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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 3) ACT, 2022

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- 50. Addition of Part IIIA.
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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,
30th August, 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. 3) 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 ANTIQUITIES ACT,
(CAP. 333)

- | | |
|--------------------------|--|
| Construction
Cap. 333 | 3. This Part shall be read as one with the Antiquities Act hereinafter referred to as the “principal Act”. |
| General amendment | 4. The principal Act is amended generally by deleting the word “Council” wherever it appears and substituting for it the word “Committee”. |
| Amendment of | 5. The principal Act is amended in section 2, by- |

- section 2 (a) deleting the word “Tanzania” wherever it appears in the definition of the term “monument” and substituting for it the word “Tanganyika”; and
(b) adding in the appropriate alphabetical order the following definition:
 ““Board of the National Museum” means the Board of the National Museum of Tanzania established under the National Museum of Tanzania Act;”.
- Cap. 281
- Amendment of section 4 6. The principal Act is amended in section 4 by deleting subsection (1) and substituting for it the following:
 “(1) The Director or any other person authorised by him may, at all reasonable times, enter and inspect any monument.”.
- Amendment of section 5 7. The principal Act is amended in section 5(2) by adding the words “or Director General of the National Museum of Tanzania” immediately after the word “Director” appearing in paragraphs (a) and (b).
- Amendment of section 8 8. The principal Act is amended in section 8(2) by deleting the words “Trustees of the Museum” and substituting for them the words “Board of the National Museum”.
- Amendment of section 10 9. The principal Act is amended in section 10, by-
(a) adding the words “or Director General of the National Museum of Tanzania” immediately after the word “Director” appearing in subsection (2); and
(b) deleting the words “Trustees of the Museum” appearing in subsection (3) and substituting for them the words “Board of the National Museum”.
- Amendment of section 11 10. The principal Act is amended in section 11(1), by-
(a) deleting the words “or a person acting on his behalf” appearing in the opening phrase and substituting for them the words “, Director General of the National Museum of Tanzania or persons acting on their behalf;”; and
(b) deleting the word “Director” appearing in paragraph (c) and substituting for it the words “Director General of the National Museum of Tanzania”.
- Amendment of section 12 11. The principal Act is amended in section 12 by

deleting the word “Director” wherever it appears in that section and substituting for it the words “Director General of the National Museum of Tanzania”.

Amendment of section 13

12. The principal Act is amended in section 13 by deleting the word “Director” wherever it appears in that section and substituting for it the words “Director General of National Museum of Tanzania”.

Amendment of section 17

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

- (a) deleting the word “Director” wherever it appears in subsections (4) and (5) and substituting for it the words “Director General of the National Museum of Tanzania”; and
- (b) deleting the words “Trustees of the Museum” appearing in subsection (6) and substituting for them the words “Board of the National Museum”.

Addition of section 17A

14. The principal Act is amended by adding immediately after section 17 the following:

“Operation of private museum

17A.-(1) A person who intends to operate, control or manage a museum under this Act shall apply for registration to the Director in a prescribed form.

(2) The procedures and requirements for registration of a museum shall be prescribed in the rules made under this Act.

(3) A person who operates or undertakes any activity relating to operation, control and management of a museum without registration commits an offence and shall, upon conviction, be liable -

- (a) in the case of an individual, to a fine of not less than five million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than two years but not exceeding five years or to both;
- (b) in the case of a body corporate, to a fine of not

less than twenty million shillings but not exceeding forty million shillings.”.

Amendment of section 18

15. The principal Act is amended in section 18 by deleting the word “Conservator” appearing in paragraph (b) and substituting for it the word “Director”.

Amendment of section 20

16. The principal Act is amended in section 20 by deleting subsection (1) and substituting for it the following:
“(1) There is hereby established a Committee to be known as the National Antiquities Advisory Committee.”.

Amendment of section 23

17. The principal Act is amended in section 23 by deleting the word “Director” appearing in subsections (1) and (2) and substituting for it the words “Director General of the National Museum of Tanzania”.

Repeal and replacement of section 27

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

“Penalty

27. A person who commits an offence under this Act shall, upon conviction, be liable-

- (a) in case of an offence under section 4(2), 11(2), 14(2), 15(4), 17(3) or 23(2), to a fine of not less than five million shillings but not exceeding twenty million shillings or to imprisonment for a term of not less than one year but not exceeding five years or to both; and
- (b) in case of an offence under section 10(5), to a fine of not less than one million shillings but not exceeding three million shillings or to imprisonment for a term of not less than six months but not exceeding one year or to both.”.

PART III

AMENDMENT OF THE BANKING AND FINANCIAL INSTITUTIONS
ACT,
(CAP. 342)

