

THE UNITED REPUBLIC OF TANZANIA

*No. 6*

*6<sup>th</sup> June, 2022*

***SPECIAL BILL SUPPLEMENT***

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 2) ACT, 2022

ARRANGEMENT OF SECTIONS

*Section Title*

PART I  
PRELIMINARY PROVISIONS

1. Short title.
2. Amendment of certain written laws.

PART II  
AMENDMENT OF THE ANTI-TRAFFICKING IN PERSONS ACT,  
(CAP. 432)

3. Construction.
4. Amendment of section 4.
5. Amendment of section 5.
6. Amendment of section 6.
7. Amendment of section 7.
8. Amendment of section 8A.
9. Amendment of section 13.

PART III  
AMENDMENT OF THE DRUG CONTROL AND ENFORCEMENT  
ACT,  
(CAP. 95)

10. Construction.
11. Amendment of section 2.

12. Deletion and substitution of heading to Part IV.
13. Repeal and replacement of section 32.
14. Addition of section 32A.
15. Amendment of section 48.
16. Amendment of Third Schedule.

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

17. Construction.
18. Amendment of section 9.
19. Repeal of section 10.
20. Amendment of section 11.
21. Amendment of section 18.
22. Amendment of section 19.
23. Amendment of section 26.

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**NOTICE**

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

Dodoma,  
6<sup>th</sup> June, 2022

HUSSEIN A. KATTANGA  
*Secretary to the Cabinet*

**A Bill**  
*for*

**An Act to amend certain written laws.**

**ENACTED** by the Parliament of the United Republic of Tanzania.

**PART I**  
**PRELIMINARY PROVISIONS**

- Short title                      1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No. 2) Act, 2022.
- Amendment of certain written laws                      2. The written laws specified in various Parts of this Act are amended in the manner specified in their respective Parts.

**PART II**  
**AMENDMENT OF THE ANTI-TRAFFICKING IN PERSONS ACT,**  
**(CAP. 432)**

- Construction Cap.432                      3. This Part shall be read as one with the Anti-Trafficking in Persons Act hereinafter referred to as the “principal Act”.

Amendment  
of section 4

4. The principal Act is amended in section 4(5) by deleting the words “five million shillings but not more than one hundred million shillings or to imprisonment for a term of not less than two years and not more than ten years” and substituting for them the words “to imprisonment for a term of not less than twenty years but not exceeding thirty years provided that, the court may, in addition to imprisonment, order the convicted person to pay a fine of not less fifty million shillings but not more than ten hundred million shillings.”

Amendment  
of section 5

5. The principal Act is amended in section 5(3) by deleting the words “two million shillings but not more than fifty million shillings or to imprisonment for a term of not less than one year and not more than seven years” and substituting for them the words “imprisonment for a term of not less than five years but not exceeding ten years provided that, the court may, in addition to imprisonment, order the convicted person to pay a fine of not less than ten million shillings but not exceeding fifty million shillings.”

Amendment  
of section 6

6. The principal Act is amended in section 6(4) by deleting the words “five million shillings but not more than one hundred and fifty million shillings or to imprisonment for a term of not less than ten years but not more than twenty years” and substituting for them the words “imprisonment for a term of not less than thirty years provided that, the court may, in addition to imprisonment, order the convicted person to pay a fine of not less than fifty million shillings but not exceeding three hundred million shillings.”

Amendment  
of section 7

7. The principal Act is amended in section 7(3) by deleting the words “four million shillings but not more than one hundred and fifty million shillings or to imprisonment for a term of not less than seven years but not more than fifteen years” and substituting for them the words “imprisonment for a term of not less than ten years but not exceeding twenty years provided that the court may, in addition to imprisonment, order the convicted person to pay

a fine of not less than fifty million shillings but not exceeding two hundred million shillings.”

Amendment  
of section 8A

8. The principal Act is amended in section 8A by deleting the words “one million shillings but not exceeding five million shillings or imprisonment for a term of not less than six months but not exceeding one year” and substituting for them the words “imprisonment for a term of not less than five years but not exceeding ten years provided that, the court may, in addition to imprisonment, order the convicted person to pay a fine of not less than five million shillings but not exceeding fifteen million shillings.”

