

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO.3)
ACT, 2017

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THE UNITED REPUBLIC OF TANZANIA



NO. 9 OF 2017

I ASSENT

JOHN POMBE MAGUFULI
President

[8th October, 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) 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 DAR ES SALAAM WATER AND
SEWERAGE AUTHORITY ACT,
(CAP.273)

Construction
Cap.273

3. This Part shall be read as one with the Dar es Salaam Water Sewerage Authority Act, hereinafter referred to as the “principal Act”.

Amendment of
section 6

- 4.** The principal Act is amended in section 6, by-
- (a) inserting immediately after paragraph (j) the following new paragraphs:
 - “(k) provide water supply and sewerage services in DAWASA Designated Areas;
 - (l) fix, inspect, read, check, clean or remove or replace any meter or similar appliances used in connection with water and sewerage services;
 - (m) disconnect the supply of water or sewerage services from any premises or to diminish, withhold or divert the services through or by means of any pipe or fitting wholly or in part;
 - (n) to produce and sell bulk water to retailers;
 - (o) to provide technical support to community organizations; and
 - (p) to facilitate the community to form community organizations in collaboration with local government authorities;” and
 - (b) re-naming paragraphs (k) and (l) as paragraphs (q) and (r) respectively.

**PART III
AMENDMENT OF EDUCATION ACT,
(CAP.353)**

Construction
Cap.353

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

Amendment of
section 15

6. The principal Act is amended in section 15(1), by-

- (a) deleting paragraph (a); and
- (b) renaming paragraphs (b) to (f) as paragraphs

(a) to (e) respectively.

Amendment of
section 16

7. The principal Act is amended in section 16, by deleting the designation “Minister” wherever it appears in subsections (2), (3), (4), (5) and (7) and substituting for it the designation “Commissioner”.

Amendment of
section 60

8. The principal Act is amended in section 60(1), by-

- (a) deleting the designation “Minister” appearing in paragraph (a) and substituting for it the designation “Commissioner”.
- (b) deleting paragraph (b) and substituting for it the following:
 - “(b) manage any school without having been approved as owner or manager or in either case continues to manage the school after the withdrawal of his approval.”.

PART IV
AMENDMENT OF THE LAW OF THE CHILD ACT,
(CAP. 13)

Construction
Cap. 13

9. This Part shall be read as one with the Law of the Child Act, hereinafter referred to as the “principal Act”.

Amendment of
sections 3

10. The principal Act is amended in section 3, by deleting the definitions of the terms “crèche” and “day-care centre” and substituting for them the following:

- ““crèche” means an early childhood development establishment registered for purpose of providing child care for children below the age of two years for the day or a substantial part of the day, with or without fees;
- “day care centre” means an early childhood development establishment registered for the purpose of receiving and providing

child care for children of the age of not less than two years but below the age of five years for the day or a substantial part of the day with or without fees;”.

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

Construction
Cap. 123

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

Amendment of
section 21

12. Section 21 of the principal Act is amended-
(a) by inserting immediately after subsection (2) the following new subsection:

“(3) Notwithstanding preceding provisions of this section, the Attorney General shall have the right to intervene in any suit or matter instituted by or against the Commission.

(4) Where the Attorney General intervenes in any matter pursuant to subsection (3), the provisions of the Government Proceedings Act, shall apply in relation to the proceedings of that suit or matter as if it has been instituted against the Government.

(5) The Commission shall have the duty to notify the Attorney General of any impending suit or intention to institute a suit or matter for or against the Commission.”

(b) by renumbering subsections (3) to (7) as subsections (6) to (10) respectively.

PART VI
AMENDMENT OF THE NATURAL WEALTH AND RESOURCES
(PERMANENT SOVEREIGNTY) ACT,
(ACT NO. 5 OF 2017)

Construction
Act No. 5 of 2017

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

Amendment of
section 3

14. Section 3 of the principal Act is amended in the definition of the term “natural wealth and resources” by deleting the words “and fauna, flora” and substituting for it the words “mineral resources, petroleum resources, fauna and flora,”.

PART VII
AMENDMENT OF THE PETROLEUM ACT,
(CAP. 392)

Construction
Cap. 392

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

Amendment of
section 47

16. The principal Act is amended in section 47, by deleting subsection (6).

PART VIII
REPEAL OF THE RUFJI BASIN DEVELOPMENT AUTHORITY
ACT,
(CAP.138)

Repeal of
Cap.138

17. The Rufiji Basin Development Authority Act, is hereby repealed.

Vesting of assets
and liabilities

18.-(1) Consequent upon the repeal of the Rufiji Basin Development Authority Act, all assets, interests, rights, privileges, liabilities or obligations vested in Rufiji Basin Development Authority shall be vested in the Ministry responsible for development and planning.

