

THE UNITED REPUBLIC OF TANZANIA



No. 12 of 1990

I ASSENT,

President

6<sup>th</sup> June 1990

**An Act to amend certain Written Laws**

[ ..... ]

ENACTED by the Parliament of the United Republic of Tanzania.

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|--|-----------------------------------|
| <p>1. This Act may be cited as the Written Laws (Miscellaneous Amendments) (No. 2) Act, 1990.</p>  | Short title                       |
| <p>2. The Written Laws specified in the first and second columns of the Schedule to this Act are hereby amended in the manner specified opposite to each of them in the third column of that Schedule.</p> | Amendment of certain written laws |

SCHEDULE

FIRST COLUMN  
Cap. 341

SECOND COLUMN  
Advocates Ordinance

Amend-  
ment of  
Section 22

THIRD COLUMN

1. Section 22 is amended in subsection (2) by deleting paragraphs (a) and (b) and substituting for them the following new paragraphs:—

“(a) The Chief Justice or the High Court shall have power, for any reasonable cause to admonish any advocate or to suspend him from practising during any specified period or make an order of removing his name from the Roll.

(b) Any Judge of the High Court shall have power to suspend any advocate in like manner, temporarily, pending a reference to, or disallowance of such suspension by the High Court.

(c) Any advocate aggrieved by any decision or order of the Chief Justice or a judge of the High Court made in pursuance to paragraph (a), may, within thirty days of such decision or order appeal—

(i) in the case of a decision or order by a judge of the High Court; to the Advocates' Committee; and

(ii) in the case of a decision or order of the Chief Justice, to the Court of Appeal; save that where the decision or order appealed against was made by a judge of the High Court nominated by the Chief Justice to be a member of the Advocates' Committee under section 4(1)(a) of this Ordinance, such judge shall not sit at the hearing of the appeal by the Committee, and in such case, the Chief Justice may nominate another judge of the High Court as provided under subsection (3) of section 4 of this Ordinance



and save further that in an appeal to the Court of Appeal against a decision or order of the Chief Justice the latter shall not sit to hear the appeal.”.

Amendment of Section 24A(4)

2. Subsection (4) of section 24A is amended by deleting the proviso thereunder and substituting thereof the following proviso:—

“Provided that where the proceedings concern a decision or order made by a judge of the High Court under paragraph (a) of subsection (2) of section 22 such judge shall not sit to hear the appeal before the full bench of the High Court.”.

Cap. 508

The Judicial Service Act

Section 2 amended

Section 2 is amended—

(a) by deleting the definition of “delegate” and substituting for it the following definition:—

“delegate” means the Commission or District and Regional Judicial Board established under subsection (2) and (3) respectively of section 21B of this Act, and includes a person deputed by such delegate in accordance with the provisions of section 15 to exercise functions delegated to it or by him by the President;

(b) by adding at the appropriate alphabetical order the following new definition:—

“Code of Judicial Conduct” means the Code of Judicial ethics established from time to time for judicial officers”.

Subsection (1) of section 18 is deleted and substituted by the following new subsection:—

“(1) Subject to the provisions of this Act, the Commission may, by regulations, delegate the exercise of any function conferred on it by section 112 of the Constitution other than the power of removal in the public interest referred to in



Section 18 amended

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Section 19 amended

subsection (3) of section 19 of this Act to the District and Regional Boards established respectively under subsection (2) and (3) of section 21B of this Act.

Section 19 is amended—

(a) in subsection (2) by deleting therefrom paragraph (a) and substituting for it the following new paragraph:—

“(a) a disciplinary charge has been made and proved on a balance of probability against such officer on any or all of the following grounds:—

- (i) misconduct incompatible with the holding of judicial office;
- (ii) gross negligence in the discharge of judicial duties;
- (iii) breach of the Code of Judicial conduct;
- (iv) bad reputation incompatible with the holding of judicial office”;

(b) by deleting subsection (3);

Section 20 amended

Section 20 is amended—

(a) in subsection (1) of Section 20 by deleting the phrase “whenever a delegate of the Commission exercises any power” which appears in the first line and substituting for it the following phrase:—

“whenever a Regional Judicial Board or a District Judicial Board exercises any delegated power”;



(b) in the last line, by deleting the words "such delegate" which appear at the end of the line and substituting for them the words "such board".

