

THE UNITED REPUBLIC OF TANZANIA

ACT SUPPLEMENT

No. 1

21st February, 2020

to the Gazette of the United Republic of Tanzania No. 8 Vol. 101 dated 21st February, 2020
Printed by the Government Printer, Dar es Salaam by Order of Government

THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS)
ACT, 2020

ARRANGEMENT OF SECTIONS

Section

Title

PART I
PRELIMINARY PROVISIONS

1. Short title.
2. Amendment of certain written laws.

PART II
AMENDMENT OF THE CIVIL PROCEDURE CODE,
(CAP. 33)

3. Construction.
4. Amendment of section 3.
5. Amendment of Part V.
6. Addition of section 64A.

PART III
AMENDMENT OF THE CRIMINAL PROCEDURE ACT,
(CAP. 20)

7. Construction.

8. Amendment of section 289.

PART IV
AMENDMENT OF THE DAIRY INDUSTRY ACT,
(CAP. 262)

9. Construction.
10. Amendment of section 2.
11. Amendment of section 5.
12. Amendment of section 7.
13. Repeal and replacement of section 9.
14. Amendment of section 16.
15. Amendment of section 17.
16. Addition of section 25A.
17. Addition of sections 33A and 33B.

PART V
AMENDMENT OF THE EXECUTIVE AGENCIES ACT,
(CAP. 245)

18. Construction.
19. Amendment of section 3.

PART VI
AMENDMENT OF THE FISHERIES ACT,
(CAP. 279)

20. Construction.
21. Amendment of section 8.
22. Amendment of section 40.
23. Repeal and replacement of section 47.

PART VII
AMENDMENT OF THE GOVERNMENT PROCEEDINGS ACT,
(CAP. 5)

24. Construction.
25. Amendment of section 6.

26. Amendment of section 16.

PART VIII
AMENDMENT OF THE LAW OF THE CHLD ACT,
(CAP. 13)

27. Construction.
28. Amendment of section 97.

PARTI IX
AMENDMENT OF THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT,
(CAP. 287)

29. Construction.
30. Amendment of section 26.
31. Amendment of section 190.

PART X
AMENDMENT OF THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT,
(CAP. 288)

32. Construction.
33. Amendment of section 106.

PART XI
AMENDMENT OF THE MEAT INDUSTRY ACT,
(CAP. 421)

34. Construction.
35. Amendment of section 2.
36. Amendment of section 3.
37. Repeal and replacement of section 5.
38. Repeal and replacement of section 9.
39. Amendment of section 33.
40. Addition of sections 33A and 33B.

PART XII
AMENDMENT OF THE PENAL CODE,
(CAP. 16)

41. Construction.
42. Amendment of section 138C.

PART XIII
AMENDMENT OF THE PROBATE AND ADMINISTRATION OF ESTATES ACT,
(CAP. 352)

43. Construction.
44. Amendment of section 107.

PART XIV
AMENDMENT OF THE TANGANYIKA LAW SOCIETY ACT,
(CAP. 307)

45. Construction.
46. Amendment of section 2.
47. Amendment of section 4.
48. Amendment of section 6.
49. Amendment of section 8.
50. Amendment of section 9.
51. Amendment of section 15.
52. Repeal and replacement of section 16.
53. Addition of section 17A.
54. Amendment of Part V.
55. Repeal and replacement of section 19.
56. Repeal and replacement of section 21.
57. Amendment of section 22.
58. Amendment of section 28.
59. Repeal and replacement of section 29.
60. Repeal and replacement of section 30.

PART XV
AMENDMENT OF THE TRUSTEES' INCORPORATION ACT,
(CAP. 318)

61. Construction.
62. Amendment of section 2.
63. Amendment of section 8.



THE UNITED REPUBLIC OF TANZANIA



NO. 1 OF 2020

I ASSENT

JOHN POMBE JOSEPH MAGUFULI,
President

[14th February, 2020]

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, 2020.

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 CIVIL PROCEDURE CODE,
(CAP. 33)

Construction
Cap. 33

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

Amendment
of section 3

4. The principal Act is amended in section 3, by adding in the appropriate alphabetical order the following definition:

““Minister” means the Minister responsible for legal affairs;”.

