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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 2)
BILL, 2023

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NOTICE

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,
10th May, 2023

MOSES M. KUSILUKA,
Secretary to the Cabinet

A Bill
for

An Act to amend certain 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, 2023.

Amendment of
certain 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 ATOMIC ENERGY ACT,
(CAP. 188)

Construction
Cap. 188

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

Amendment of
section 4

4. The principal Act is amended in section 4, by-
(a) deleting subsection (1) and substituting for it the following:

“(1) This Act shall not apply to any material or use of any material which contains-

(a) radioactive substances of a concentration of less than 1 Becquerels per gram for unsealed sources, the limit being increased to 10 Becquerels per gram for sealed sources; or

(b) material containing radionuclides of natural origin at an activity concentration of less than 1 Becquerel per gram for any radionuclide in the uranium decay chain or the thorium decay chain and of less than 10 Becquerels per gram for Potassium - 40 (^{40}K).”;

(b) adding immediately after subsection (4) the following:

“(5) Notwithstanding subsection (1), surface contamination clean up criteria for alpha and beta radiation shall not exceed an average of 0.8 Becquerels per centimetre square.”;

(c) renumbering subsection (5) as subsection (6);
and

(d) adding immediately after the renumbered subsection (6) the following:

“(7) Except as provided for under subsection (1), any exemption under this section may be granted or confirmed subject to such limitations or conditions as

Amendment of
section 11

- may be specified by the Minister.”.
5. The principal Act is amended in section 11-
- (a) in subsection (1) by inserting the words “dispose, lend, let, hire, transfer, import,” between the words “possess” and “export”;
 - (b) by adding immediately after subsection (1) the following:

“(2) A person shall not, in pursuance of his undertaking-

 - (a) construct, operate, decommission or closure of a mine or ore processing facilities involving radioactive minerals; or
 - (b) explore, store, transport, use, transfer, posses, process, dispose, import, export or enrich any radioactive minerals, nuclear materials or other materials containing radioactive minerals,

unless licensed or registered as such in accordance with the provisions of this Act.”;

and
 - (c) by renumbering subsection (2) as subsection (3).

Amendment of
section 20

6. The principal Act is amended in section 20 by deleting the word “mobile” wherever it appears in that section.

Addition of
section 20A

7. The principal Act is amended by adding immediately after section 20 the following:
- “Authorisation of technical service providers 20A.-(1) A person shall not provide technical service except with the authorisation of the Commission.
- (2) A person who

intends to provide technical services shall apply to the Commission in writing for authorisation.

(3) The Commission shall, based on criteria it may set, consider and authorise any of the following technical services:

- (a) personnel dosimetry services;
- (b) individual and work place monitoring services;
- (c) standard calibration services;
- (d) environmental monitoring services;
- (e) radio analytical measurements;
- (f) repair and maintenance of nuclear equipment; and
- (g) any other related services as the Commission may authorise.

(4) A person who contravenes this section commits an offence and on conviction, shall be liable to a fine of not less than three million shillings or to imprisonment for a term of not less than five years or to both.

(5) The court may, in addition to the fine or imprisonment, order the forfeiture to the Republic of any

property which has passed in connection with the commission of the offence.”.

Amendment of
section 21

8. The principal Act is amended in section 21-
- (a) in subsection (2), by-
 - (i) deleting figures “74” and “3700” appearing in paragraph (a) and substituting for them figures “1” and “10” respectively; and
 - (ii) deleting the word “greater” appearing in paragraph (c) and substituting for it the word “lesser”; and
 - (b) deleting the word “mobile” appearing in subsection (3).

Amendment of
section 24

9. The principal Act is amended in section 24 by deleting the words “mobile devices” wherever they appear in that section and substituting for them the words “radiation sources”.

Amendment of
section 30

10. The principal Act is amended in section 30, by-
- (a) designating the content of section 30 as content of subsection (1);
 - (b) deleting the word “foodstuff” appearing in subsection (1) as designated and substituting for it the words “food chain and related commodities”; and
 - (c) adding immediately after subsection (1) as designated the following:
 - “(2) Notwithstanding subsection (1), a radioactivity analysis certificate shall not be required where a competent authority of an importing country does not require such certificate.
 - (3) The Commission may conduct random inspection and conduct

radioactivity analysis in respect of any consignment of food chain and related commodities imported into the country or exported out of the country or distributed for human and animal consumption for purposes of research, safety, security or for any other purpose it deems necessary.”.

Amendment of
section 39

by-

11. The principal Act is amended in section 39,

- (a) designating the content of section 39 as subsection (1); and
- (b) adding immediately after subsection (1) as designated the following:

“(2) The Commission shall ensure that measures for the prevention and detection of, and response to incidents of-

- (a) theft;
- (b) unauthorised acquisition;
- (c) illicit trafficking; or
- (d) sabotage of related facilities,

in nuclear and other radioactive material are in place.”.

Amendment of
section 45

12. The principal Act is amended in section 45 by adding immediately after paragraph (b) the following:

“(c) protective actions to reduce existing or unregulated radiation risks are taken taking into account the principles of justification and optimisation.”.