Section 21B amended

Subsection (3) of section 21(B) is amended in paragraph (d) by deleting the phrase "and who shall also act as the Secretary to the Board."

Section 31B amended

Section 31B is amended—

(a) in subsection 3, by adding the following paragraph:—

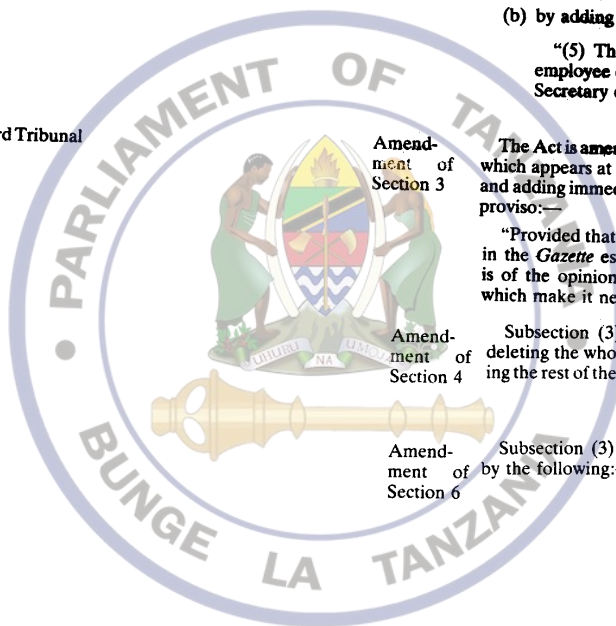
"(e) a judicial officer appointed by the Chief Justice who shall be a member."

(b) by adding the following new subsection—

"(5) The Chief Justice shall appoint a senior employee of the Judiciary Department to be the Secretary of the Board."

Acts, 1985 No. 7

Ward Tribunal



Amendment of Section 3

The Act is amended in section 3 by deleting the fulstop which appears at the end and substituting for it a colon, and adding immediately below the last line the following proviso:—

"Provided that the Minister may, by notice published in the *Gazette* establish two tribunals for a ward if he is of the opinion that there are special circumstances which make it necessary or desirable."

Amendment of Section 4

Subsection (3) of Section 4 is hereby amended by deleting the whole of that subsection and by renumbering the rest of the subsections as (4) and (5) respectively.

Amendment of Section 6

Subsection (3) of Section 6 is deleted and replaced by the following:—

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"(3) Appointment to the office of Secretary shall be permanent in the service of the Local Authority within which the Tribunal to which he is appointed to be Secretary is situated."

Amendment of Section 10

Section 10 is hereby amended—

- (a) by deleting the words "two thousand shillings" which appear in paragraph (a) and substituting for them the words "ten thousand shillings";
- (b) by deleting the words "three thousand" which appear in paragraph (d) and substituting for them the words "ten thousand".

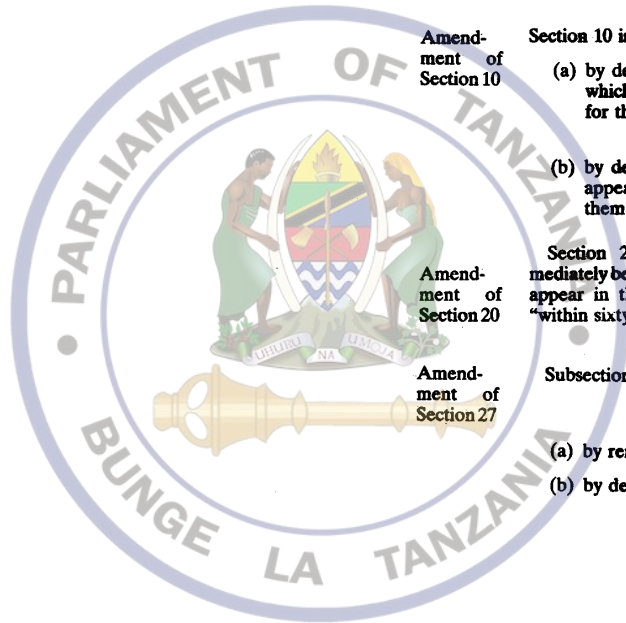
Amendment of Section 20

Section 20 is hereby amended by inserting immediately between the words "may" and "appeal" which appear in the last line of subsection (1), the words "within sixty days".