Amendment
of Part V

5. The principal Act is amended by deleting the subtitle appearing immediately after the title to Part V and substituting for it the following subtitle:

“Conciliation, Negotiation, Mediation and Arbitration”.

Addition of section
64A

6. The principal Act is amended by adding immediately after section 64 the following:

“Conciliation,
negotiation and
mediation

64A.-(1) Without prejudice to the provisions of section 64, parties may settle their disputes out of court by way of conciliation, negotiation or mediation.

(2) For purposes of facilitating conciliation, negotiation and mediation, the Minister may make rules prescribing for procedures, forms and other matters relating to conciliation, negotiation and mediation.

(3) Where parties reach an agreement upon settlement

of their disputes, they may register their agreement in a court of competent jurisdiction.

(4) The provisions of this section shall not apply to any matter for which the manner and procedure of settlement has been stipulated in any other written law.”.

PART III

AMENDMENT OF THE CRIMINAL PROCEDURE ACT, (CAP. 20)

Construction
Cap.20

7. This Part shall be read as one with the Criminal Procedure Act, hereinafter referred to as the “principal Act”.

Amendment of
section 289

8. The principal Act is amended in section 289, by adding immediately after subsection (3), the following:

“(4) For the purpose of this section, “substance of evidence” includes substance contained in a document, record or any other tangible object.”.

PART IV

AMENDMENT OF THE DAIRY INDUSTRY ACT, (CAP. 262)

Construction
Cap.262

9. This Part shall be read as one with the Dairy Industry Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

10. The principal Act is amended in section 2, by-
(a) deleting the definition of the term “milk” and substituting for it the following:

““milk” means milk of a cow and includes designated milk;”;

(b) adding in the appropriate alphabetical order the following new definitions:

““milk trader” means a person or entity that buys milk from a producer or a milk collection center and sells to a processor or consumer;

“inspector” means a person appointed as such in terms of section 33B;

“processed milk” means a product prepared from milk through any approved process, including heating, separation, evaporation and drying;”.

Amendment of section 5

11. The principal Act is amended in section 5(1), by deleting paragraph (b) and substituting for it the following:

“(b) two members representing recognised stakeholder organization in every region;”.

Amendment of section 7

12. The principal Act is amended in section 7, by-

- (a) deleting paragraph (b); and
- (b) renaming paragraphs (c), (d) and (e) as paragraphs (b), (c) and (d) respectively.

Repeal and replacement of section 9

13. The principal Act is amended by repealing section 9 and replacing for it the following:

“Composition of Board

9.-(1) The Tanzania Dairy Board shall be composed of the Chairman and other members appointed by the Minister as follows-

- (a) one member representing the Ministry responsible for livestock development;
- (b) one member representing the Ministry responsible for local government authorities;

(c) a Law Officer from the Office of the Attorney General;

(d) one member representing an institution responsible for food quality control; and

(e) two members representing Dairy Industry Stakeholders.”

(2) In appointing members of the Board under subsection (1), the Minister shall have due regard to gender, but in any case, at least two members shall be female.”.

Amendment of section 16

14. The principal Act is amended in section 16(5)(a),

by-

(a) deleting subparagraphs (iv) and (vi);

(b) renaming subparagraph (v) as subparagraph (iv);

(c) adding immediately after subparagraph (iv) as renamed the following:

“(v) milk retailers;

(vi) milk collectors;

(vii) milk whole sellers;

(viii) milk distributors;

(ix) milk traders;

(x) projects implemented in the dairy industry; and

(xi) any other person as the Board may determine.”.

Amendment of section 17

15. The principal Act is amended in section 17(2), by deleting paragraphs (a) to (d) and substituting for them the following:

“(a) milk production;

(b) milk processing;

(c) dairy input supplies, manufacture or

- importation;
- (e) milk collection;
- (f) milk wholesale;
- (g) milk distribution;
- (h) milk retail;
- (i) milk trade;
- (j) projects implemented in the dairy industry; and
- (k) any other activity as the Board may determine.”.