Amendment of
section 58

13. The principal Act is amended in section 58(2) by deleting the words “both the Chairman and”.

Amendment of
section 72

14. The principal Act is amended in section 72 by deleting subsection (4).

Addition of
section 72A

15. The principal Act is amended by adding

immediately after section 72 the following:

“Compounding
of offences

72A.-(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, 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 a sum of money not exceeding two thirds 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 the person fails to comply with the compounding order issued under this section within the prescribed period, the Director-General or a person authorised by him may, in addition to the sum ordered, require the person to pay an interest at the rate prescribed in the regulations.

(3) Where the person fails to comply with subsection (2), the Director-General may enforce the compounding order and interest accrued thereof in the same manner as a decree

of court.

(4) The moneys charged under this section shall, unless otherwise directed by the Minister responsible for finance, be paid into the Consolidated Fund.

(5) The Director-General shall submit quarterly reports of all compounded offences under this section to the Director of Public Prosecutions.

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

PART III
AMENDMENT OF THE DAR ES SALAAM MARITIME INSTITUTE
ACT,
(CAP. 253)

Construction
Cap. 253

16. This Part shall be read as one with the Dar es Salaam Maritime Institute Act, hereinafter referred to as the “principal Act”.

General
amendment

17. The principal Act is amended generally by deleting the word “Principal” wherever it appears in the Act and substituting for it the word “Rector”.

Amendment of
section 2

18. The principal Act is amended in section 2-
(a) in the definition of the term “students’ organisation”, by deleting the word “Minister” and substituting for it the word “Board”; and
(b) by adding in its appropriate alphabetical order the following definition:
““Academic Council” means the Academic

Council of the Institute established under section 6A;”.

Amendment of
section 4

19. The principal Act is amended in section 4, by-
- (a) inserting the word “economics” between the words “enterprises” and “special skills” appearing in paragraph (a); and
 - (b) deleting paragraph (h) and substituting for it the following:
“(h) conduct examination on trained programs;”.

Amendment of
section 5

20. The principal Act is amended in section 5, by-
- (a) adding immediately after subsection (2) the following:
“(3) The Board may, subject to such terms and conditions as it may determine, form from among its members, such number of committees as it deems necessary for better carrying out of its functions under this Act.”; and
 - (b) renumbering subsection (3) as subsection (4).

Amendment of
section 6

by-

21. The principal Act is amended in section 6(2)
- (a) adding immediately after paragraph (e) the following:
“(f) provide strategic guidance and formulate policies for operation and management of the Institute;
 - (g) conduct managerial oversight and review the activities and performance of management of the Institute;
 - (h) approve strategic and investment plans, operational guidelines and any other operational instruments of the Institute; and”;
- (b) renaming paragraph (f) as paragraph (i).

Addition of

22. The principal Act is amended by adding

sections 6A and
6B

immediately after section 6 the following:

“Establishment of
Academic Council

6A.-(1) There is established the Academic Council whose members shall be appointed by the Board as follows-

- (a) Rector who shall be the Chairman;
- (b) Deputy Rector Academic, Research and Consultancy who shall be the Vice Chairman;
- (c) Deputy Rector Planning, Finance and Administration;
- (d) Heads of Departments of the Institute;
- (e) Head of Legal Unit;
- (f) Head of Quality Management Unit;
- (g) Head of Internal Audit Unit;
- (h) Dean of Students;
- (i) Registrar;

- (j) two representatives of the student's organisation;
- (k) two members representing other academic training institutions; and
- (l) two members from other maritime related institutions.

(2) A member of the Academic Council shall, unless his appointment is determined by the appointing authority, or he otherwise ceases to be a member, hold office for a term of three years, and be eligible for re-appointment.

(3) The Council may co-opt any person to attend and deliberate on a specific matter as the Council may determine but such person shall not have the right to vote.

Functions of
Academic Council

6B.-(1) The Academic Council shall, subject to the

directives of the Board, be responsible for the control of education, research, consultancy and all other academic activities within the Institute.

(2)

Notwithstanding the generality of subsection (1), the Academic Council shall undertake the following functions:

(a) approve the curricular for long and short programmes leading to the conferment of any award of the Institute;

(b) set, safeguard and maintain academic standards of the Institute;

(c) decide whether any candidate for a degree, diploma, certificate or other awards of the Institute has attained the standard of

- proficiency
and is
otherwise a
fit and proper
person for
the grant of
the degree,
diploma,
certificate or
other awards
of the
Institute;
- (d) withdraw
award
fraudulently
obtained by
any person
from the
Institute;
- (e) consider
recommendat
ions made to
it by
academic
Committee
of the
Institute, and
to take such
action on it
as it may
consider
appropriate;
- (f) make
proposal to
the Board on
the academic
affairs of the
Institute;
- (g) recommend
to the Board

- the
establishmen
t or
disestablishm
ent of
academic
bodies of the
Institute;
- (h) recommend
to the Board
the fee
structures
and other
charges for
various
programmes
or course and
services
offered or
provided by
the Institute;
- (i) handle
matters
relating to
examination
results,
appeals and
irregularities;
and
- (j) discharge
such other
function as
may be
conferred
upon it by or
under the
Act.”.

