

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 1

9th February, 2018

*to the Gazette of the United Republic of Tanzania No. 6 Vol. 99 dated 9th February, 2018
Printed by the Government Printer, Dar es Salaam by Order of Government*

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)
ACT, 2018

ARRANGEMENT OF SECTIONS

Section Title

PART I
PRELIMINARY PROVISIONS

1. Short title.
2. Amendment of Certain Written Laws.

PART II
AMENDMENT OF THE BANKRUPTCY ACT,
(CAP. 25)

3. Construction.
4. Amendment of section 2.
5. Amendment of section 74.

PART III
AMENDMENT OF THE BUDGET ACT,
(CAP. 439)

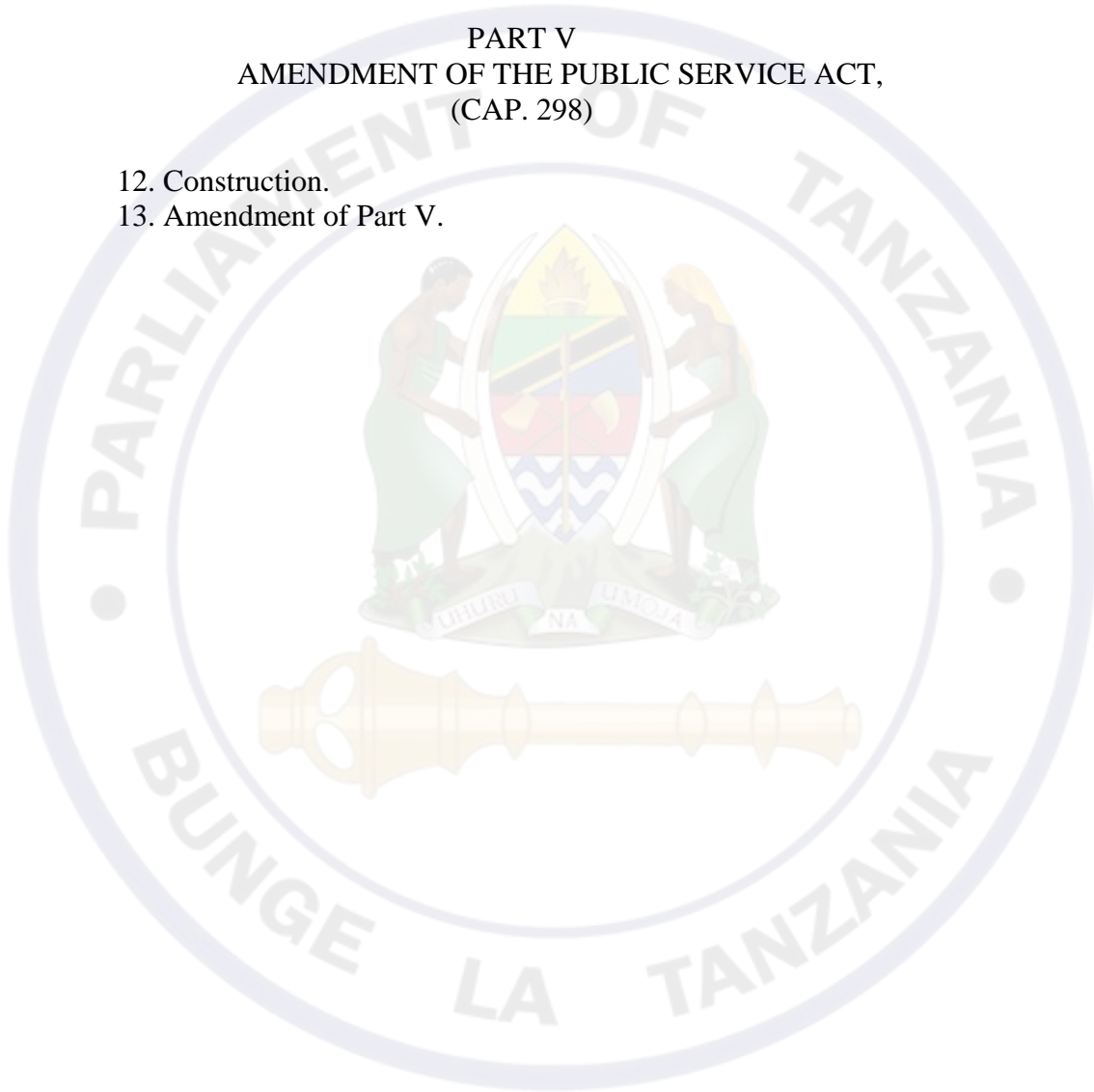
6. Construction.
7. Amendment of section 21.

PART IV
AMENDMENTS OF THE LAND ACT,
(CAP. 113)

8. Construction.
9. Amendment of section 45.
10. Addition of new sections.
11. Amendment of section 120A.

PART V
AMENDMENT OF THE PUBLIC SERVICE ACT,
(CAP. 298)

12. Construction.
13. Amendment of Part V.



THE UNITED REPUBLIC OF TANZANIA



NO. 1 OF 2018

I ASSENT

DR. JOHN POMBE JOSEPH MAGUFULI
President

[8th February, 2018]**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, 2018.