- Constructions
Cap. 342
19. This Part shall be read as one with the Banking and Financial Institutions Act, hereinafter referred to as the “principal Act”.
- Amendment of
section 3
20. The principal Act is amended in section 3 by deleting the definition of the terms “core capital” or “Tier 1 capital”, “supplementary capital” or “Tier 2 capital” and “total capital”.
- Amendment of
section 17
21. The principal Act is amended in section 17, by-
- (a) deleting subsection (1) and substituting for it the following:
- “(1) Every bank or financial institution shall commence operations with and maintain at all times a minimum capital as the Bank may prescribe.
- (2) Every bank or financial institution shall at all times maintain capital as a percentage of risk weighted assets and off-balance sheet exposures at levels and in the manner as the Bank may prescribe.
- (3) Without prejudice to subsection (2), the Bank may prescribe additional capital buffers.
- (4) Every bank or financial institution shall maintain a leverage ratio as the Bank may prescribe.”; and
- (b) renumbering subsections (2) and (3) as subsections (5) and (6), respectively.
- Repeal and
replacement of
section 21
22. The principal Act is amended by repealing section 21 and replacing it with the following:
- “Liquidity ratios
- 21.-(1) Every bank or financial institution shall maintain minimum liquidity ratios at levels prescribed by the Bank.
- (2) The Bank may impose on any bank or financial institution which fails to maintain the minimum liquidity ratio prescribed pursuant to this

Cap. 33 section, a penalty charge of not less than two percentage points at an annual rate above the interest rate prevailing in the most recent ninety-one day Treasury Bill auction on the amount of the deficiency, and the penalty charge may be recovered by deduction from any balance of, or moneys owing to the bank or financial institution concerned, or by way of summary suit under Order XXXV of the Civil Procedure Code.”.

Amendment of section 25 23. The principal Act is amended in section 25 by deleting the words “twenty five percent of the core capital of the bank or financial institution, or three percent of core capital for a financial institution that is a micro-finance company” appearing in subsection (1) and substituting for them the words “a percentage of the capital of the bank or financial institution at the level prescribed by the Bank”.

Amendment of section 28 24. The principal Act is amended in section 28 by deleting subsection (2) and substituting for it the following:
“(2) The limitation under subsection (1) may include-
(a) limiting an investment in an entity to a specified percentage of that entity’s share capital;
(b) limiting an investment in an entity to a percentage of the capital of the bank or financial institution making the investment at the level prescribed by the Bank; and
(c) limiting the aggregate amount of such investments that a bank or financial institution may hold.”.

PART IV
AMENDMENT OF THE CAPITAL MARKETS AND SECURITIES ACT,
(CAP. 79)

Construction Cap. 79 25. This Part shall be read as one with the Capital Markets and Securities Act, hereinafter referred to as the “principal Act”.

Addition of section 134A 26. The principal Act is amended by adding

immediately after section 134 the following:

“Responsibilities of
issuer of securities

134A. An issuer of securities shall-

- (a) submit for the Authority’s approval any announcement concerning meetings of shareholders, any announcement on corporate actions or timetable for corporate actions affecting the rights of existing shareholders or price of share of the issuer;
- (b) when conducting statutory meetings as required under the Companies Act, invite the Authority to attend the meeting as an observer to enable it to monitor the participation of shareholders in the decision making process;
- (c) ensure minority shareholders are represented in the Board of Directors of the issuer; and
- (d) comply with corporate governance principles as may be prescribed by the Authority.”.

Cap. 212

PART V
AMENDMENT OF THE MINING ACT,
(CAP. 123)

Construction
Cap. 123

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

Amendment of

28. The principal Act is amended in section 7(1), by-

- section 7
- (a) adding immediately after the opening phrase of paragraph (d) the following:
 - “(i) a primary processing licence;”; and
 - (b) renaming subparagraphs (i) to (iii) as subparagraphs (ii) to (iv) respectively.
- Amendment of section 15
29. The principal Act is amended in section 15 by adding immediately after subsection (2) the following:
- “(3) Notwithstanding subsection (1), the Minister may, subject to the prescribed regulations, cause any vacant area other than a reserved area to be reverted to the Government.
 - (4) An area reverted to the Government pursuant to subsection (3) shall be held by the holder of shares of the Government issued in accordance with section 10 who shall be issued with a certificate of revisionary mineral rights.
 - (5) The procedure and other matters relating to issuance of the certificate of revisionary mineral rights shall be prescribed in the regulations by the Minister.”.
- Amendment of section 27A
30. The principal Act is amended in section 27A, by-
- (a) adding immediately after subsection (2) the following:
 - “(3) Notwithstanding subsection (2), the Geological Survey of Tanzania may, for the purposes of facilitating reversion of an area to the Government pursuant to section 15(2), conduct strategic prospecting and exploration.”; and
 - (b) renumbering subsections (3) and (4) as subsections (4) and (5) respectively.
- Amendment of section 32
31. The principal Act is amended in section 32(1), by-
- (a) adding immediately after paragraph (b) the following:
 - “(c) where an application for renewal has been made by the holder in the prescribed form, for the second period of renewal for which the applicant has applied, a period not exceeding two years;”;
 - (b) deleting paragraph (d) and substituting for it the following:

“(d) where a prospecting licence is no longer renewable, the prospecting area shall revert to the Government and be dealt with in accordance with section 15”;

(c) renaming paragraphs (c) to (e) as paragraphs (d) to (f) respectively.

Amendment of section 55

32. The principal Act is amended in section 55 by adding immediately after subsection (4) the following:

“(5) A holder of a primary mining licence shall commence mining operations within a period of six months or such other period as the licensing authority may permit from the date of the grant of the licence.”.

Addition of section 60A

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

“Application for primary processing licence

60A.-(1) A person who intends to conduct ball mill operations or sluicing shall apply to the Commission for a primary processing licence.

(2) A licence issued under this section shall be valid for a period of one year and may be renewable.

(3) Conditions and procedures for grant of primary processing licence shall be as prescribed in the regulations.”.