(2) The Minister responsible for development and planning in consultation with the Minister responsible for Agriculture may, by notice published in the Gazette, determine the assets and liabilities to be allocated to the Ministry and to other government institutions or departments.

(3) Where any question arises as to whether any particular property, or any particular asset, interest, right, privilege, liability or obligation has been transferred to or vested in accordance with provisions of subsection (1), a certificate under the hand of the Minister responsible for development and planning shall be conclusive evidence that the property, asset, interest, right, privilege, liability or obligation was or was not so transferred or vested.

Employees of
Rufiji Basin
Development
Authority

19.-(1) Employees or staff of the Rufiji Basin Development Authority who are necessary for the purposes of the Ministry or government institutions or departments shall, subject to laws and procedures governing public service be transferred to public offices on such terms and conditions not less favorable than those applicable to them before the transfer.

(2) Every employee or staff of the Rufiji Basin Development Authority whose service is not transferred to public office shall be paid terminal benefits in accordance with the applicable laws and regulations governing the terms and conditions of his service immediately before the termination.

(3) An employee or staff who is deemed to be employed or transferred to public office shall continue to be a member of a statutory, voluntary pension or any other superannuation scheme in accordance with the laws and regulations governing the scheme.

Deeds, bonds,
agreements and
instruments
Cap. 138

20.-(1) All deeds, bonds, agreements, instruments and working arrangement subsisting immediately before the repeal of the Rufiji Basin Development Authority Act, transferred to the Ministry or to government institutions or departments shall continue in full force and shall be enforceable by or

against the Ministry or government institutions or departments.

(2) Any proceeding or cause of action relating to the property, rights and liabilities transferred to the Ministry or to government institution or departments under this Part or to any employee transferred, may be continued and shall be enforced by or against the Ministry, government institutions or departments.

PART IX
AMENDMENT OF THE SURFACE AND MARINE TRANSPORT
REGULATORY AUTHORITY ACT, (CAP. 413)

Construction Cap.
413

21. This Part shall be read as one with the Surface and Marine Transport Regulatory Authority Act, hereinafter referred to as the “principal Act”.

Amendment of
section 3

22. The principal Act is amended in section 3, by deleting the definitions of the terms “Special Review Committee” and “standards” and substituting for them the following new definitions-

““Internal Review Committee” means the Committee appointed by the Authority pursuant to section 26; and

“standards” includes the standard relating to safety and service delivery established by the Authority.”

Addition of new
section 16A

23. The principal Act is amended by adding immediately after section 16 the following new section:

“Power to
review or
suspend
rates or
charges

16A.-(1) The Authority may, upon receiving information on an error in the rates of charges or on its own motion recognizing an error in the rates or charges review such rates or charges.

(2) The Authority may suspend approved rates or charges pending determination of an application of an aggrieved party on such rates or charges.

Amendment of
section 30

24. The principal Act is amended in section 30(1), by adding immediately after paragraph (e) the following new paragraph:

“(f) to conduct research on matters affecting interests of consumers of a regulated subsector;”.

PART X
AMENDMENT OF THE TANZANIA COMMUNICATION
REGULATORY AUTHORITY ACT,
(CAP. 172)

Construction
Cap. 172

25. This Part shall be read as one with the Tanzania Communication Regulatory Authority Act, hereinafter referred to as the “principal Act”.

Amendment of
sections 3

26. The principal Act is amended in section 3, by deleting the definition of the term “Divisional Director” and substituting for it the following:

“Director” means a Director appointed under section 14;”

Amendment of
sections 14

27. The principal Act is amended in section 14, by deleting subsections (1), (2) and (3) and substituting for them the following:

“(1) There shall be employed by the Authority, such number of Directors with respective responsibilities as may be assigned by the Authority.

(2) A director appointed under subsection (1), shall be a person who has proven knowledge and appropriate experience in matters related to electronic communication sector.

(3) A Director shall hold office for a term of five years and may, subject to satisfactory performance, be eligible for re-appointment for another term as the Authority deems necessary”.