Amendment of Section 27

Subsection (1) of Section 27 is hereby amended—

- (a) by renumbering that subsection as Section 27;
- (b) by deleting the whole of subsection (2).



Cap.291

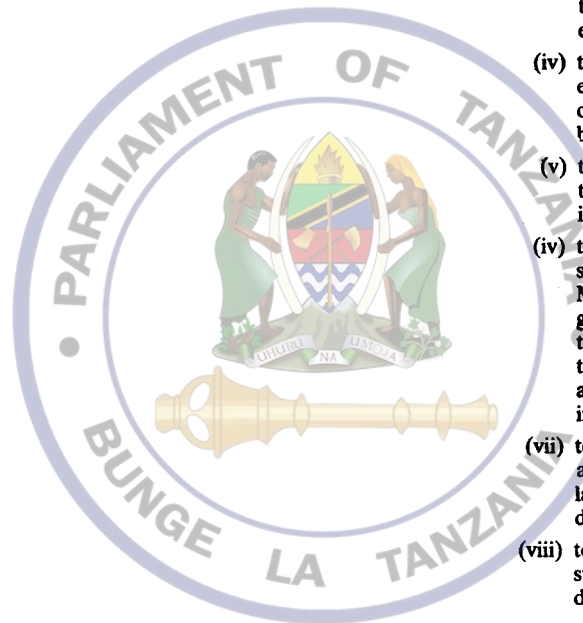
Tea Ordinance

The Ordinance is amended—

(a) in Section 4 by deleting subsection (1) and substituting for it the following:—

“Function of the Authority 4.—(1) The functions of the Authority shall be—

- (i) to promote the development of the tea industry;
- (ii) to establish, maintain and develop tea estates;
- (iii) to purchase from the growers, process green leaf tea and control the domestic marketing and export of processed tea;
- (iv) to control domestic market and export of made tea by the issue of permits to foreign dealers on behalf of the government;
- (v) to purchase and distribute for the use of co-operative societies inputs, part and spares;
- (iv) to give such advice and make such recommendations to the Minister as it may think fit regarding the development of the tea industry and to recommend to the Minister the rate at which a cess may from time to time be imposed;
- (vii) to represent the Government at all international conferences relating to or dealing with tea industry;
- (viii) to collect, keep and maintain statistics relating to the tea industry, seek and distribute in-



centives to growers and employees in tea estates and factories;

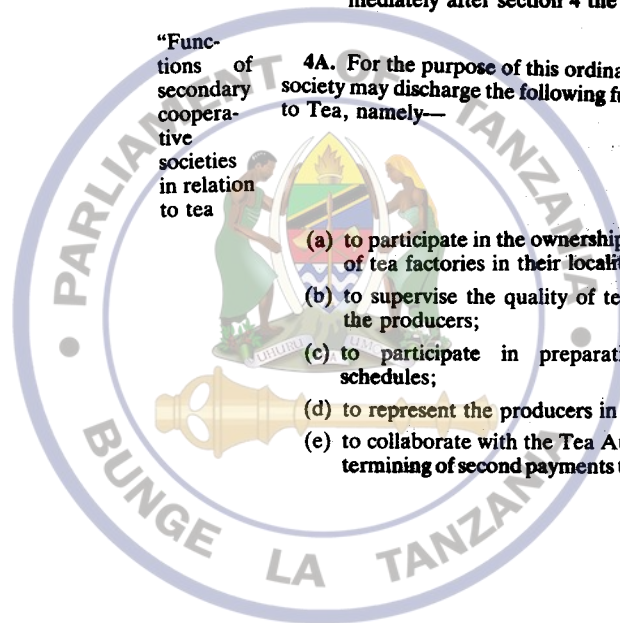
- (ix) to maintain a system of collaboration with co-operative societies to ensure the training of growers;
- (x) to conduct and finance and experiment in matter relating to tea industry;
- (xi) to do any other thing that affect the interest of the tea industry;

(b) The ordinance is amended by adding immediately after section 4 the following section:

“Functions of secondary co-operative societies in relation to tea

4A. For the purpose of this ordinance, a cooperative society may discharge the following functions in relation to Tea, namely—