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 BANKRUPTCY ACT,
(CAP. 25)

Construction Cap. 25

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

Amendment of section 2

4. The principal Act is amended in section 2, by inserting in its appropriate alphabetical order the following new definition:

Cap.27 “Official Receiver” means the Administrator-General appointed pursuant to the provisions of the Administrator- General (Powers and Functions) Act;”

Amendment of section 74

5. The principal Act is amended in section 74 by deleting the words “The official receiver and the” appearing at the beginning of subsection (2) and substituting for them the article “The”.

PART III
AMENDMENT OF THE BUDGET ACT,
(CAP. 439)

Construction
Cap.439

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

Amendment
of section 21

7. The principal Act is amended in section 21, by-
- (a) deleting the words “ by February” wherever they appear in subsection (2) and substituting for them the words “in October or November”;
 - (b) adding immediately after subsection (2) the following:

“(3) Notwithstanding subsection (2), where the general election is scheduled to be held in the month of October or November, the Minister may lay the Plan and Budget Guidelines during the second meeting of the National Assembly after the general election.”
 - (c) renumbering sections 3, 4 and 5 as sections 4, 5 and 6 respectively.

PART IV
AMENDMENT OF THE LAND ACT,
(CAP. 113)

Construction
Cap. 113

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

Amendment of
section 45

9. The principal Act is amended in section 45(2), by-
- (a) deleting the “fulstop” appearing at the end of paragraph (f) and substituting for it a “semicolon”;
 - (b) inserting immediately after paragraph (f) the following new paragraphs:
 - “(g) where there is contravention of section 120A or 120B.”

Addition of
new sections

10. The Principal Act is amended by adding immediately after section 120 the following new sections:

“Mortgage of land

120A.-(1)

Subject to the provisions of this Act, a person may mortgage any land for the purpose of obtaining money from the local or foreign bank, or local or foreign financial institution for developing his land or for any other investment.

(2) The money obtained from the local or foreign bank, or local or foreign financial institution shall,-

- (a) where the mortgaged land is developed, be utilized for further development of the land, for

investments
or for other
purposes;
and

- (b) where the mortgaged land is undeveloped or underdeveloped, be utilized to develop part or whole of such mortgaged land.

(3) A Mortgagor shall within six months submit to the Commissioner information as to the manner in which the money obtained from the mortgage is invested to develop the mortgaged land.

Money to be
invested in
Tanzania

120B.-(1) Money obtained from a mortgage from a local or foreign bank, or local or foreign financial institution referred to under section 120A shall be invested in Tanzania.

(2) Where the mortgagee is a local or foreign bank, or local or foreign

financial institution, the mortgagee shall submit to the Commissioner a declaration that the money obtained from the mortgage is invested in Tanzania.

(3) For purposes of this section-

“local bank” means any bank licensed by the Bank of Tanzania to undertake the banking business in Tanzania;

“local financial institution” means any entity licensed in Tanzania to engage in the banking business, but limited as to size, locations served, or permitted activities as prescribed by the Bank of Tanzania or required by the terms and conditions of

its licence;

“underdeveloped” in respect of land, means a land which is not developed in accordance with the conditions of relevant rights of occupancy;

“undeveloped” in respect of land, means a land without improvement in, on, under or over such land or without any change of substantial nature in the use of such land.

Scope of application

120C. The provisions of sections 120A(2),(3) and 120B(1) shall not apply to land held under the Certificate of Customary Right of Occupancy.

Non compliance under mortgage of land

120D. Failure to comply with the requirements under

sections 120A and 120B shall constitute a breach of conditions of right of occupancy provided for under section 45(2).

Procedure relating to mortgage of land

120E. The procedure for administration and enforcement of section 120A and 120B shall be prescribed in the Regulations.”

Amendment of section 120A

11. The Principal Act is amended by redesignating the contents of section 120A as contents of section 120F.

PART V
AMENDMENT OF THE PUBLIC SERVICE ACT,
(CAP. 298)

Construction Cap 298

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

Amendment of Part V

13. The principal Act is amended in Part V by inserting immediately after the heading the following:

GN. No. 95 of 2018

“Age of retirement of public servant

25A.-(1) A public servant may retire from the Service-

(a) in the case of voluntary retirement upon attaining the age of fifty five

years; and
(b) in the case of compulsory retirement, upon attaining the age of sixty years; and

(2) Notwithstanding subsection (1), a professor or a senior lecturer of a public university or a medical specialist of a public hospital may retire from the Service -

(a) in the case of voluntary retirement, upon attaining the age of sixty years; and

(b) in the case of compulsory retirement, upon attaining the age of sixty five years .

(3) For the purposes of this section, the term: “professor” includes an associate professor; “medical specialist”

includes any specialist above the medical doctor; and “public university” has the meaning ascribed to it under the Universities Act”.

Cap. 346

Passed by the National Assembly on the 30th January, 2018

STEPHEN KAGAIGAI
Clerk of the National Assembly