PART XI
AMENDMENT OF THE TANZANIA FOOD, DRUGS AND
COSMETICS ACT,
(CAP. 219)

Construction Cap.
219

28. This Part shall be read as one with the Tanzania Food, Drugs and Cosmetics Act, hereinafter referred to as the “principal Act”.

Amendment of
section 3

29. The principal Act is amended in section 3, by deleting the definition of the term “medical device” and substituting for it the following:

“medical device” means any instrument, apparatus, laboratory equipment and reagent, implement, machine, appliance, implant, in vitro reagent or calibrator, software, material or other similar or related article which is intended by manufacturer to be used alone or in combination for human beings or other animals, for the following purpose of-

- (a) diagnosis, prevention, monitoring treatment or alleviation of diseases or compensation for an injury;
- (b) investigation, replacement, modification, support, the anatomy or of a physiological process;
- (c) supporting or sustaining life;
- (d) control of conception; or
- (e) providing information for medical or diagnostic purposes by

means of vitro examination or specimen derived from the human body or other animal, except that it does not achieve its primary intended action in or on the human body by pharmacological, immunological or metabolic means.

Amendment of section 105

30. The principal Act is amended in section 105(1)(a), by adding immediately after the word “practitioner,” the words “health laboratory practitioners”.

PART XII
AMENDMENT OF THE URBAN PLANNING ACT,
(CAP.355)

Construction Cap. 355

31. This Part shall be read as one with the Urban Planning Act, hereinafter referred to as the “the principal Act”.

Addition of section 6A

32. The principal Act is amended by adding immediately after section 6 the following new sections:

“Appointment of Town Planners

6A.-(1) There shall be appointed by the Permanent Secretary of the Ministry such number of Town Planners, who shall assist the Director in the performance of his duties and exercise powers vested upon him by this Act at Zonal or other appropriate levels as may be required.

(2) The Permanent Secretary shall in appointing a

Town Planner under this section, ensure that the appointed person is a person of proven probity with qualification, skills and practical experience in urban planning.

Delegation of powers by Director

6B. The Director may, in performing his functions under this Act, delegate some of his functions to the Town Planner and such delegation shall be published in the *Gazette*.”

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

Construction
Cap.149

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

Amendment of
section 6

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

“(2) Notwithstanding the provision of subsection (1), the Minister may, by order published in the *Gazette* grant value added tax exemption on imports by a Government entity or supply to a Government entity of goods or services to be used solely for-

- (a) implementation of a project funded by-
 - (i) the Government; or
 - (ii) concessional loan or grant through an agreement between the

Government of the United Republic of Tanzania and another Government, donor or lender of a concessional loan:

Provided that, such agreement provides for value added tax exemption on such goods or services; or

(b) relief of natural calamity or disaster.

(3) The exemption granted under this section shall cease to have effect and the value added tax shall become due and payable as if the exemption had not been granted if the said goods or services are transferred, sold or otherwise disposed off in any way to another person not entitled to enjoy similar privileges as conferred under this Act.

(4) The order issued by the Minister under subsection (2), shall specify goods or services that are eligible for exemption, commencement and expiry date of the exemption.

(5) The Minister may, for the purpose of this section and upon such terms and conditions as may be required-

- (a) appoint a technical Committee which shall advise the Minister on the granting and monitoring of exemption; and
- (b) prescribe procedures for purposes of monitoring utilization of exemption granted under this section.

(6) The Committee appointed under sub section (5), shall comprise of representatives from the following institutions:

- (a) the Ministry responsible for finance and planning;
- (b) the Attorney General's Office;
- (c) the Ministry responsible for Local Government; and

(d) the Tanzania Revenue Authority.

(7) The Committee may co-opt any person with special knowledge or skills to provide expertise on a particular matter as may be required by the Committee.

(8) In this section, “project funded by Government” means a project financed by the Government in respect of-

- (a) transport, water, gas or power infrastructure;
- (b) buildings for provision of health or education services to the public; or
- (c) a centre for persons with disabilities.”

Amendment of section 7

35. The principal Act is amended in section 7 by deleting the words “another government or”.

Amendment of the Schedule

36. The principal Act is amended in Part II of the Schedule by deleting item 9 and substituting it the following new item:

“9. Cap.346	An import of goods that is exempt under agreement entered between the Government of the United Republic and an international agency listed under the Diplomatic and Consular Immunities and Privileges Act.”
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Passed by the National Assembly on the 12th September, 2017.

THOMAS D. KASHILILAH
Clerk of the National Assembly