- (a) to participate in the ownership and management of tea factories in their locality.
- (b) to supervise the quality of tea purchased from the producers;
- (c) to participate in preparation of plucking schedules;
- (d) to represent the producers in the Tea Board;
- (e) to collaborate with the Tea Authority in the determining of second payments to the producers;





- (f) to cooperate with the Tea Authority in rendering training services to the small tea producers;
  - (g) to purchase and distribute incentive goods to the small tea producers;
  - (h) to assist in all matters pertaining to tea research.
- (c) in item 1 of the Schedule to the Ordinance by deleting the whole of item 1 and substituting for it the following:—
- “1.—(1) The Board of Directors shall consist of—
- (a) a chairman, who shall be appointed by President;
  - (b) a member representing the Ministry of Local Government, Community Development, Co-operatives and Marketing;
  - (c) a member representing the Co-operative and Rural Development Bank and National Bank of Commerce;
  - (d) seven other members representing key tea growing areas.
  - (e) a member representing the Ministry responsible and for crop marketing.
- (2) The Board of Directors of subsidiary companies shall consist of—
- (a) a chairman, who shall be appointed by the Authority;
  - (b) a member representing the ministry responsible for crop marketing.
  - (c) a member representing the Ministry of Agriculture and Livestock Development;
  - (d) a member representing financing institutions.
  - (e) a member representing the Tanzania Tea Authority.

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Cap. 421

Pyrethrum Ordinance

(f) 4 other members representing co-operative societies having shares in such subsidiary company.

The Ordinance is amended—

(a) in section 3 by deleting the whole of that section and substituting for it the following:—

“Establishment and Constitution of the Board

3. There shall be established a Board which shall, subject to the provision of this section, consist of—

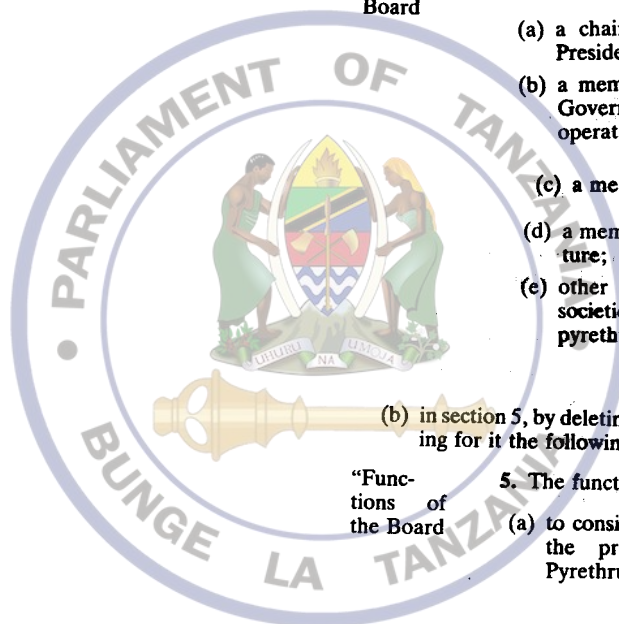
- (a) a chairman, who shall be appointed by the President;
- (b) a member representing the Ministry of Local Government, Community Development, Co-operatives and Marketing;
- (c) a member representing the Treasury;
- (d) a member representing the Ministry of Agriculture;
- (e) other seven members from the co-operative societies engaged in the production and sell of pyrethrum; as shall be appointed by the Minister;

(b) in section 5, by deleting the whole of that section and substituting for it the following—

“Functions of the Board

5. The functions of the Board shall be—

- (a) to consider promote and institute measures for the promotion and development of the Pyrethrum industry;



- (b) to ensure that services necessary for good production of pyrethrum are rendered;
- (c) to develop and maintain farms for production of pyrethrum seeds and seedlings;
- (d) to ensure that second payment from the sale of pyrethrum is made available to producers;
- (e) to purchase, transport or provide for the transportation of pyrethrum to the processing factories;
- (f) to own pyrethrum processing factories;
- (g) to conduct an internal and external market research for pyrethrum;
- (h) to represent producers and the Government at all international conferences relating to all dealing with Pyrethrum matters;
- (i) to establish, keep and maintain records of price stabilization fund.

(c) The ordinance is amended by adding immediately after section 5 the following section:

Functions of secondary cooperative societies in relation to Pyrethrum

5A. For the purpose of this Ordinance a cooperative society may discharge the following functions in relation to pyrethrum namely—

- (a) secure finance for the purchasing of pyrethrum from producers;
- (b) to be a co-ordinator between Primary Societies and the Board on purchasing and transportation of Pyrethrum.