Addition of section 25A

16. The principal Act is amended by adding immediately after section 25 the following:

“Compounding of offences

25A.-(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 or Regulations made there under the Registrar, 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 one half 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 Registrar or 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 Registrar may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

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

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

Addition of sections 33A and 33B

17. The principal Act is amended by adding immediately after section 33 the following:

“Diary laboratory

33A. The Minister may, upon consultation with the Chief Government Chemist, make regulations for the establishment of a dairy laboratory which shall, among other things, undertake research for the purpose of assisting dairy industry stakeholders in the improvement of milk quality and generally, the promotion of dairy industry in accordance with the requirement of this Act.

Appointment of inspectors

33B.-(1) Subject to section 32(o), the Board may for the purpose of implementing its functions in relation to inspection, delegate to local government authorities or other relevant authorities powers to carry out inspection and such other related activities under this Act.

(2) For purposes of exercising of delegated functions under subsection (1), the Director of a local government authority or, as the case may be, the head of relevant authority shall, upon request and guidance of the Board, submit to the Board a list of eligible persons for appointment as inspectors.

(3) A person shall be deemed to be an inspector under this Act upon receipt of a letter of appointment from the Registrar and shall have powers to perform functions specified in the regulations.”.

PART V

AMENDMENT OF THE EXECUTIVE AGENCIES ACT,
(CAP. 245)

Construction
Cap.245

Amendment of
section 3

18. This Part shall be read as one with the Executive Agencies Act, hereinafter referred to as the “principal Act”.

19. The principal Act is amended in section 3 by adding immediately after subsection (6) the following:

“(7) In any proceedings by or against

an Executive Agency, the Attorney General shall be joined as a necessary party, and a notice to that effect shall be served to the Attorney General.

Cap. 5

(8) Where a decree is to be executed against property in possession of an Executive Agency, procedure to execute decrees against Government property under the Government Proceedings Act shall apply.”.

PART VI
AMENDMENT OF FISHERIES ACT,
(Cap. 279)

Construction
Cap.279

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

Amendment of
section 8

21. The principal Act is amended in section 8, by deleting subsection (5) and substituting for it the following:

“(5) Subject to subsection (4), the Minister for local government authority shall, if satisfied that there is mismanagement of the functions related to the fisheries by the local authority, take necessary measures to remedy the mismanagement.”.

Amendment of
section 40

22. The principal Act is amended in section 40(1)-

- (a) in the opening phrase, by deleting the words “to this Act” and substituting for them the words “or in the regulations made under this Act”;
- (b) by deleting the words “one hundred thousand shillings” appearing in paragraph (a) and substituting for them the words “one half 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 ”; and
- (c) by deleting the words “ten thousand shillings” appearing in paragraph (b) and substituting for

them the words “one million shillings”.

Repeal and replacement of section 47

23. The principal Act is amended by repealing section 47 and replacing it with the following:

“Penalty for other offences

47. Any person who contravenes the provisions of this Act to which no specific penalty is prescribed commits an offence and shall, upon conviction, be liable-

- (a) in the case of offences involving unlawful fishing or fish trading or facilitating unlawful fishing or fish trading, to a fine of not less than ten million shillings but not exceeding fifty million shillings;
- (b) in the case of offences other than offences under paragraph (a), to a fine of not less than two hundred thousand shillings but not exceeding ten million shillings,

or to imprisonment for a term of not less than two years but not exceeding ten years.”.

PART VII

AMENDMENT OF THE GOVERNMENT PROCEEDINGS ACT, (CAP. 5)

Construction
Cap. 5

24. This Part shall be read as one with the Government Proceedings Act, hereinafter referred to as the “principal Act”.

Amendment of
section 6

25. The principal Act is amended in section 6, by-
(a) deleting subsection (3) and substituting for it the following-

“(3) All suits against the Government shall, upon the expiry of the notice period, be brought against the Government, ministry, government department, local government authority, executive agency, public corporation, parastatal organization or public company that is alleged to have committed the civil wrong on which the civil suit is based, and the Attorney General shall be joined as a necessary party.

(4) Non-joinder of the Attorney General as prescribed under subsection (3) shall vitiate the proceedings of any suit brought in terms of subsection (3).”; and

(b) renumbering subsections (4), (5) and (6) as subsections (5), (6) and (7) respectively.

