkuu wa Hesabu za Serikali. Lengo la marekebisha haya ni kuhakikisha uwajibikaji kwenye masuala ya michezo ya kubahatisha. Sheria pia inapendekeza kurekebisha katika kifungu cha 70 kwa lengo la kuboresha usimamizi na namna ya kushughulikia mashine na vifaa vya michezo ya kubahatisha vilivyohusishwa na makosa chini ya Sheria.

Sheria inarekebisha pia kwa kuanzisha mfumo wa menejimenti wa michezo ya kubahatisha (*gaming management system*), kwa lengo la kufanya utoaji wa leseni na usimamizi wake chini ya Sheria uwe madhubuti na wenye tija. Kifungu kipya cha 86A kinapendekezwa kuongezwa katika Sheria hii ili kuiwezesha Bodi kudhibiti matangazo yanayohusiana na michezo ya kubahatisha.

Sehemu ya Tano ya Muswada inapendekeza kurekebisha Sheria ya Tafsiri ya Sheria, Sura ya 1 ili kuongeza masharti katika kifungu cha 54 ili kuwapa mamlaka Makatibu Wakuu wa Wizara husika kuendelea kusimamia shughuli za Bodi ambazo hazijaanza shughuli zake, zimevunjwa na zile ambazo zimefikia ukomo wake. Dhumuni la marekebisho haya ni kuhakikisha utekelezaji bora wa majukumu ya Serikali unaendelea katika kipindi cha mpito cha bodi.

Sehemu ya Sita ya Muswada inapendekeza kurekebisha Sheria ya Usafirishaji Majini, Sura ya 165. Kifungu cha 3 kinarekebisha ili kufafanua wigo wa matumizi ya Sheria kwa kujumuisha usimamizi wa Sheria kwa vivuko vinavyomilikiwa na Serikali. Lengo la marekebisho hayo ni kuifanya sheria itumike kwa vivuko vya Serikali na binafsi vitakapotumika kutoa huduma za kibiashara pamoja na kubeba abiria.

Kifungu cha 4 cha Sheria kinapendekezwa kurekebisha kwa lengo kupanua wigo wa uwajibikaji wa Mamlaka ili unaosababishwa ulinzi na usalama wa bahari, bali kuzuia uchafuzi unaosababishwa na meli jambo ambalo linaendana na majukumu ya mamlaka inayosimamia bahari. Kifungu cha 209 kinarekebisha ili kupanua wigo wa majukumu na kazi za mamlaka ya bahari ikiwemo kuzuia uchafuzi wa mazingira unaosababishwa na meli. Pia Notisi za Usafirishaji Majini (*Merchant Shipping Notices*) zinaongezwa kwenye kifungu ili kuakisi uhalisia kwamba Notisi hizo zinatolewa na Msajili wa Meli.

Vifungu vya 212, 213 na 217 vinapendekeza kurekebisha ili kutumia misamiati sahihi inayotumika ya “*aids to navigation*” badala ya “*navigational aids*”. Aidha, kifungu cha 247 kinapendekezwa kurekebisha ili kuweka ubayana wa vifungu vyake vidogo na kuondoa ukomo wa matumizi katika vifungu vya 297 na 298. Kifungu cha 305 pia kinapendekeza kurekebisha kwa lengo la kuondoa utata kuhusiana na matumizi ya Kanuni kwa vyombo vya starehe.

Sehemu ya Saba ya Muswada huu inapendekeza kurekebisha Sheria ya Kanuni ya Adhabu, Sura ya 16. Marekebisho yanayopendekezwa yanakusudia kuongeza adhabu ya faini kwa makosa chini ya kifungu cha 29. Inakusudiwa pia kuondoa adhabu zilizopitwa na wakati ili kuendana na hali ya sasa. Kifungu cha 162A kinapendekezwa kuongezwa ili kutoa adhabu kwa watu wanaotumia au kusambaza picha

za maiti, waathirika majanga na matukio ya kutisha yanayohatarisha amani au kuingilia utu wa mtu siyo kwa nia njema.