Amendment of section 129

34. The principal Act is amended in section 129 by deleting subsection (6) and substituting for it the following:

“(6) Any regulations made under this Act may prescribe for any breach thereof for matters relating to local content a fine not exceeding ten billion shillings and in any other case a fine not exceeding one hundred fifty million shillings.”.

PART VI
AMENDMENT OF THE NATIONAL MUSEUM OF TANZANIA ACT,
(CAP. 281)

Construction
Cap. 281

35. This Part shall be read as one with the National Museum of Tanzania Act, hereinafter referred to as the “principal Act”.

General
amendment

36. The principal Act is amended generally by deleting the word “Director” wherever it appears and substituting for it the words “Director General”.

Amendment of
section 2

37. The principal Act is amended in section 2, by-
- (a) deleting the words “National Culture” appearing in the definition of the term “Minister” and substituting for them the word “museum”;
 - (b) deleting the definition of the term “National Museum of Tanzania” and substituting for it the following:
““National Museum of Tanzania” means the National Museum of Tanzania established under section 3;”;
 - (c) inserting in the appropriate alphabetical order the following new definitions:
““monument” includes-
 - (a) any building, fortification, interment, midden, dam or any structure erected, built or formed by human agency in Tanganyika before the year 1863;
 - (b) any rock painting or any immovable object painted, sculptured, carved, incised or modified by human agency in Tanganyika before the year 1863;
 - (c) any earthwork, trench, admit, well, cave, tunnel or other modification of the soil or rock dug, excavated or otherwise engineered by human agency in Tanganyika before the year 1863, whether or not the monuments have been modified, added to or restored at a later date and whether or not it is included in a list published by the Director of Antiquities;
 - (d) any site or immovable structure declared to be a monument under section 3; and

- (e) such adjoining land as may be required for the purposes of fencing, covering or otherwise preserving the monument;

“National Museum” means the museum declared by the Minister under section 4A;”.

Addition of section 3A

38. The principal Act is amended by adding immediately after section 3 the following:

“Functions of National Museum of Tanzania

3A. The functions of the National Museum of Tanzania shall be to-

- (a) identify, protect, preserve and transmit cultural and natural heritage of Tanzania;
- (b) conduct research and disseminate knowledge in the fields of scientific, cultural, technological and human evolution;
- (c) promote Tanzania cultural heritage resources in academic, social and economic development;
- (d) engage formal and informal education and lifelong learning, through development and transmission of knowledge, programmes and exhibitions;
- (e) interpret and disseminate knowledge on collections, monuments, conservation areas and sites within its specific areas of expertise and to organise exhibition as appropriate; and
- (f) perform any other functions necessary for the promotion, control and management of museums.”.

Amendment of section 4

39. The principal Act is amended in section 4, by-
(a) deleting subsection (4); and

(b) renumbering subsection (5) as subsection (4).

Addition of section 4A

40. The principal Act is amended by adding immediately after section 4 the following:

“Declaration of national museum

4A.-(1) The Minister may, upon recommendation of the Board and by notice published in the *Gazette*, declare any museum to be a national museum.

(2) The procedure for declaration of a national museum under this section shall be prescribed in the regulations.

(3) A museum declared under subsection (1) shall be under the National Museum of Tanzania.”

Amendment of section 6

41. The principal Act is amended in section 6, by-
(a) designating the contents of section 6 as subsection (1); and
(b) adding immediately after subsection (1) as designated the following:

“(2) The Board may, with prior approval of the Minister, invest any part of money available in the funds of the National Museum of Tanzania in such manner as the Board may deem fit.”

Addition of section 11A

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

“Management and operations of monuments, conservation areas and sites
Cap. 333

11A.-(1) For the purposes of better preservation, protection and promotion of monuments, conservation areas or sites, the National Museum of Tanzania shall undertake the day to day management and operations of monuments vested to it in terms of the Antiquities Act.

(2) In implementing the responsibilities under subsection (1), the Director General may-

(a) enter and inspect any monument, conservation area or site;

(b) fence, repair, protect or preserve any monument,

Cap. 333

- conservation area or site;
- (c) search and excavate for relics in any monument, conservation area or site and remove any relics undiscovered; or
- (d) implement anything or undertake any other responsibility as provided under the Antiquities Act.

(3) Where a monument is a place of ordinary habitation or occupation, the Director General shall give the occupier not less than forty-eight hours' notice in writing of his intention to search and excavate for relics.

(4) Nothing in this section shall be construed to authorise-

- (a) the exclusion of the owner or any person beneficially interested in a monument, conservation area or site or any person authorised by him, from any part of the monument, conservation area or site;
- (b) the excavation of any monument or any search for relics in a monument, conservation area or site which is a place of ordinary habitation or occupation without the consent of the owner.

(5) Any person who willfully obstructs the Director General or any other person authorised by him in that behalf in the exercise of his powers under subsection (2) commits an offence.”.

Amendment of
First Schedule

by-

43. The principal Act is amended in the First Schedule,

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

“Composition of Board

1. The Board shall consist of-
 - (a) the Chairperson who shall be appointed by the President;
 - (b) the Director of Antiquities;
 - (c) five other members appointed by the Minister as follows:
 - (i) a representative of higher learning institutions;
 - (ii) a representative from the Tanzania Commission for Science and Technology;
 - (iii) three other members appointed by the Minister.