Amendment  
of section 13

9. The principal Act is amended in section 13 by deleting the words “more severe penalty” and substituting for them the words “fine of not less than one hundred million shillings but not exceeding two hundred million shillings”.

PART III  
AMENDMENT OF THE DRUG CONTROL AND ENFORCEMENT  
ACT,  
(CAP. 95)

Construction  
Cap. 95

10. This Part shall be read as one with the Drug Control and Enforcement Act, hereinafter referred to as the “principal Act.”

Amendment  
of section 2

11. The principal Act is amended in section 2, by-
- (a) inserting the words “precursor chemicals, substances with drug related effects and substances used in the process of manufacturing drugs” between the words “psychotropic substance” and “any substance” appearing in the opening phrase of definition of the term “trafficking”;
  - (b) inserting the words “precursor chemicals, substances with drug related effects and substances used in the process of manufacturing drugs” between the words “psychotropic

- substance” and “or” appearing in paragraph (a) in the definition of the term “trafficking”;
- (c) inserting the words “precursor chemicals, substances with drug related effects and substances used in the process of manufacturing drugs” between the words “psychotropic substance” and “or” appearing in paragraph (b) in the definition of the term “trafficking”; and
- (d) inserting the words “precursor chemicals, substances with drug related effects and substances used in the process of manufacturing drugs” between the words “psychotropic substance” and “by” appearing in paragraph (d) in the definition of the term “trafficking”.

Deletion and substitution of heading of Part IV

12. The principal Act is amended by deleting the heading of Part IV and substituting for it the following:

“PROCEDURE RELATING TO INVESTIGATIONS”

Repeal and replacement of section 32

13. The principal Act is amended by repealing section 32 and replacing for it with the following:

“Powers of Officers of Authority

32.-(1) The officers of the Authority shall have powers of arrest, search, seizure and investigation in relation to offences committed under this Act and other related offences.

(2) Except where this Part provides otherwise, an officer of the Authority shall exercise the powers of arrest, search, seizure, investigation and recording of statements in relation to this Act as if such officer is a police officer exercising powers under the Criminal Procedure Act or customs officer under the Customs (Management and Tariff) Act.

Cap. 20

Cap. 403

(3) The officers of the Authority shall, in exercising the

powers under subsections (1) and (2), and where the circumstances so require, consult and cooperate with other relevant authorities.”

(4) For the purpose of exercising the powers referred to under subsection (2), the Authority may establish cells or facilities for keeping a person arrested under the Act.

(5) The safety of the person detained under subsection (4) and other matters relating to sending such person before the court shall be as provided for under other written laws.

Addition of  
section 32A

14. The principal Act is amended by adding immediately after section 32, the following:

“Authority to  
conduct  
search and  
seizure

32A.-(1) The Commissioner General or police officer in charge of a police station may, by writing, authorize any officer to-

- (a) search any person, if it is reasonably suspected that such person has committed an offence under this Act; or
- (b) search any premises, vessel, boat, aircraft or other vehicle whatsoever in or upon which there is reasonable cause to believe that any substance which is prohibited under this Act has been placed, deposited or concealed.

(2) The officer authorized to conduct search under this section may exercise such powers, at any time and may, in the cause of conducting the search-

- (a) be accompanied by such other persons as he considers necessary to assist him; or
  - (b) use reasonable and proportionate force, into or upon any premises, vessel, boat, aircraft or any other vehicle whatsoever.
- (3) The officer referred to under subsection (1) may, at any time-
- (a) enter into and search any building, conveyance or place;
  - (b) in case of resistance, break open any door or remove any obstacle to such entry;
  - (c) seize-
    - (i) anything with respect to which any offence has been or is suspected to have been committed;
    - (ii) anything with respect to which there are reasonable grounds to suspect that it will afford evidence as to the commission of any offence; or
    - (iii) anything in respect of which there are reasonable grounds to suspect that it is intended to be used for the purpose of committing any offence.



(4) Where an officer takes down any information or records grounds for arrest, he shall immediately thereafter submit a copy of the information or record to his immediate superior;

(5) Anything seized or recorded by the officer shall, subject to the law relating to evidence, be admissible in court as evidence.”