Amendment of
section 7

23. The principal Act is amended in section 7-
(a) in subsection (1), by-

- (i) deleting the opening words and substituting for it the following:
“(1) The Board may make rules prescribing-”;
- (ii) deleting paragraph (a) and substituting for it the following:
“(a) fees and other charges of the Institute;”;
and
- (iii) adding immediately after paragraph (a) the following:
“(b) for the regulation of disciplinary proceedings against the officers and students of the Institute;
- (c) academic procedures;
- (d) matters relating to discipline among the members of the staff of the Institute and students;
- (e) the qualifications necessary for entry to the Institute, the courses of instruction to be provided by the Institute, the type of awards to be offered and the duration and number of academic terms; and
- (f) the grant of scholarships and studentship and the revocation of any such grant;”
- (iv) renaming paragraph (b) as paragraph (g); and
- (b) deleting subsections (3), (4) and (5).

Amendment of
section 8

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

“(2) The Rector shall hold office for a period of five years renewable once based on satisfactory performance.”.

Amendment of
section 10

25. The principal Act is amended in section 10(2) by deleting the word “Minister” and substituting for it the word “Board”.

Amendment of
Part IV

26. The principal Act is amended in the heading to

Part IV by deleting the words “BOARD OF EXAMINERS” and substituting for them the word “CERTIFICATION”.

Amendment of section 11

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

- (a) deleting figure “24” appearing in subsection (2) and substituting for it figure “7(1)”; and
- (b) deleting the words “foreign currency” appearing in subsection (3) and substituting for them the words “US dollars”.

Repeal and replacement of section 12

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

“Examination and certificates

12.-(1)

Examinations shall be conducted by the Institute in accordance with the law of relevant institutions established for that purpose.

(2) The Institute shall issue to a candidate who qualifies examinations a certificate in a prescribed form.”.

Repeal of section 13

29. The principal Act is amended by repealing section 13.

Amendment of section 15

30. The principal Act is amended in section 15, by-

- (a) designating the contents of subsection (1) as section 15; and
- (b) deleting subsection (2).

Repeal and replacement of section 21

31. The principal Act is amended by repealing section 21 and replacing for it the following:

“Remuneration,
fees, etc

21. Members of
the Board shall be entitled

to and be paid such fees, allowances or expenses as may be prescribed by the relevant authority.”.

Amendment of
section 22

32. The principal Act is amended in section 22-
- (a) in subsection (1) by deleting the reference to subsection (6) and substituting for it the reference to subsection (5);
 - (b) deleting subsection (5); and
 - (c) renumbering subsection (6) as subsection (5).

Amendment of
section 24

by-

33. The principal Act is amended in section 24(1),
- (a) deleting paragraphs (a) and (b) and substituting for them the following:
 - “(a) prescribing terms, conditions and procedures for carrying out research and providing consultancy services; and
 - (b) providing for anything which, in the opinion of the Minister, is necessary or expedient for the better carrying out of the provisions of this Act.”; and
 - (b) deleting paragraphs (c) and (d).

Amendment of
Schedule

34. The principal Act is amended in the Schedule-
- (a) in paragraph 1, by-
 - (i) deleting subparagraph (2) and substituting for it the following:
 - “(2) Appointment made under subparagraph (1) shall be of a person with necessary experience or qualification in maritime transport, maritime economist, marine engineering or navigation, human resource and public administration, accounting and finance or maritime law.”; and
 - (ii) adding immediately after subparagraph

(2) the following:

“(3) The Board may co-opt any person to attend and deliberate on a specific matter as the Board may determine and such person shall not have the right to vote.”;

(b) in paragraph 2 by deleting the words “after the end of that period” and substituting for them the words “for one further period”;

(c) by deleting paragraph 7 and replacing for it the following:

“Meetings

7.-(1)The Board shall meet quarterly every year.

(2) The Chairman or in his absence, the Vice-Chairman, may at any time, call a special meeting of the Council upon request by a majority of the members.”.

PART IV AMENDMENT OF THE NATURAL WEALTH AND RESOURCES (PERMANENT SOVEREIGNTY) ACT, (CAP. 449)

Construction
Cap. 449

35. This Part shall be read as one with the Natural Wealth and Resources (Permanent Sovereignty) Act hereinafter referred to as the “principal Act”.

Amendment of
section 2

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

“(2) Without prejudice to subsection (1), the provisions of this Act shall not apply to an agreement that provides for-

(a) special arrangement relating to transportation of natural resources that

are not exploited in the United Republic; or
(b) development, operations or arrangement for development of natural wealth and resources with a view to improving performance of sea, dry and lake ports in the United Republic, and such agreement has been approved by the Cabinet.”.