(2) In appointing members under subparagraph 1(c), the Minister shall have regard to persons who have experience and proven knowledge in sciences or cultural heritage, tourism marketing, economics, financial matters, administration or education.

(3) The Director General shall be the Secretary to the Board.”.

PART VII
AMENDMENT OF THE PUBLIC FINANCE ACT,
(CAP. 348)

Construction
Cap. 348

44. This Part shall be read as one with the Public Finance Act, hereinafter referred to as the “principal Act”.

Addition of
section 6A

45. The principal Act is amended by adding immediately after section 6 the following:

“Oversight of
public property

6A-(1) The Paymaster General shall be responsible for the oversight of public property in public sector entities.

(2) In overseeing public

property, the Paymaster General shall-

- (a) develop, monitor, evaluate and review implementation of guidelines relating to acquisition, maintenance, utilisation and disposal of public property;
- (b) establish and maintain systems for oversight of public property;
- (c) analyse reports on accidents and losses of public property and process compensation claims;
- (d) manage public property disposal;
- (e) conduct verification and inspection of public property; and
- (f) be responsible for management of confiscated or forfeited property.”.

Amendment of
section 8

46. The principal Act is amended in section 8 by deleting subsection (2) and substituting for it the following:

“(2) The Accountant-General shall be responsible to the Permanent Secretary for the compilation and management of the accounts and the custody and safety of the public moneys and for that purpose the Accountant-General may, in the manner prescribed by the Minister, and with prior consent of the Permanent Secretary, give such instructions of a general or specific character to accounting officers as may be necessary for the effective implementation of the purposes and provisions of this Act.”.

PART VIII
AMENDMENT OF THE TANZANIA COMMISSION FOR SCIENCE AND
TECHNOLOGY ACT,
(CAP. 226)

Construction
Cap. 226

47. This Part shall be read as one with the Tanzania Commission for Science and Technology Act, hereinafter referred to as the “principal Act”.

Amendment of
section 3

48. The principal Act is amended in section 3 by inserting in their appropriate alphabetical order the following new definitions:

““research” means any type of systematic investigation, testing or evaluation designed to develop or contribute to a body of knowledge;

“researcher” means a person trained to design and implement research protocols, collect, analyse and interpret data and report results in a scientific format;”.

Amendment of
section 12

49. The principal Act is amended in section 12 by adding immediately after subsection (2) the following:

“(3) The Minister may, by order published in the *Gazette*, amend or vary the list of institutions provided for in the Second Schedule.”.

Addition of
Part IIIA

50. The principal Act is amended by adding immediately after Part III the following new Part:

“PART IIIA
RESEARCH SUPERVISION

Functions of
National Research
Clearance
Committee

14A. Notwithstanding the generality of the functions of the committees established under section 14, the National Research Clearance Committee shall, in particular, have the functions to-

- (a) register persons intending to conduct research;
- (b) ensure researchers comply with the procedures, standards, code of ethics and guidelines;
- (c) monitor and evaluate researches;
- (d) uphold standards of professional conduct of research; and
- (e) issue permits to accredited researchers, research projects

and programmes.

Registration of
researchers

14B.-(1) A person shall not conduct research unless such person is registered under this Act.

(2) A person who intends to conduct research shall, on payment of the prescribed fees, apply for registration to the Commission in the manner prescribed in the regulations.

(3) The provisions of this section shall not apply to institutions affiliated to the Commission pursuant to section 12.

Issuance of
research permit

14C. The Commission shall, where an applicant has met the criteria set by this Act or regulations made thereunder, register and issue a research permit to such an applicant.

Register

14D. The Commission shall keep and maintain a register into which shall be entered-

- (a) the names of researchers and research institutions; and
- (b) any other information as the Commission may determine.

Suspension,
cancellation and
deregistration

14E. Where a person has failed to comply with the provisions of this Act, the Commission may, subject to the procedure specified in the regulations, cancel or suspend a permit issued to such person provided that, in case of a serious contravention or habitual offender, the Commission may deregister such person from the register of researchers.”.

Addition of
sections 37A
and 37B

51. The principal Act is amended by adding immediately after section 37 the following:

“Procedures,
standards, ethics
and guidelines

37A. A person permitted to conduct research under this Act shall adhere to such procedures, standards, code of ethics and guidelines as may be

prescribed by regulations made under this Act.

Monitoring and
evaluation

37B.-(1) The Commission shall conduct monitoring and evaluation in respect of each research permitted under this Act for purposes of assessing and evaluating the process of research being conducted in the manner prescribed in the regulations.

(2) In undertaking monitoring and evaluation under subsection (1), the Commission shall have the power to inquire into the programmes, management or any other relevant matter concerning a person and may interview any employee, call for or impound, examine and review any documents, reports or information held or kept by the person and access any facilities affiliated to the person or utilise such methods or modalities of monitoring and evaluation as the Commission deems fit.

(3) A researcher or research institution which is the subject to the process of monitoring and evaluation under this section shall supply such documents, reports or information as the Commission or its agent may request.”.

OBJECTS AND REASONS

This Bill proposes amendment to seven laws, namely the Antiquities Act, Cap. 333, the Banking and Financial Institutions Act, Cap. 342, the Capital Markets and Securities Act, Cap. 79, the Mining Act, Cap. 123, the National Museum of Tanzania Act, Cap. 281, the Public Finance Act, Cap. 348 and the Tanzania Commission for Science and Technology Act, Cap. 226.