Amendment  
of section 48

15. The principal Act is amended in section 48-

(a) by deleting its marginal note and substituting for it the following:

“Procedure on arrest, search, seizure and investigation”;

(b) in subsection (2)(d), by-

(i) inserting the words “if available” between the words “person” and “who” appearing in subparagraph (i); and

(ii) deleting the words “evaluate and determine” appearing in subparagraph (iii) and substituting for them the words “cause to be evaluated and determined”.

(c) deleting the word “section” appearing in subsection (6) and substituting for it the word “Act”.

Amendment  
of Third  
Schedule

16. The principal Act is amended in the Third Schedule by deleting form No. DCEA OO3 and substituting for it the following:

“The Drug Control and Enforcement Act, (CAP. 95)

THE UNITED REPUBLIC OF TANZANIA  
DRUG CONTROL AND ENFORCEMENT AUTHORITY  
FORM NO. DCEA 003  
RECORD OF SEARCH  
(Made under section 48)

Whereas I am led to believe on the following grounds-  
That

.....  
.....

That the things specified below, namely

.....  
.....  
.....

which are necessary for the purpose of my investigation into the offence of..... are likely to be found in (description of place):

.....  
.....

And whereas, in my opinion, the above-mentioned thing(s) cannot otherwise be obtained without undue delay, I therefore as provided for in section 32 of the Drug Control and Enforcement Act have made this record before searching or causing a search to be made for the said thing(s) in such place.

Date: ..... Signature: .....  
Time: ..... Rank: .....

SEARCH ORDER  
(TO BE COMPLETED AS STIPULATED UNDER SECTION 48 OF THE ACT)

And whereas I am unable to conduct the search in person for the reasons .....

And since there is no other person to make the search present at this time, I require Name ..... to make search for the thing(s) specified at the place described overleaf.

Date ..... issuing officer .....

Time .....

The Drug Control and Enforcement Act (CAP. 95)  
CERTIFICATE OF SEIZURE

I ..... (name) .....(title)  
DO HEREBY certify to have conducted a search on .....(date)  
at ..... (place) and the under mentioned  
things/properties were seized

1. ....
2. ....
3. ....
4. ....
5. ....
6. ....
7. ....
8. ....
9. ....
10. ....
11. ....
12. ....

in the presence of:

1. Name of witness: .....  
Signature: .....
2. Name of witness: .....  
Signature: .....
3. Name(s) of person(s) searched and signature  
(a) Name: .....  
Signature: .....  
(b) Name: .....  
Signature: .....  
(c) Name: .....  
Signature: .....  
(d) Name: .....  
Signature: .....  
(e) Name: .....  
Signature: .....  
(f) Name: .....  
Signature: .....
4. Name of executing officer:  
.....  
Signature: .....  
Date: .....
5. Name of interpreter (if any)  
.....  
Signature: .....  
Date: .....

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

Construction  
Cap. 398

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

Amendment  
of section 9

18. The principal Act is amended in section 9(1) by deleting the word “at” appearing at the beginning of paragraph (c) and substituting for it the words “within three months prior to”.

Repeal of  
section 10

19. The principal Act is amended by repealing section 10.

Amendment  
of section 11

20. The principal Act is amended in section 11(2),  
by-

- (a) adding new paragraphs (a) to (d) as follows:
  - “(a) residences, recreational property;
  - (b) household goods and personal effects for private use;
  - (c) works of art, antiques and collectibles;
  - (d) motor vehicles and other personal means of transportation;”;
- (b) renaming paragraphs (a) to (h) as paragraphs (e) to (l) respectively.

Amendment  
of section 18

21. The principal Act is amended in section 18 by adding the words “A Deputy Minister and” at the beginning of subsection (2).

Amendment  
of section 19

22. The principal Act is amended in section 19(2), by adding immediately after paragraph (e), the following:

- “(f) providing ethics education to public leaders;
- (g) conducting research on the status of ethics in the country;

- (h) advising on matters relating to integrity in the country; and
- (i) devising strategies for promoting ethics in the country.”;

Amendment  
of section 26

23. The principal Act is amended in section 26 by inserting the words “Deputy Minister” immediately after the word “Minister” appearing in subsections (1) and (2).