PART V
AMENDMENT OF THE NATURAL WEALTH AND RESOURCES
(REVIEW AND
RE-NEGOTIATION OF UNCONSCIONABLE TERMS) ACT,
(CAP. 450)

Construction
Cap. 450

37. This Part shall be read as one with the Natural Wealth and Resources (Review and Re-Negotiation of Unconscionable Terms) Act hereinafter referred to as the “principal Act”.

Amendment of
section 2

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

“(2) Without prejudice to subsection (1), the provisions of this Act shall not apply to an agreement that provides for-

- (a) special arrangement relating to transportation of natural resources that are not exploited in the United Republic; or
- (b) development, operations or arrangement for development of natural wealth and resources with a view to improving performance of sea, dry and lake ports in the United Republic, and such agreement has been approved by the Cabinet.”.

PART VI
THE TANZANIA INDUSTRIAL RESEARCH AND
DEVELOPMENT ORGANISATION ACT,
(CAP. 159)

Construction
Cap.159

39. This Part shall be read as one with the Tanzania Industrial Research and Development Organisation Act hereinafter referred to as the “principal Act.”

Amendment of
section 4

40. The principal Act is amended in section 4(1),
- by-
- (a) deleting the words “applied research” wherever they appear in subsection (1) and substituting for them the words “industrial research”;
 - (b) deleting paragraph (a) and substituting for it the following:
 - “(a) to carry out, and promote the carrying out of, industrial research designed to facilitate the evaluation, development and use of raw materials in industrial processes;”;
 - (c) deleting the word “local” appearing in paragraph (c);
 - (d) deleting paragraph (d) and substituting for it the following-
 - “(d) in collaboration with relevant authorities or any person or body of persons, carry out monitoring of industrial establishments with the purpose of evaluating their performance and productivity to avert or minimise any loss to the public;”;
 - (e) adding immediately after paragraph (f) the following:
 - “(g) to provide to the Government, firms and enterprises intending to establish

- new industries or engaged in industrial production, technical assistance necessary for the technological sustainability of the envisaged industrial enterprise;”;
- (f) renaming paragraphs (g), (h) and (i) as paragraphs (h), (i) and (j) respectively;
 - (g) deleting paragraph (j) as renamed and substituting for it the following:
 - “(j) provide advice to the Government and to firms or organisations engaged in industrial production, on the establishment of systems for the control and regulation of industrial processes to improve performance and to avert or minimise the sources of industrial pollution;”;
 - (h) adding immediately after paragraph (j) as renamed the following:
 - “(k) carry out testing and analysis of industrial technologies and raw materials for enterprises and undertake primary technology testing of locally manufactured machinery and imported industrial machineries;
 - (l) establish incubators for the purpose of developing or exploiting research outputs, inventions and innovations or technological expertise;
 - (m) represent Tanzania in international fora in matters relating to industrial research;”;
 - (i) renaming paragraph (j) as paragraph (n).

Amendment of
section 7

41. The principal Act is amended in section 7 by adding immediately after subsection (4) the following:

“(5) Notwithstanding subsection (1), the Council may establish such other committees as it considers necessary or desirable for the effective discharge of its

functions.”.

Repeal of
section 8

42. The principal Act is amended by repealing section 8.

Amendment of section 9

43. The principal Act is amended in section 9-

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

“(1) For the purposes of the proper performance of its functions under this Act, the Organisation may require in writing any firm or organisation engaged in industrial production or in industrial research within Tanzania to furnish to it such information relating to industrial production as the Organisation may specify.”; and

(b) in subsection (2) by deleting the words “not exceeding fifteen thousand shillings” and substituting for it the words “not less than fifty thousand shillings but not exceeding five million shillings”.

Repeal of
section 12

44. The principal Act is amended by repealing section 12.

Amendment of section 13

45. The principal Act is amended in section 13(2),
by-

(a) deleting paragraph (c); and

(b) renaming paragraph (d) as paragraph (c).

Amendment of section 18

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

(a) adding immediately after paragraph (b) the following:

“(c) any grants, donations, bequests or other contributions made to the Organisation as provided in the other relevant legislations”; and

(b) renaming paragraph (c) as paragraph (d).

Amendment of section 19

47. The principal Act is amended in section 19 by deleting the words “of a Resident Magistrate” wherever

- they appear in that section.
- Amendment of section 24
48. The principal Act is amended in section 24-
- (a) by deleting the words “balance sheet” wherever they appear in that section and substituting for them the words “financial statement”; and
 - (b) in subsection (1) by deleting the words “a balance sheet” and substituting for them the words “a financial statement”.
- Amendment of Schedule
49. The principal Act is amended in paragraph 1 of the Schedule, by-
- (a) designating the content of subparagraph (1) as contents of paragraph 1;
 - (b) deleting the word “sixteen” appearing in item (c) of paragraph 1 as designated and substituting for it the word “ten”;
 - (c) deleting subparagraph (2).

OBJECTS AND REASONS

This Bill proposes to amend Five laws namely: the Atomic Energy Act, Cap. 188; the Dar es Salaam Maritime Institute Act, Cap. 253; the Natural Wealth and Resources (Permanent Sovereignty) Act, Cap. 449; the Natural Wealth and Resources (Review and Re-Negotiation of Unconscionable Terms) Act, Cap. 450 and the Tanzania Industrial Research and Development Organisation Act, Cap. 159.