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

The Bill is divided into Eight Parts. Part I 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 Antiquities Act, Cap. 333. The Act is amended generally by replacing the term “Council” with the term Committee throughout the Act so as to align the Act with the organisational structure of the Ministry of Natural Resources and Tourism.

Section 4 is proposed to be amended for the purposes of relieving the Director of Antiquities operational functions which are proposed to be imposed on the National Museum of Tanzania. Section 5 is proposed to be amended in order to extend protection to the Director General of the National Museum from the requirements under section 5(1). Section 10 is proposed to be amended for the purpose of extending administrative responsibilities concerning declaration of relics to the Director General of the National Museum.

Sections 11, 12 and 13 are proposed to be amended with a view to transfer to the Director General of the National Museum mandate relating to assessment and grant of excavation licence, including powers to deal in excavation of relics without requiring a licence to do so.

Section 17A is proposed to be added for the purposes of providing regulatory control of private operated museums. Sections 17 and 23 are proposed to be amended for the purposes of transferring from the Director of Antiquities to the Director General of the National Museum the responsibilities relating to identification of relics discovered prior to 1964 and protection and notices around relics.

Part III of the Bill proposes to amend the Banking and Financial Institutions Act, Cap. 342. The Act is amended generally in order to align the provisions of the Act with the global applicable standards in determining capital requirements in the banking industry. Further, the proposed amendments intend to create a sound legal environment aimed at facilitating private sector participation in the financial sector, especially the banking and capital markets sub-sectors,

facilitating access to loans, increasing the capacity of banks and financial institutions to encourage savings, promoting an efficient banking sub-sector, which is competitive and meets consumer needs as well as improving access to long - term loans for business, infrastructure and housing.

Sections 3, 17, 21, 25 and 28 are amended in order to improve standards enshrined in the Act in determining capital requirements for banks and financial institutions. The standards currently provided for in the Act prescribe minimum capital requirements for banks and financial institutions based on their risk-weighted assets, leaving out other risks. Following the observed loop-holes, the standards currently provided for in the Act cannot be relied on to correctly assess the minimum capital requirement and liquidity of banks and financial institutions. Hence, the proposed amendments intend to facilitate implementation of the new standards for determination of capital requirement for banks and financial institutions. This will enhance the safety and stability of the banking industry and ensure that banks and financial institutions hold an adequate amount of capital to meet their obligations. Further, this measure will lead to a safer financial system and reduce the possibility of affecting the country's economic growth.

Part IV of the Bill proposes to amend the Capital Markets and Securities Act, Cap. 79 by introducing a new section 134A which deals with responsibilities of the issuer of securities. The aim of the amendment is to impose on the issuer of securities obligations which intend to safeguard the rights of minority shareholders. The amendment further aims at enhancing the Authority's oversight on the rights of minority shareholders and their full participation in the decision making process.

Part V proposes to amend the Mining Act, Cap. 123. Section 7 is proposed to be amended by including primary processing licence as one of licences issued under the Act. The purpose of this amendment is to formalize the activities of primary mining processors and to supervise their activities accordingly. This step will help to collect revenue generated from the mining sector as well as to prevent smuggling of minerals.

Section 15 is proposed to be amended by adding subsection (2) in order to enable the Minister responsible for mining to grant revisionary mineral rights over vacant areas to the Government upon expiration of the mining licences. The objective is to preserve the geological and economic potentials of such areas. Upon reversion to the Government, such areas will be held by the Treasury Registrar as the holder of Government shares issued pursuant to section 10 of the Mining Act. Geological and economic preservation of such areas will be advantageous to the Government in negotiations with investors intending to invest in the mining sector.

Section 27A is proposed to be amended by giving the Geological Survey of Tanzania mandate to conduct strategic prospecting and exploration studies on areas granted reversionary mineral rights in terms of section 15. The objective of the amendment is the realization of geological potential of reverted areas through survey undertakings by the Geological Survey of Tanzania.

Section 32(1) is proposed to be amended by putting a requirement that specifies the lifespan of renewed prospecting licence to be for a period not exceeding two years. The objective of the amendment is to specify longevity of licences issued for the second term. Further, the amendment aims at empowering the Minister to set aside areas in respect of which licenses have expired and areas reverted to Government in terms of section 15.

Section 55 is amended to provide for operational period of a primary mining licence. Section 60A is added to provide for application procedure, duration of primary processing licences, and other related matters. The objective of amendment in section 55 and 60A is to ascertain the operational period of primary mining licence. Furthermore, section 129 is amended by enhancing the penalty with a view to deter contravention of the provisions of the Act.

Part VI proposes amendment in the National Museum of Tanzania Act, Cap. 281. Section 2 is proposed to be amended by adding new definitions and amending definitions of certain terms with the aim of ensuring that the terms used are correctly defined in order to avoid any ambiguity. Section 3A is proposed to be added in order to provide for functions of the National Museum of Tanzania so as to distinguish its functions from those of the Board. Section 4A is proposed to be added in order to give to the Minister powers to declare any museum to be a national museum.