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## OBJECTS AND REASONS

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This Bill proposes amendments to three laws, namely; the Anti-Trafficking in Persons Act Cap. 432, the Drug Control and Enforcement Act, Cap. 95 and the Public Leadership Code of Ethics Act, Cap. 398.

Part I of the Bill deals with preliminary provisions which include the title of the Bill and the manner in which the laws proposed to be amended, are amended in their respective Parts.

Part II of the Bill proposes to amend the Anti-Trafficking of Persons Act, cap 432 whereas sections 4, 5, 6, 7, 8A and 13 are amended in order to enhance punishments provided for under those respective sections. The purpose of increasing such punishments is to deter people from further committing offences relating to trafficking in persons.

Part III of the Bill proposes to amend the Drug Control and Enforcement Act whereas section 2 is amended by adding on the list of prohibited substances precursors chemicals and a mixture of such precursor chemicals. The purpose of this amendment is to regulate the chemicals whose use can be diverted to prepare psychotropic substances which are prohibited by this Act. Further, section 32 is repealed and replaced with robust provision that gives the employees of the Authority the same powers as police officers under Criminal Procedure Act or Custom Officers under the Customs (Management and Tariff) Act. Moreover, the provision stipulates that the Officers of the Authority may consult and cooperate with other authorities where a need arises. The purpose of this amendment is to vest enough powers to officers of the Authority while implementing the provisions of the Act. Further, the section gives the Authority powers to establish facilitates for keeping suspects before completion of investigation. The purpose of this amendment is to enable the Authority to perform its functions effectively.

The Act is amended by adding a new section 32A which gives power to Director General or an authorized officer of the Authority to issue search orders. The provision intends to improve investigative role of the Authority by giving its officers enough powers to issue search orders. The purpose of

the amendment is to empower the authority to take steps where swift action is needed to pre-empt dissipation of evidence.

Further, the Act is amended by deleting the heading of Part IV which reads “Arrest Procedure” and replacing for it with the phrase “Procedure Relating to Investigations”. The reason behind this amendment is to make the heading reflect the entirety of activities ordinarily carried out under that Part by the Authority. The amendment proposes to give this Part overriding effect over all other laws relating to investigations.

Part IV proposes to amend the Public Leadership Code of Ethics Act, Cap. 398. Section 9 is amended so as to limit the time within which a person has to make a declaration of assets and liabilities upon ceasing to be a public leader. The proposed amendment aims at enhancing enforcement of the provisions of section 9 when the term of office of a public leader comes to an end. Section 10 is proposed to be repealed and section 11 is proposed to be amended by adding new paragraphs in the list of declarable assets. The amendments aim at avoiding any contradiction in the implementation of the law by having a provision which provides only for assets which have to be declared by a public leader.

Section 19 is proposed to be amended by adding immediately after paragraph (e) new paragraphs. The aim of the proposed amendment is to state clearly the role of the Secretariat in the promotion of ethics. The amendment further aims at deleting subsection (5) because its contents are already covered in subsection (4).

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## MADHUMUNI NA SABABU

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Muswada huu unapendekeza marekebisho katika Sheria tatu zifuatazo; Sheria ya Kuzuia Usafirishaji Haramu wa Binadamu, Sura ya 432, Sheria ya Kudhibiti na Kupambana na Madawa ya Kulevya, Sura ya 95 na Sheria ya Kanuni za Maadili ya Viongozi wa Umma, Sura 398.

Sehemu ya Kwanza ya Muswada inahusu masharti ya utangulizi ikijumuisha jina la Muswada na namna ambayo sheria mbalimbali zitarekebisha katika sehemu husika.

Sehemu ya Pili ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Kuzuia Usafirishaji Haramu wa Binadamu Sura ya 432 ambapo vifungu vya 4, 5, 6, 7, 8A na 13 vinarekebisha kwa ajili ya kuongeza adhabu zilizoanishwa katika vifungu tajwa. Madhumuni ya kuongeza adhabu ni kupunguza utendaji wa makosa chini ya Sheria hii.