Sehemu ya Nane ya Muswada inapendekeza kurekebisha Sheria ya Utumishi wa Umma, Sura ya 298. Kifungu cha 4 kinarekebisha ili kumuwezesha Katibu Mkuu Kiongozi kuwa mamlaka ya mwisho ya uhamisho wa watumishi wa umma. Lengo la marekebisho haya ni kuboresha namna ya uhamisho wa watumishi katika utumishi wa umma. Kifungu 26 kinapendekeza kurekebisha ili kumjumuisha Katibu wa Bunge kwenye orodha ya watumishi wa umma wanaopokea mafao maalum. Hii inatokana na kuwa Sheria ya Hifadhi ya Jamii katika Utumishi wa Umma, ya mwaka 2018 inamtambua Katibu wa Bunge kama miongoni mwa wanufaika wa mafao maalum lakini utambuzi huo haukuwa umefanyika katika Sheria ya Utumishi wa Umma.

Sehemu ya Tisa ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Mamlaka ya Udhambi wa Hifadhi ya Jamii, (Sura ya 135). Kimsingi, mapendekezo haya yanalenga kuifuta Mamlaka ya Hifadhi ya Jamii na kuhamisha jukumu la usimamizi wa Sekta ya Hifadhi ya Jamii kwenda kwa Waziri mwenye dhamana na hifadhi ya jamii. Aidha, muundo wa kitaasisi uliopo sasa kwenye Sheria ya Mamlaka ya Udhambi wa Hifadhi ya Jamii, (Sura ya 135) unapendekezwa kufutwa na badala yake majukumu ya usimamizi wa Sekta ya Hifadhi ya Jamii kuhamishiwa kwa Wizara yenye dhamana na hifadhi ya jamii. Pia, eneo la usimamizi wa masuala ya fedha na uwekezaji wa mifuko litaendelea kuwa chini ya uangalizi wa Benki Kuu ya Tanzania kama ilivyo sasa.

Kwa muktadha huo, inapendekezwa kufanya marekebisho katika jina la Sheria ili kuondoa dhana ya udhambi wa kitaasisi “Regulatory Authority” na badala yake jina la Sheria kuwa ni Sheria ya Hifadhi ya Jamii (the Social Security Act).

Baadhi ya misamiati na misemo katika kifungu cha 2 cha Sheria inarekebisha ili kuendana namfumo na utawala unaopendekezwa. Kifungu cha 4 kinachoanzisha mamlaka ya Udhambi wa Hifadhi ya jamii kinapendekezwa kufutwa ili kuifuta mamlaka na kuipa Wizara yenye dhamana na hifadhi ya jamii mamlaka ya kusimamia sekta ya hifadhi ya jamii.

Muswada unapendekeza kufuta kifungu cha 5, 6, 7, 9 10, 11, 12 na 13 vinavyoanzisha Bodi na kuweka majukumu ya Bodi na masuala yanahusu watumishi wa mamalaka. Muswada pia unapendekeza kurekebisha vifungu vya 22, 26, 40 na 54 kwa kuondoa rejea zote za “mamlaka” na badala yake kuweka rejea ya “Wizara”.

Muswada unapendekeza marekebisho ya kifungu cha 44, ambapo muda wa uwasilishaji malalamiko ya mnufaika wa fao unafutwa. Dhumuni la marekebisho ni kutoa haki na fursa kwa mnufaika kuwasilisha malalamiko muda wowote. Haki hiyo ingepotea ikiwa mnufaika huyo atawekewa ukomo wa muda wa kuwasilisha malalamiko yake.

Vifungu vya 57 na 58 vinapendekezwa kufutwa kwa kuwa havitumiki tena katika mfumo wa utawala unapendekezwa katika sekta. Muswada unapendekezwa kufuta Sehemu ya Nane inayohusu masuala ya fedha. Muswada unapendekeza kuongeza sehemu mpya ya kumi inayoweka masharti ya muda. Dhumuni la marekebisho ni kuweka utaratibu mzuri wa mpito kufuatia mabadiliko ya kitaasisi.

Sehemu ya Kumi inapendekeza marekebisho katika Sheria ya Kodi ya Ongezeko la Thamani, Sura ya 148 kwa kufuta kifungu cha 6(2).

Marekebisho hayo yanalenga kumpatia Waziri mamlaka ya kutoa msamaha wa kodi ya ongezeko la thamani kwa taarifa katika Gazeti la Serikali. Msamaha huo utahusu uagizaji nje wa malighafi kwa vyandarua vya kudumu muda mrefu na bidhaa na huduma zinazogharimiwa na miradi ya Serikali, mikopo maalum na uagizaji nje wa bidhaa na huduma zitakazotumika katika majanga ya asili.

Dodoma,
27 Agosti, 2019

ADELARDUS L. KILANGI,
Mwanasheria Mkuu wa Serikali