Section 6 is proposed to be amended by adding subsection (2) in order to enable the Board to invest part of the monies of the National Museum of Tanzania after the approval of the Minister. Section 11A is proposed to be added in order to transfer the functions of the Director of Antiquities of managing and operating monuments to the Director General of the National Museum of Tanzania in compliance with the directives of the Government. The First Schedule is proposed to be amended by reducing the number of members of the Board in order to ensure better management of the National Museum of Tanzania and reducing operational costs.

Part VII of the Bill proposes to amend the Public Finance Act, Cap. 348, whereby it is proposed to add a new section 6A so as to provide for the Paymaster General's power to oversee public properties. The amendment aims at clearly specifying and explaining the responsibility of the Paymaster General

in the oversight of public properties. The role proposed to be clearly stated includes the responsibility to develop guidelines relating to acquisition, maintenance, utilisation and disposal of public property, to conduct verification and inspection of public property and to manage confiscated or forfeited property. Further, section 8 is proposed to be amended in order to eliminate the responsibility of managing property other than public money from among responsibilities vested in the Accountant-General.

Part VIII proposes amendment in the Tanzania Commission for Science and Technology Act, Cap. 226 whereby section 3 of the Act is amended by adding the definition of the terms "research" and "researcher" for the purpose of clarifying the terms in order to increase clarity during implementation of various provisions of the Act. Section 12 is proposed to be amended so as to enable the Minister to amend the list of affiliated institutions provided for in the Second Schedule. The aim of the amendment is to ensure that at all times the list correctly reflects the institutions which are affiliated with the Commission.

Further, the Act is amended by adding a new Part IIIA which provides for the functions of National Research Clearance Committee, registration of researchers, issuance of research permits, establishment of register and matters that can lead to suspension, cancellation of research permits as well as events that can disqualify a person from carrying out research under the Act. The purpose of these amendments is to give the Commission powers to oversee research matters in the country by putting in place specific provisions catering for research matters.

The Act is amended by adding new sections 37A and 37B which introduce provisions regarding procedures, standards, ethics and guidelines on research as well as monitoring and evaluation of research. The aim of this amendment is to enable the Commission to monitor research projects from the start to finality.

MADHUMUNI NA SABABU

Muswada huu unapendekeza marekebisho katika Sheria Saba zifuatazo; Sheria ya Mali Kale, Sura ya 333, Sheria ya Benki na Taasisi za Fedha, Sura ya 342, Sheria ya Masoko ya Mitaji na Dhamana, Sura ya 79, Sheria ya Madini, Sura ya 123, Sheria ya Makumbusho ya Taifa, Sura ya 281, Sheria ya Fedha za Umma, Sura ya 348 na Sheria ya Tume ya Sayansi na Teknolojia Tanzania, Sura ya 226.

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

Muswada huu umegawanyika katika Sehemu Nane. Sehemu ya Kwanza inahusu masharti ya utangulizi ambayo yanajumuisha jina la Muswada na namna ambavyo masharti mbalimbali ya Sheria yanavyopendekezwa kurekebisha.

Sehemu ya Pili ya Muswada inapendekeza marekebisho ya Sheria ya Mali Kale, Sura ya 333. Inapendekezwa kurekebisha neno “Baraza” sehemu yoyote linapojitokeza katika Sheria na badala yake kuweka neno “Kamati” ili kuendana na mabadiliko ya miundo katika Wizara ya Maliasili na Utalii.

Kifungu cha 4 kinapendekezwa kufanyiwa marekebisho kwa madhumuni ya kumuondolea Mkurugenzi wa Mali Kale majukumu ya kiutendaji ambapo inapendekezwa kuhamishia majukumu hayo kwa Mkurugenzi Mkuu wa Makumbusho ya Taifa. Kifungu cha 5 kinapendekezwa kufanyiwa marekebisho kwa madhumuni ya kuweka kinga kwa Mkurugenzi Mkuu wa Makumbusho ya Taifa dhidi ya masharti yaliyoainishwa chini ya kifungu cha 5(1). Kifungu cha 10 kinapendekezwa kufanyiwa marekebisho kwa madhumuni ya kumpa Mkurugenzi wa Makumbusho ya Taifa majukumu kuhusiana na kutangazwa kwa tunu za Taifa.

Vifungu vya 11, 12 na 13 vinapendekezwa kurekebisha kwa madhumuni ya kuhamishia kwa Mkurugenzi Mkuu wa Makumbusho ya Taifa mamlaka ya kutathmini na kutoa vibali vya uchimbaji wa malikale, na inajumuisha mamlaka yake kufanya shughuli za uchimbaji pasipo kuhitaji leseni.

Kifungu kipya cha 17A kinapendekezwa kuongezwa kwa madhumuni ya kusajili makumbusho zinazoanzishwa na taasisi, asasi na watu binafsi. Vifungu vya 17 na 23 vinapendekezwa kurekebisha kwa madhumuni ya kuhamisha kutoka kwa Mkurugenzi wa Mali Kale kwenda kwa Mkurugenzi Mkuu wa Makumbusho ya Taifa majukumu kuhusiana na utambuzi wa tunu za Taifa za kabla ya 1964 pamoja na kinga na uwekaji matangazo kwenye tunu.