Sehemu ya Tatu ya Muswada inakusudia kufanya marekebisho katika Sheria ya Kudhibiti na Kupambana na Madawa ya Kulevya, sura ya 95 ambapo kifungu cha 2 kinafanyiwa marekebisho ili kujumuisha kemikali bashirifu au mchanganyiko wake katika orodha ya madawa yaliyokatazwa. Madhumuni ya marekebisho haya ni kudhibiti madawa ambayo matumizi yake yanaweza kuchepushwa na hatimaye kutengeneza madawa ya kulevya ambayo yamekatazwa na Sheria hii. Kifungu cha 32 kinafutwa na kuandikwa upya kwa ajili ya kutoa madaraka kwa maafisa wa Mamlaka wa ili wawe na nguvu za kisheria sawa na mamlaka ya maafisa wa polisi chini ya Sheria ya Mwenendo wa Makosa ya Jinai au mamlaka ya maafisa forodha chini ya Sheria ya Forodha. Aidha, sharti linaongezwa kwa afisa wa Mamlaka ya kupambana na madawa ya kulevya kuwasiliana na kushirikiana na mamlaka nyingine pale kutakapokuwepo na uhitaji. Madhumuni ya marekebisho haya ni kutoa nguvu za kutosha kwa maafisa wa Mamlaka wakati wa utekelezaji wa majukumu yao.

Sheria inarekebisha kwa kuongeza kifungu cha 32A kwa kutoa mamlaka kwa Mkurugenzi Mkuu au afisa mwidhiniwa wa Mamlaka kuwa na uwezo wa kutoa hati za upekuzi. Madhumuni ya marekebisho haya ni kutoa nguvu kwa Mamlaka katika shughuli za upelelezi hasa pale Mamlaka inapotakiwa



kuchukua hatua za haraka ili kuzuia kuharibu ushahidi. Aidha, Mamlaka imepewa ridhaa ya kuanzisha maeneo ya kuwaweka watuhumiwa kabla ya kufikishwa mahakamani. Dhumuni la marekebisho haya ni kuweka mazingira wezeshi kwa Mamlaka kutekeleza majukumu yake.

Sehemu ya Nne ya Sheria inapendekezwa kufanyiwa marekebisho kwa kufuta kichwa cha habari kinachosomeka “taratibu za ukamataji” na badala yake kuandika “taratibu kuhusiana na upelelezi”. Madhumuni ya marekekisho haya ni kuandika kichwa cha habari ambacho kinaakisi ujumla wa masuala yote yanayotekelezwa na Mamlaka chini ya Sehemu hii. Marekebisho pia yanapendekezwa kufanyika katika kifungu cha 48 kwa lengo la kuipa Sheria ya Kupambana na Madawa ya Kulevya nguvu dhidi ya Sheria nyingine yoyote inayokinzana nayo.

Sehemu ya Nne ya Muswada inapendekeza kurekebisha Sheria ya Kanuni za Maadili ya Viongozi wa Umma, Sura ya 398. Kifungu cha 9 kinarekebisha ili kuweka ukomo wa muda ambao mtu anapaswa kuwasilisha tamko la mali na madeni wakati anapoacha kuwa kiongozi wa umma. Marekebisho yanayopendekezwa yanalenga kuboresha usimamizi wa utekelezaji wa masharti ya kifungu cha 9 ya kiongozi kutoa tamko la mwisho. Kifungu cha 10 kinachohusu mali zisizopaswa kutamkwa kinapendekezwa kufutwa na kifungu cha 11 kinapendekezwa kurekebisha kwa kuongeza aya mpya katika orodha ya mali zinazopaswa kutamkwa. Marekebisho yanayopendekezwa yana lengo la kuondoa mkanganyiko katika utekelezaji wa sheria kwa kuwa na kifungu kimoja tu kinachoinisha mali zinazopaswa kutamkwa pekee.

Mapendekezo yanatolewa kurekebisha kifungu cha 19 kwa kuongeza baada ya aya (e), aya zinazoozongeza majukumu ya Sekretariati. Madhumuni ya marekebisho haya ni kuelekeza wajibu wa Sekretariati katika kuhamasisha maadili.

Dodoma,  
5 Juni, 2022

ELIEZER MBUKI FELESHI  
*Mwanasheria Mkuu wa Serikali*