## SCHEDULE

## FIRST COLUMN

## SECOND COLUMN

## THIRD COLUMN

Act 1984  
No. 20

The Tobacco Processing and Marketing Board  
Act, 1984

The Act is amended—

(a) in section 2 by deleting the definition of “Minister and substituting for it the definition—

“Minister” means Minister responsible for marketing of crops.

(b) in section 5 by deleting subsection (1) and substituting for it the following:

“(1) The Board shall be a general agent of cooperative unions and all matters pertaining to the development, promotion and furtherance of the tobacco industry, processing and marketing functions, and shall in that capacity exercise the following functions, namely—

(a) to procure and arrange for distribution amongst the cooperative unions of inputs, parts and spares;

(b) to transport or provide for the transportation of tobacco from buying centres to factories;

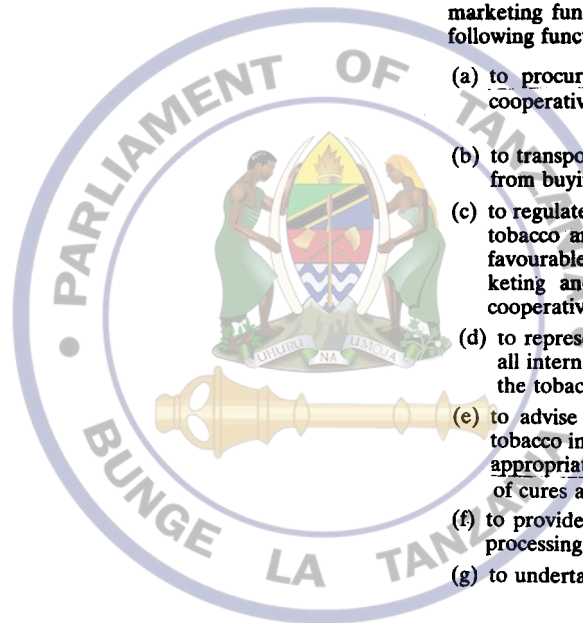
(c) to regulate and control the internal marketing and sale of tobacco and its export abroad, and to secure the most favourable arrangement for the domestic sale and the marketing and export of tobacco abroad on behalf of cooperative unions:

(d) to represent the Government and producers at a re-all international fora relating to or dealing with the tobacco industry.

(e) to advise the Government on all matters affecting the tobacco industry and the marketing of tobacco; including appropriate prices to be paid to the producers, licensing of cures and sale prices for tobacco.

(f) to provide financial facilities for research in production, processing, marketing and uses of tobacco;

(g) to undertake the production of tobacco certified seed.



- (h) to undertake the inspection and evaluation of production of tobacco and issue licences for tobacco curing bans;
- (i) to undertake the classification and grading of tobacco;
- (j) to retain the ownership of Morogoro tobacco processing factory;
- (k) to establish and maintain on behalf of cooperative union Prices stabilization fund;
- (l) to undertake other marketing functions that would be commercially valuable;

The Act is amended by adding immediately after section 5 the following section—

Functions of secondary cooperative societies in relation to tobacco

**5A.** For the purpose of this Act, a Cooperative Society may discharge the following functions on relation to tobacco, namely—

- (a) to purchase tobacco from the producers;
- (b) to determine second payment to the producers depending to the producer on the availability and amount of the proceeds from the sales made by the secondary society;
- (c) to ensure the storage of tobacco and its classification and grading;
- (d) to estimate the inputs required and distribute them to the producers;
- (e) to secure credits for inputs and supervise their use and recovery thereof;
- (f) to prepare production estimate, secure finance from financial institutions and purchase tobacco from producers;
- (g) to assist primary cooperative societies in cooperative and production of tobacco training;
- (h) to assist in research on tobacco production;
- (i) to participate in the ownership or tobacco processing factories;

## SCHEDULE (continued)

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(k) to contribute to the Price Stabilization Fund;

(d) in paragraph 1 of the Schedule to the Act by deleting subparagraph (1) and substituting for it the following:—

“(1) The Board of Directors shall consist of—

(a) a chairman, who shall be appointed by the President;

(b) a member representing the ministry for the time being responsible for crops marketing;

(c) a member representing the Treasury;

(d) a member representing the ministry for the time being responsible for Agriculture;

(e) a member representing the National Bank of Commerce and Cooperative and Rural Development Bank.