Sehemu ya Tatu inapendekeza kufanya marekebisho katika Sheria ya Benki na Taasisi za Fedha, Sura ya 342. Kwa ujumla lengo la marekebisho yanayopendekezwa ni kuweka ulinganifu katika viwango vya upimaji wa utoshelevu wa mitaji ya benki na taasisi za fedha kulingana na viwango vya kimataifa. Aidha, maboresho yanayopendekezwa yanalenga kuwezesha ushiriki wa sekta binafsi katika sekta ya fedha hususani sekta ndogo za benki na masoko ya mitaji, kulinda amana za wateja, kuwezesha upatikanaji wa mikopo kwa watu wengi, kuongeza uwezo wa taasisi za fedha kuhamasisha utunzaji wa akiba, kukuza sekta ya benki yenye ufanisi, inayokidhi mahitaji ya watumiaji na yenye ushindani, pamoja na kuboresha upatikanaji wa mikopo ya muda mrefu kwa ajili ya biashara, miundombinu na makazi.

Vifungu vya 3, 17, 21, 25 na 28 vinapendekezwa kurekebisha kwa lengo la kuboresha viwango vya upimaji wa utoshelevu wa mitaji ya benki na taasisi za fedha. Kwa sasa Sheria inaainisha viwango vinavyozingatia utoshelevu wa mitaji kwa kuangalia vihatarishi kwenye mikopo na masoko na kuacha vihatarishi

vingine. Kutokana na upungufu huo, Sheria iliyopo haiwezeshi kutathmini kiwango sahihi cha mtaji wa benki au taasisi ya fedha husika. Aidha, Sheria hii imeainisha kigezo kimoja tu cha upimaji wa ukwasi. Hivyo, marekebisho yanayopendekezwa yanakusudia kuwezesha utelekezaji wa viwango vipya vya upimaji wa utoshelevu wa mitaji ya benki na taasisi za fedha. Hatua hii itaimarisha mitaji na ukwasi na hivyo kuiwezesha sekta ndogo ya kibenki kuhimili misukosuko mbalimbali na kupunguza uwezekano wa kuathiri uchumi wa nchi.

Sehemu ya Nne inapendekeza kufanya marekebisho katika Sheria ya Masoko ya Mitaji na Dhamana, Sura ya 79 kwa kuongeza kifungu kipyua cha 134A kinachohusu wajibu wa watoa dhamana. Lengo la marekebisho yanayopendekezwa ni kuwapa watoa dhamana wajibu utakaohakikisha maslahi ya wawekezaji wenye hisa chache yanalindwa. Marekebisho haya yanalenga pia kuimarisha uwezo wa Mamlaka kusimamia haki za wawekezaji wenye hisa chache na ushiriki wao katika kufanya maamuzi.

Sehemu ya Tano ya Muswada inapendekeza kufanya marekebisho katika Sheria ya Madini, Sura ya 123, ambapo kifungu cha 7 kinarekebishwa ili kuongeza leseni ndogo ya uchenjuaji wa madini katika orodha ya leseni zinazotolewa chini ya Sheria hii. Madhumuni ya marekebisho haya ni kuwatambua wachenjuaji wadogo wa madini ili kuweza kuwasimamia na kuwawekea utaratibu utakaosimamia shughuli zao. Hatua hii itasaidia kudhibiti mapato yatokanayo na shughuli za uchenjuaji na kuzuia utoroshaji wa madini.

Kifungu cha 15 kinapendekezwa kurekebishwa ili kuongeza kifungu kidogo cha (2) kwa lengo la kumpa Waziri mamlaka ya kurejesha Serikalini maeneo ya uchimbaji wa madini ambayo leseni zake za uchimbaji zimeisha muda. Dhumuni la marekebisho ni kuwezesha Serikali kuyatunza na kuendeleza maeneo hayo yawe na tija kijiolojia na kiuchumi. Baada ya kurejeshwa Serikalini, maeneo haya yatakuwa chini ya Msajili wa Hazina ambaye ndiye msimamizi wa hisa za Serikali kwa mujibu wa kifungu cha 10 cha Sheria ya Madini. Utunzaji na uendelezaji wa maeneo hayo kijiolojia na kiuchumi kutaiweka Serikali katika nafasi nzuri wakati wa majadiliano na wawekezaji watakaokuja kwa ajili ya kuwekeza katika maeneo hayo.

Kifungu cha 27A kinapendekezwa kurekebishwa kwa kuipa Taasisi ya Jiolojia na Utafiti wa Madini Tanzania uwezo wa kufanya tafiti za kimkakati katika maeneo ya uchimbaji wa madini yaliyorejeshwa kwa mujibu wa kifungu cha 15. Madhumuni ya marekebisho haya ni kuongeza tija ya kijiolojia katika maeneo yaliyorejeshwa kupitia tafiti za Taasisi ya Jiolojia na Utafiti wa Madini Tanzania.

Kifungu cha 32(1) kinapendekezwa kufanyiwa marekebisho kwa lengo la kuongeza uhuishaji wa leseni kwa awamu ya pili kwa kipindi kisichozidi miaka miwili. Madhumuni ya marekebisho ni kuanisha muda wa leseni iliyotolewa kwa awamu ya pili. Aidha, kifungu hicho kinarekebishwa pia kwa lengo la kumpa Waziri mamlaka ya kutenga maeneo ambayo leseni ya uchimbaji madini imeisha muda wake na kurejeshwa Serikalini kwa mujibu wa kifungu cha 15.