The Bill is divided into Six Parts whereby, 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 Atomic Energy Act, Cap. 188 whereby section 4 is amended in order to lower the exemption levels. The objective of the amendment is to enhance the safety and protection of workers, public and environment from exposure resulting from radioactive minerals and Naturally Occurring Radioactive Materials (NORMs) and to ensure compliance with the globally accepted safety standards.

Section 11 is proposed to be amended in order to provide for prohibition of handling radioactive minerals unless with a license or until upon being registered for that purpose. The objective of the amendment is to ensure safe and secure handling of radiation sources. Sections 20 and 24 are proposed to be amended with a view to govern all forms of devices other than just mobile devices. The objective of the amendment is to widen the scope of devices regulated under the Act.

Section 20A is proposed to be added in order to regulate service providers who shall be required to apply for approval before rendering such services. The purpose of this amendment is to regulate those services for the safety provision of services under this Act. Section 21 is proposed to be amended in order to lower the exemption level so as to increase safety and protection of workers, public and the environment from exposure to radiation.

Section 30 is proposed to be amended by removing the mandatory requirement for obtaining radioactivity analysis certificate for export of food chain and related commodities. The amendment aims at promoting export trade of food chain and related commodities.

Section 39 is proposed to be amended in order to introduce provisions relating to protection of nuclear and radioactive materials against theft or other related offences. The purpose of this amendment is to increase security of nuclear and radioactive materials and to prevent and protect them against malicious acts.

Section 45 is proposed to be amended with a view to introduce provisions to regulate the naturally occurring radioactive materials which were not regulated currently.

Section 58 is proposed to be amended by relieving the Board from undertaking operational duties relating to inspection of radiations by inspectors which shall be under the control and supervision of the Director-General.

Section 72 is proposed to be amended by deleting provisions governing the imposition of fines by the Board. The objective of the amendment is to relieve the Board from imposing fines to any person who contravenes the provisions of the Act. Section 72A is proposed to be added so as to provide for compounding of offences by the Director General with a view to promote alternative dispute resolution and ensure effective compliance.

Part III of the Bill proposes amendments to the Dar es salaam Maritime Institute Act, Cap 253 whereby the Act is generally amended in order to provide for the appropriate title of the Head of the Institute in line with NACTVET requirements. Section 2 is amended so as to provide for appropriate definition of terms as used in various provisions of the Act. Section 4 is proposed to be amended in order to provide for improved functions on the conduct of examinations by the Institute. Section 5 of the Act is proposed to be amended by providing powers of the Board to establish committees for efficient execution of its functions. Section 6 is further amended by providing additional powers to the Board in relation to policy formulation, managerial oversight and approval of operational instrument. Section 6A and 6B are proposed to be added to govern the establishment and functions of the Academic Council of the Institute. The

objective of the amendment is to formalize the Academic Council in line with NACTVET requirements and standards.

This Part further proposes to amend section 7 whereby subsection (1) is amended in order to distinguish it with the requirements of section 24 of the Act. The objective of this amendment is to distinguish the powers to make regulations which is vested in the Minister and powers of the Board to make rules of the institute. Section 7 is further amended with a view to provide for areas for which rules of the Institute may be prescribed by the Board.

Section 8 is amended in order to provide tenure for the Rector. It is also proposed to delete the word “Minister” in section 10 and substituting for it with the word “Board”. The objective of amendment is to comply with practice by learning Institutions for the Board to deal with the establishment of the student organisation rather than the Minister. The heading to Part IV is amended in order to replace requirements on “Board of Examiners” with those of “certification”. The “Board of Examiners” is now the mandated responsibility of TASAC. Section 11 is amended in order to specify the foreign currency to be paid by a non- Tanzanian student.

Section 12 is proposed to be amended in order to cover broad range of examinations of accredited programs. Section 13 is repealed in order to empower the Institute to issue certificate to a qualified graduate. section 21 is proposed to be amended in order to align it with the Treasury Registrar’s Circular which provides guidance in matters relating to fees, allowances or expenses of members of the Board. Section 22 is proposed to be amended with a view to remove requirement of publication in the Government *gazette* of instruments of delegation made by the Board. Section 24 is amended in order to redefine the areas for which the Minister may make regulations. The objective of the amendment is to align with changes made hitherto in section 7 and generally to distinguish with matters for which regulations may prescribe.

Schedule to the Act is also proposed to be amended generally in order to limit tenure for re-appointment of Board Members, to align with the directives of the Treasury Registrar in matters relating to the meetings of the Board. The schedule is further amended to include procedure for conducting special meetings of the Board.

Part IV and V proposes amendment to the Natural Wealth and Resources (Permanent Sovereignty) Act, Cap. 449 and the Natural Wealth and Resources (Review and Re-Negotiation of Unconscionable Terms) Act, Cap. 450 by ensuring that the implementation of those laws do not prejudice the performance of sea, dry and lake ports in the country. The aim of these amendments is to enable ports in the United Republic to operate at international level and to attract more ships and large cargo to be served by ports.