Amendment of
section 16

26. The principal Act is amended in section 16, by adding immediately after subsection (3) the following:

“(4) For the purposes of subsection (3), the word “Government” shall include a Government ministry, local government authority, independent department, executive agency, public corporation, parastatal organization or a public company established under any written law to which the Government is a majority shareholder.”.

PART VIII

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

Construction
Cap.13

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

Amendment of
section 97

28. The principal Act is amended in section 97, by-
(a) deleting subsection (2) and substituting for it the

following:

“(2) Without prejudice to subsection (1), a District Court premises or a Court of Resident Magistrate premises may be used as a Juvenile Court.”.

(b) adding immediately after subsection (2) the following:

“(3) Notwithstanding subsection (2), a District Court or a Court of Resident Magistrate may hear and determine any matter triable by a Juvenile Court.

(4) For the purpose of subsection (3), a District Court or a Court of Resident Magistrate shall follow the procedure prescribed under section 99 of this Act.

(5) A Juvenile Court established in terms of subsection (1) shall, as the case may be, be under the management and supervision of-

(a) the District Court within the District in which the Juvenile Courts is established; and

(b) the Resident Magistrate Court within the region that necessitates the establishment of the Juvenile Court.”; and

(c) renumbering subsection (3) as subsection (6).

PART IX

AMENDMENT OF THE LOCAL GOVERNMENT (DISTRICT AUTHORITIES) ACT, (CAP. 287)

Construction
Cap.287

29. This Part shall be read as one with the Local Government (District Authorities) Act, hereinafter referred to as the “principal Act”.

Amendment of
section 26

30. The principal Act is amended in section 26, by adding immediately after subsection (2) the following:

“(3) Notwithstanding subsection (2), the District Executive Director shall have the right to be joined as a party in any suit or matter instituted by or against the Village Council, and for that purpose the Village Council shall have a duty to notify the District Executive Director of any impending suit or intention to institute a suit or matter against the Village Council.”.

Amendment of section 190

31. The principal Act is amended in section 190, by deleting subsection (1) and substituting for it the following:

“(1) No suit shall be commenced against a local government authority-

(a) unless a ninety days’ notice of intention to sue has been served upon the local government authority and a copy thereof to the Attorney General and the Solicitor General; and

(b) upon the lapse of the ninety days period for which the notice of intention to sue relates.”.

PART X

**AMENDMENT OF THE LOCAL GOVERNMENT (URBAN AUTHORITIES) ACT,
(CAP. 288)**

Construction Cap.288

32. This Part shall be read as one with the Local Government (Urban Authorities) Act, hereinafter referred to as the “principal Act”.

Amendment of section 106

33. The principal Act is amended in section 106, by deleting subsection (1) and substituting for it the following:

“(1) No suit shall be commenced against an urban authority-

(a) unless a ninety days’ notice of intention to sue has been served upon the urban authority and a copy thereof to the Attorney General and the Solicitor

General; and

- (b) upon the lapse of the ninety days period for which the notice of intention to sue relates.”.

PART XI

AMENDMENT OF THE MEAT INDUSTRY ACT,
(CAP. 421)

Construction
Cap. 421

34. This Part shall be read as one with the Meat Industry Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

35. The principal Act is amended in section 2, by adding immediately after subsection (2) the following:
“(3) This Act shall apply to Mainland Tanzania.”.

Amendment of
section 3

36. The principal Act is amended in section 3, by adding in the appropriate alphabetical order the following new definition:

““meat industry stakeholder” means a person involved in business or activity of commercial nature in areas of livestock production and trade, meat trade, slaughtering of livestock, meat processing, livestock market, livestock market operation, livestock exportation and importation, meat or meat product importation or exportation, meat input supplier, livestock and meat based associations, meat input manufacturers, meat products marketing agents, butchery, abattoir owner or operator, slaughter man, and slaughter house owner or operator, meat festivals, competition and meat dealers, meat suppliers,

meat technology teachings of private nature or matters associated thereto;”.