Kifungu cha 55 kinarekebishwa kwa kuweka sharti kuhusu muda wa kuanza shughuli za madini baada ya leseni ya uchimbaji mdogo wa madini kutolewa. Aidha, kifungu cha 60A kinaongezwa ili kuanisha utaratibu wa kuomba leseni, muda wa leseni na muda wa kuanza shughuli za uchenjuaji mdogo wa madini. Madhumuni ya marekebisho katika kifungu cha 55 na 60A ni kutambua muda wa uchenjuaji mdogo wa madini. Vilevile kifungu cha 129 kinapendekezwa kurekebishwa kwa kuhisha adhabu katika kifungu hicho kwa madhumuni ya kuzuia uvunjifu wa masharti ya Sheria.

Sehemu ya Sita ya Muswada inapendekeza marekebisho katika Sheria ya Makumbusho ya Taifa, Sura ya 281. Kifungu cha 2 kinarekebishwa kwa kuboresha baadhi ya tafsiri za misamiati na kuongeza tafsiri za misamiati mingine kwa lengo la kutoa ufafanuzi wa misamiati hiyo kama ilivyotumika katika Sheria hiyo ili kuepuka utata wowote unaoweza kujitokeza. Kifungu cha 3A kinapendekezwa kuongezwa kwa lengo la kuainisha majukumu ya Makumbusho ya Taifa ili kutofautisha majukumu ya Makumbusho ya Taifa na majukumu ya Bodi. Kifungu cha 4A kinapendekezwa kuongezwa ili kumpa Waziri mamlaka ya kutangaza makumbusho yoyote kuwa Makumbusho ya Taifa.

Kifungu cha 6 kinapendekezwa kurekebishwa kwa kuongeza kifungu kidogo cha (2) kwa lengo la kuiwezesha Bodi kuwekeza sehemu ya fedha za Makumbusho ya Taifa baada ya kupata idhini ya Waziri. Kifungu cha 11A kinapendekezwa kuongezwa kwa lengo la kuhamisha majukumu ya Mkurugenzi wa Mali Kale ya kusimamia na kuendesha maeneo yenye kumbukumbu za urithi wa utamaduni kwenda kwa Mkurugenzi Mkuu wa Makumbusho ya Taifa kwa kuzingatia maelekezo ya Serikali. Jedwali la Kwanza linarekebishwa kwa kupunguza idadi ya wajumbe ya Bodi ya Makumbusho ya Taifa kwa lengo la kupunguza gharama za uendeshaji.

Sehemu ya Saba ya Muswada inapendekeza kurekebisha Sheria ya Fedha za Umma, Sura ya 348, ambapo kifungu kipya cha 6A kinaongezwa ili kuainisha wajibu wa Mlipaji Mkuu wa Serikali katika usimamizi wa mali za umma. Marekebisho yanayopendekezwa yanalenga kuweka bayana majukumu ya Mlipaji Mkuu wa Serikali ambapo miongoni mwa majukumu hayo ni kuandaa miongozo kuhusu upatikanaji na utumiaji wa mali za umma, kufanya ufuatiliaji na ukaguzi wa mali za umma na kusimamia mali zilizotaifishwa kwa Serikali. Aidha, kifungu cha 8 kinapendekezwa kurekebishwa ili kumuondolea Mhasibu Mkuu jukumu la usimamizi wa mali za umma tofauti na fedha ili jukumu hilo litekelezwe na Mlipaji Mkuu wa Serikali na hivyo kuongeza ufanisi katika usimamizi wa mali hizo.

Sehemu ya Nane ya Muswada inapendekeza marekebisho katika Sheria ya Tume ya Sayansi na Teknolojia Tanzania, Sura ya 226 ambapo kifungu cha 3 cha Sheria kinarekebishwa ili kuweka tafsiri ya maneno "utafiti" na "mtafiti" kwa madhumuni ya kuongeza ufafanuzi na uelewa katika utekelezaji wa masharti mbalimbali ya Sheria hii. Kifungu cha 12 kinapendekezwa kurekebishwa ili kumpa Waziri mamlaka ya kurekebisha orodha ya taasisi zenye ushirika na Tume iliyopo katika

Jedwali la Pili. Lengo la marekebisho hayo ni kuhakikisha kuwa wakati wote orodha hiyo inaakisi kwa uhalisia taasisi ambazo Tume inashirikiana nazo.

Sheria inapendekeza kurekebishwa kwa kuongeza Sehemu mpya ya IIIA ambayo inaaanisha majukumu ya Kamati ya Taifa ya Utoaji wa Vibali vya Utafiti, usajili wa watafiti, utoaji wa vibali vya watafiti, kuanzisha rejesta na masuala yanayoweza kusababisha kusitishwa au kufuta kwa vibali vya tafiti na pia sababu zinazomuondolea mtu sifa za kufanya utafiti chini ya Sheria hii.

Sheria inapendekezwa kurekebishwa kwa kuongeza vifungu vipya vya 37A na 37B ambavyo vinaainisha taratibu za ufuatiliaji na tathimini wakati wa kufanya tafiti. Vifungu hivi vinaainisha taratibu, viwango, maadili na miongozo ya kufuata wakati wa kufanya tafiti. Madhumuni ya marekebisho haya ni kuiwezesha Tume kufuatilia miradi ya utafiti kuanzia mwanzo hadi mwisho.

Dodoma,
29 Agosti, 2022

ELIEZER MBUKI FELESHI
Mwanasheria Mkuu wa Serikali