Part VI of the Bill amends the Tanzania Industrial Research and Development Organisation Act, Cap 159 with a view of making better provisions for effective implementation and enforcement of the Act.

Section 4 is proposed to be amended by revising the functions of the Organisation in order to allow the Organisation to carry out its activities which are aligned with development of science, technologies and innovations taking place in the world. Also, the functions of the Organisation are revised for the purpose of avoiding conflicting mandates with other institutions. Section 7 is proposed to be amended in order to allow the Organisation to establish other committees as it may deem necessary.

Section 8 is proposed to be repealed in order to avoid duplication of functions which are also provided under section 9 of the Act. Also, the section is repealed to avoid conflicting mandates with other legislations. Section 9 is proposed to be amended in order to pave a focus on industrial research since technological research is covered under industrial research. Section 12 is proposed to be repealed because it was relevant during state-controlled economy but not applicable under the current economy where industrial activities are no longer controlled by the Government only.

Section 13 is proposed to be amended in order to remove provisions which relate with the repeal of section 12 of the Act. Section 18 is proposed to be amended by introducing new sources of funds of the Organisation in order to suit a current practice by all the sources of funds of the Organisation.

Section 19 is proposed to be amended in order to allow any court with competent jurisdiction to handle any matter brought before it instead of restricting it to the court of Resident Magistrate only. Section 24 is proposed to be amended in order to align it with the Public Audit Act, Cap.418 and the acceptable financial reporting standards.

The schedule is proposed to be amended in order to comply with the Treasury Registrar Board Charter guidelines for public and statutory corporations of August 2015 regarding the number of members of the Board to be not less than eight and not more than ten.

MADHUMUNI NA SABABU

Muswada huu unapendekeza kufanya marekebisho katika Sheria Tano ambazo ni: Sheria ya Nguvu ya Atomu, Sura ya 188; Sheria ya Chuo cha Bahari Dar es Salaam, Sura ya 253; Sheria ya Mamlaka ya Nchi Kuhusiana na Umiliki wa Mali na Rasilimali Asilia, Sura ya 449; Sheria ya Mamlaka ya Nchi Kuhusu Utajiri na Maliasilia za Nchi (Mapitio ya Mikataba na Majadiliano Kuhusu Masharti Hasi), Sura ya 450 na Sheria ya Shirika la Utafiti na Maendeleo ya Viwanda, Sura ya 159.

Muswada huu umegawanyika katika Sehemu Sita ambapo Sehemu ya Kwanza inahusu masharti ya utangulizi yanayojumuisha jina la Muswada na namna ambavyo Sheria mbalimbali zinapendekezwa kurekebisha katika Sehemu zake.

Sehemu ya Pili ya Muswada inapendekeza kurekebisha Sheria ya Nguvu ya Atomu, Sura ya 188 ambapo kifungu cha 4 kinarekebisha ili kushusha viwango vya msamaha. Lengo la marekebisho ni kuongeza ulinzi na usalama kwa wafanyakazi, umma na mazingira kutokana na mmuliko wa mionzi unaotokana na madini yanayotoa mionzi na Viasili vya Mionzi Vinavyotokana na Asili (NORMs) na kufuata viwango vya usalama vinavyokubalika Kimataifa.

Kifungu cha 11 kinapendekezwa kurekebisha ili kujumuisha katazo linalozuia kushughulika na madini yanayotoa mionzi bila ya kuwa na leseni au kusajiliwa kwa ajili hiyo. Lengo la marekebisho haya ni kuhakikisha ulinzi na usalama katika kushughulika na vyanzo vya mionzi. Kifungu cha 20 na 24 vinapendekezwa kurekebisha ili kudhibiti aina zote za vifaa dhidi ya au nje ya vifaa vinavyohamishika. Lengo la marekebisho haya ni kuongeza wigo wa kudhibiti vifaa chini ya sheria hii.

Kifungu cha 20A kinapendekezwa kuongezwa ili kudhibiti watoa huduma kwa kutakiwa kutuma maombi ili kuomba kibali cha Tume kwanza kabla ya kuanza kutoa huduma hizo. Lengo la marekebisho haya ni kudhibiti huduma zinazotolewa ili kuhakisha usalama katika utoaji huduma chini ya Sheria hii. Kifungu cha 21 kinapendekezwa kurekebisha ili kushusha

kiwango cha msamaha kwa lengo la kuongeza ulizi na usalama kwa wafanyakazi, umma na mazingira kutokana na mmuliko wa mionzi.

Kifungu cha 30 kinapendekezwa kurekebisha kwa kuondoa masharti ya lazima ya kupata cheti cha uchunguzi wa mionzi kwa madhumuni ya kusafirisha nje ya nchi mnyororo wa chakula na bidhaa zinazohusiana. Marekebisha haya yanalenga kuhamasisha biashara nje ya nchi ya mnyororo wa chakula na bidhaa zinazohusiana.