(f) six other members representing cooperative societies, appointed by the Minister responsible for marketing.

“Acts, 1979  
No. 17

The Mining Act, 1979

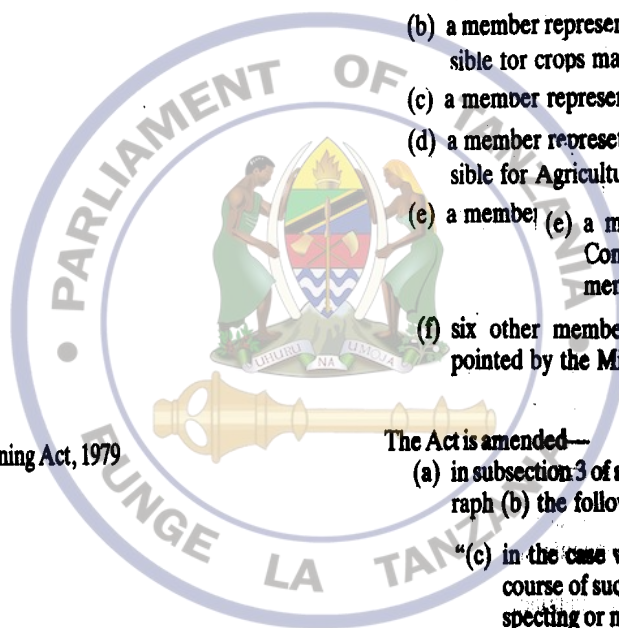
The Act is amended—

(a) in subsection 3 of section 5, by adding immediately after paragraph (b) the following new subsection—

“(c) in the case where there is any minerals obtained in the course of such unauthorized mining or reconnaissance, prospecting or mining operations, to forfeiture of the minerals to the Commissioner in addition to any fine which may be imposed under paragraphs (a) and (b) above;

(d) in the case where the minerals cannot be forfeited, to pay such sum of money as the court may assess, being equal to the value of the minerals obtained through unauthorized mining.”

(b) In section 9, by adding immediately after subsection (2) the following new subsection—



“(3) No action or other legal proceeding whatsoever civil or criminal, shall be instituted in any court of law against the Commissioner or any officer appointed under subsections (1) and (2) or any person acting under his authority for an account of or in respect of anything done in good faith and done or purported to be done in the execution of his duty under this Act.”

(c) by adding immediately after section the following new sections—

“Powers of the Commissioner to conduct prosecution  
**9A.—**(1) The Commissioner or any officer of the Department of Mineral Resources may conduct or assist in conducting a prosecution for any offence against this Act or regulation.

(2) Any officer of Department of Mineral Resources may, without warrant arrest and search any person whom that officer may find committing, or whom that officer reasonably suspects of having committed an offence against this Act.

(3) A person arrested shall be taken, with as little delay as possible before a magistrate to be dealt with according to law.

(d) by inserting immediately after PART V the following new PART:

“PART VA

POSSESSIONS AND PURCHASE OF  
 CERTAIN MINERALS

Minerals to which this Part applies  
**82A.** The minerals referred to in this Part shall be any mineral other than gold, diamond, and gemstone in unmanufactured state, and shall include any mineral to which the Minister may, by notice in the *Gazette*, apply this Part.

Possession  
**82B.** No person shall possess any such mineral unless he is the holder of a Mining Licence, claim or prospecting licence or right, or of a dealer's licence granted under section 15 or the duly authorized employee of



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Purchase

82C. No person shall buy any mineral referred to in this Part, unless he is the holder of a licence granted under section 82D.

Licence to purchase

82D -(1) The Commissioner or any authorized officer from the Department of Mineral Resources may issue a licence in the prescribed form and on payment of prescribed fee authorizing the persons named in the Form to buy the minerals referred to in this Part.

(2) Every such licence shall expire on the thirty first day of December in the year which the licence is granted.

(3) No such licence shall be transferred without the consent of the Commissioner or any authorized officer



Passed in the National Assembly on the tenth day of April, 1990.

MMwindad

*Clerk of the National Assembly*