

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 8

7th July, 2017

to the Gazette of the United Republic of Tanzania No. 27 Vol 98 dated 7nd July, 2017

Printed by the Government Printer, Dar es Salaam by Order of Government

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 2)
ACT, 2017

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THE UNITED REPUBLIC OF TANZANIA



NO. 8 OF 2017

I ASSENT

JOHN POMBE JOSEPH MAGUFULI,
President

[5th July, 2017]

An Act to amend certain written laws.

ENACTED by Parliament of the United Republic of Tanzania.

PART I
PRELIMINARY PROVISIONS

Short title

1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No. 2) Act, 2017.

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 BUDGET ACT
(CAP.439)

Construction
Cap. 439

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

Amendment of
section 41

4. The principal Act is amended in section 41, by deleting subsection (7) and substitution for it the following:

“(7) Any reallocations of funds shall be made in consultation with affected Government Ministries and Government entities.

(8) The Minister shall lay before the National Assembly a mid-year report in respect of reallocation made under this section”.

Amendment of
section 53

5. The principal Act is amended in subsection (2) of section 53, by deleting the words “every quarter” appearing in the second line and substituting for them the words “mid-year”.

Amendment of
section 56

6. The principal Act is amended in section 56, by-
(a) deleting subsection (1) and substituting for it the following:

“(1) The Minister shall, six months after approval of the annual national budget by the National Assembly and at the end of each financial year, lay before the National Assembly a compliance report.”; and

(b) deleting subsection (7).

Amendment of
section 57

7. The principal Act is amended in section 57, by-
(a) deleting the words “Quarterly statements” appearing in the marginal note and substituting for them the words “Mid-year Statement”; and
(b) deleting subsection (1) and substituting for it the following:

“(1) The Accountant-General shall prepare the aggregate actual revenue and expenditure of the Government and public entities and forward to Minister who shall, six months after approval of annual national budget, submit the same to the National Assembly.”.

Repeal of
section 61

8. The principal Act is amended by repealing section 61 and substituting for it the following:

“Powers
of the
Minister
to waive
tax, fees
or
charges

61. The Minister may waive tax, fees or charge imposed by the Government in accordance with criteria provided for under any written law, provided that he maintains a record of each waiver together with the reasons for the waiver and submit a mid-year report to the National Assembly.”.

Amendment of
section 62

9. The principal Act is amended in section 62, by deleting the words “port folio” appearing in paragraph (a) of subsection (2) and substituting for them the word “portfolio”.

Amendment of
section 63

10. The principal Act is amended in section 63, by deleting the word “quarterly” appearing in paragraph (b) of subsection (2) and substituting for it the words “mid-year”.

“Amendment
of section 65

11. The principal Act is amended in section 65 by deleting subsection (2) and substituting for it the following:

“(2) Where it is evident that a public officer intentionally or through negligence led to the failure of the Government or public entities to meet any requirement under this Act, that public officer commits an offence and shall be held personally liable for criminal prosecution or disciplinary action as the case may be, depending on the nature of the failure.”.

PART III
AMENDMENT OF THE OFFICE OF THE ATTORNEY GENERAL
(DISCHARGE OF DUTIES) ACT
(CAP.268)

Construction
Cap.268

12. This Part shall be read as one with the Office of the Attorney General (Discharge of Duties) Act, hereinafter referred to as the principal Act”.

Amendment of
section 8

13. The principal Act is amended in subsection (2) of section 8 by:

Cap. 13

- (a) deleting the term “Ordinance” wherever it appears in that subsection and substituting for it the term “Act”; and
- (b) in paragraph (b), deleting the term “Adoption” and substituting for it the term “Law of the Child”.

Amendment of
the Heading of
Part VII

14. The principal Act is amended by deleting the “heading of Part VII” and substituting for it the following:

“RECRUITMENT AND CODE OF ETHICS FOR
LAW OFFICERS, STATE ATTORNEYS AND
LEGAL OFFICERS”

Amendment of
section 17

15. The principal Act is amended in subsection (1) of section 17 by deleting the phrase “suit inquiry on administrative body” and substituting for it the phrase “application, suit, appeal or petition in court, or inquiry on administrative body”.

Passed by the National Assembly on the 5th July, 2017.

THOMAS DIDIMU KASHILILAH
Clerk of the National Assembly