Kifungu cha 39 kinapendekezwa kurekebisha ili kuingiza masharti mapya yanayohusiana na ulinzi wa nyuklia na viasili vya mionzi dhidi ya wizi au makosa yanayohusiana na hayo. Lengo la marekebisha haya ni kuongeza ulinzi wa nyuklia na viasili vya mionzi ili kuzuia na kulinda dhidi ya matendo maovu. Kifungu cha 45 kinapendekezwa kurekebisha kwa lengo la kuingiza masharti ya kudhibiti Viasili vya Mionzi Vinavyotokana na Asili ambavyo havidhibitiwa kwa sasa.

Kifungu cha 58 kinapendekezwa kurekebisha ili kuiondolea Bodi jukumu la kiutendaji linalohusiana na ukaguzi wa miozi kwa wakaguzi ambapo kwa marekebisha haya, jukumu hilo sasa litakuwa chini ya mamlaka na usimamizi wa Mkurugenzi Mkuu. Kifungu cha 72 kinapendekezwa kurekebisha kwa kufuta vifungu vinavyohusu utozaji wa faini uliowekwa chini ya Bodi. Lengo la marekebisha haya ni kuiondolea Bodi jukumu la kutoza faini kwa mtu yeyote atakayekiuka masharti ya Sheria hii. Kifungu cha 72A kinapendekezwa kuongezwa ili kumpa Mkurugenzi Mkuu mamlaka ya kufililisha makosa ili kuhamasisha utatuzi wa migogoro nje ya mahakama na kuongeza utii wa Sheria hii.

Sehemu ya Tatu ya Muswada inapendekeza marekebisha kwenye Sheria ya Chuo cha Bahari Dar es Salaam, Sura ya 253 ambapo Sheria hiyo inafanyiwa marekebisha ya jumla ili kuainisha cheo sahihi cha Mkuu wa Taasisi hiyo kwa kuzingatia matakwa mapya ya NACTVET. Kifungu cha 2 kinapendekezwa kurekebisha ili kuainisha tafsiri sahihi za misamiati iliyotumika mara kwa mara kwenye masharti mbalimbali ya Sheria hiyo. Kifungu cha 4 kinapendekezwa kurekebisha ili kubainisha majukumu mapya ya Chuo kuhusiana na mitihani ya Chuo hicho.

Kifungu cha Tano cha Sheria kinapendekezwa kurekebisha ili kubainisha mamlaka ya Bodi kuunda kamati kwa ajili ya utekelezaji bora wa

majukumu ya Bodi. Kifungu cha 6 kinarekebisha ili kuongezea Bodi mamlaka kuhusiana na utungaji wa sera, usimamizi na uidhinishaji wa hati za kiutendaji.

Kifungu cha 6A na 6B vinapendekezwa kuongezwa kwa lengo la kuweka masharti kuhusu uanzishwaji wa Baraza la Taaluma na majukumu yake kwa kuzingatia matakwa na viwango vya NACTVET. Sehemu hii pia inapendekeza marekebisha ya kifungu cha 7 ambapo kifungu kidogo cha (1) kinarekebisha ili kukitofautisha na masharti ya kifungu cha 24 cha Sheria. Lengo la marekebisha hayo ni kutofautisha mamlaka ya kutengeneza kanuni ambayo amepewa Waziri na mamlaka ya Bodi kutengeneza kanuni za Chuo. Kifungu hiki pia kinafanyiwa marekebisha kwa lengo la kuainisha maeneo ambayo Bodi inaweza kuyatengeneza kanuni za Chuo.

Kifungu cha 8 kinarekebisha ili kubainisha muhula wa Mkuu wa Chuo. Inapendekezwa pia kufuta neno “Minister” kwenye kifungu cha 10 na badala yake kuweka neno “Board”. Lengo la marekebisha haya ni kuendana na matakwa ya utendaji wa taasisi za elimu ambapo Bodi ndio inayohusika na uanzishwaji wa vyama vya wanafunzi badala ya Waziri. Kichwa cha Sehemu ya Sita ya Sheria kinarekebisha ili kuondoa maneno “Board of Examiners” na badala yake kuweka neno “Certification”. Lengo la marekebisha haya ni kuhuisha Sheria ili kuendana na utaratibu unaotumika sasa ambapo Bodi ya Watahini inasimamiwa na TASAC. Kifungu cha 11 kinarekebisha ili kuainisha malipo ya kigeni yanayopaswa kulipwa na mwanafunzi asiye Mtanzania.

Kifungu cha 12 kinapendekezwa kurekebisha ili kuongeza wigo wa programu za mitihani zenye ithibati. Kifungu cha 13 kinapendekezwa kufutwa ili kukiwezesha Chuo kutoa cheti kwa wahitimu waliofuzu. Kifungu cha 21 kinapendekezwa kurekebisha ili kiendane na Waraka wa Msajili wa Hazina unatoa mwongozo wa masuala yanayohusu ada, posho au gharama za wajumbe wa Bodi.

Kifungu cha 22 kinapendekezwa kurekebisha kwa lengo la kuondoa hitaji la kuchapisha kwenye Gazeti la Serikali hati za kukasimu mamlaka ya Bodi. Kifungu cha 24 kinarekebisha ili kuwianisha kifungu hicho na marekebisha yanayopendekezwa kwenye kifungu cha 7, na pia kutofautisha masharti ya kifungu hicho na masuala mengine yanayoweza kuainishwa kwenye kanuni.

Jedwali la Sheria pia linapendekezwa kurekebisha kwa kuweka ukomo wa uteuzi wa wajumbe wa Bodi. Lengo la marekebisho ni kuwianisha Jedwali hilo na maelekezo ya Msajili wa Hazina kuhusu masuala ya vikao vya Bodi. Aidha, Jedwali linarekebisha ili kujumuisha utaratibu wa kuandaa vikao vya dharula vya Bodi.

Sehemu ya Nne na Tano ya Muswada zinapendekeza marekebisho ya Sheria ya Mamlaka ya Nchi Kuhusiana na Umiliki wa Mali na Rasilimali Asilia, Sura ya 449 na Sheria ya Mapitio na Majadiliano Kuhusu Masharti Hasi Katika Mikataba ya Mali na Rasilimali Asilia, Sura ya 450 ili kuhakikisha kuwa utekelezaji wa Sheria hizo hauathiri utendaji wa maeneo ya bandari, bandari za nchi kavu na bandari za maeneo ya maziwa nchini. Madhumuni ya marekebisho haya ni kwezesha bandari katika Jamhuri ya Muungano kufikia viwango vya kimataifa vya kiutendaji na kuvutia nchi nyingi zaidi na shehena kubwa za mizigo kutumia bandari za hapa nchini.

Sehemu ya Sita ya Muswada inapendekeza kurekebisha Sheria ya Shirika la Utafiti na Maendeleo ya Viwanda Tanzania, Sura ya 159 kwa lengo la kuweka masharti bora ya utekelezaji wa Sheria hiyo. Kifungu cha 4 kinapendekezwa kurekebisha kwa kuboresha majukumu ya Shirika ili kuruhusu Shirika kufanya shughuli zake ambazo zinaendana na maendeleo ya sayansi, teknolojia na ubunifu uliopo na unaoendelea kutokea duniani. Pia, majukumu ya shirika yanarekebisha ili kuondoa mgongano kati ya majukumu ya Shirika na majukumu ya Taasisi nyingine. Kifungu cha 7 kinapendekezwa kurekebisha ili kuruhusu shirika kuanzisha kamati kama ambavyo Shirika litaona inafaa. Kifungu cha 8 kinapendekezwa kufutwa ili kuondoa marudio ya majukumu ambayo yameainishwa katika kifungu cha 9 cha Sheria hiyo. Pia, kifungu hicho kinafutwa ili kuepusha mamlaka yanayokinzana na sheria zingine za mamlaka zingine. Kifungu cha 9 kinapendekezwa kurekebisha ili kuweka mkazo katika utafiti wa viwanda kwani utafiti wa kiteknolojia unashughulikiwa chini ya utafiti wa kiviwanda.

Kifungu cha 12 kinapendekezwa kufutwa kwakuwa kwa sasa hakina matumizi yoyote katika mfumo wa uchumi uliopo. Kifungu hiki kilikuwa na umuhimu wakati uchumi ulipokuwa unadhibitiwa na Serikali na sio katika mfumo wa uchumi wa sasa ambao shughuli za utafiti wa viwanda hazisimamiwi na Serikali pekee. Kifungu cha 13 kinapendekezwa kufanyiwa marekebisho kwa kuondoa sharti linalohusiana na kufutwa kwa kifungu cha 12 cha Sheria hii.

Kifungu cha 18 kinapendekezwa kufanyiwa marekebisho kwa kuanzisha vyanzo vipya vya mapato ya Shirika ili kuendana na utaratibu wa sasa kwa kutambua vyanzo vyote vya mapato vya Shirika.

Kifungu cha 19 kinapendekezwa kufanyiwa marekebisho ili kuruhusu Mahakama yoyote yenye mamlaka kulingana na suala lililowasilishwa mbele yake kulipokea na kulitolea uamuzi suala hilo badala ya kutaja mahakama moja tu ambayo ni Mahakama ya Hakimu Mkazi.

Kifungu cha 24 kinapendekezwa kufanyiwa marekebisho ili kuzingatia masharti ya Sheria ya Ukaguzi, Sura ya 418 pamoja na taratibu za viwango vinavyokubalika vya kutoa taarifa za fedha.

Jedwali linarekebishwa ili kuendana na Waraka wa Msajili wa Hazina kwa Mashirika ya Umma wa mwaka 2015 kuhusu kuwa na idadi ya wajumbe wa Bodi wasiopungua nane na wasizidi kumi.

Dodoma,
8 Mei, 2023

ELIEZER MBUKI FELESHI,
Mwanasheria Mkuu wa Serikali