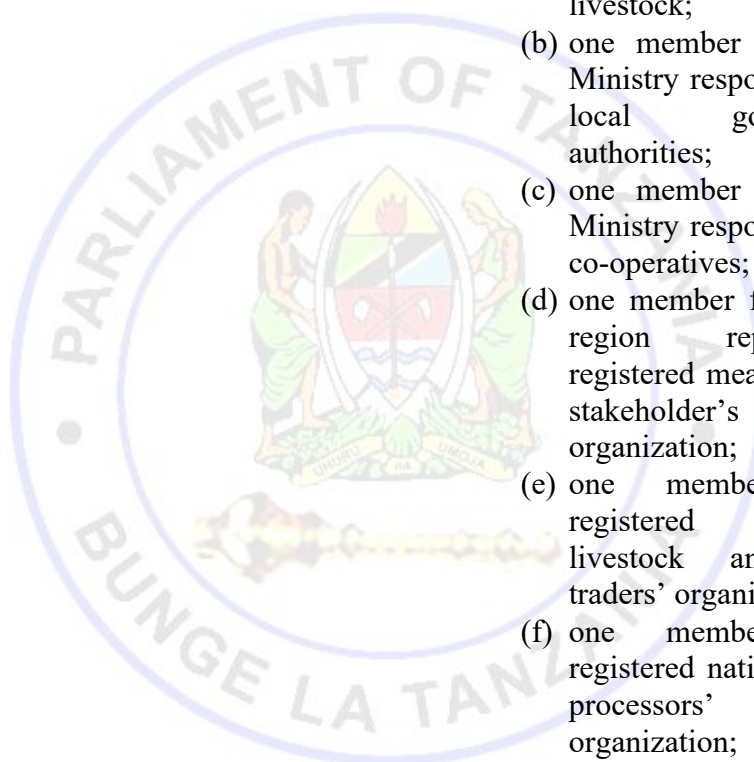
Repeal and replacement of section 5

37. The principal Act is amended by repealing section 5 and replacing for it the following:

“Composition of Annual Council

5. The Annual Council shall consist of the Chairman and other members to be appointed by the Minister as follows:

- (a) one member from the Ministry responsible for livestock;
- (b) one member from the Ministry responsible for local government authorities;
- (c) one member from the Ministry responsible for co-operatives;
- (d) one member from each region representing registered meat industry stakeholder’s organization;
- (e) one member from registered national livestock and meat traders’ organization;
- (f) one member from registered national meat processors’ organization;
- (g) one member from registered national meat consumers’ organization;
- (h) one member from a



- public institution responsible for food quality control or food and nutrition;
- (i) one member from among universities majoring in agriculture; and
- (j) two members from Non-Government Organizations active in meat industry development.”.

Repeal and replacement of section 9

38. The principal Act is amended by repealing section 9 and replacing for it the following:

“Composition of Board

9.-(1) The Board shall be composed of the Chairman and other members appointed by the Minister as follows:

- (a) one member representing the Ministry responsible for livestock;
- (b) one member representing the Ministry responsible for local government authorities;
- (c) one member representing the institution responsible for food quality control;
- (d) one member representing institutions for meat industry research and

- development;
- (e) one member with background of agricultural economics; and
- (f) three members from private sector.

(2) In appointing members of the Board under subsection (1), the Minister shall have due regard to gender, but in any case, at least two members shall be female.”.

Amendment of section 33

39. The principal Act is amended in section 33(1), by deleting the words “fifty thousand” and substituting for them the words “one hundred thousand”.

Addition of sections 33A and 33B

40. The principal Act is amended by adding immediately after section 33 the following:

“Restriction on importation and exportation of meat and meat products

33A.- (1) A person who imports into Mainland Tanzania any meat or meat product without obtaining an import clearance certificate, permit or approval from the Board, commits an offence, and shall, upon conviction be liable to a fine of not less than five million shillings but not exceeding fifty million shillings or to imprisonment for a term of not less than two years or to both.

(2) A person who exports or attempts to export any meat or meat product without authorisation from the Board commits an offence and shall, upon conviction, be liable to a fine of not less than one million shillings but not exceeding

five million or to imprisonment for a term of not less than six months but exceeding twelve months or to both.

(3) A person who provides false or misleading information to the Board with regard to quantity or value of meat or meat product for export, commits an offence and shall, upon conviction, be liable to a fine of not less than one million shillings but not exceeding three million shillings or to imprisonment for a term not less than six months but not exceeding twelve months or to both.

Compounding
of offences

33B.-(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 or any other sector legislation, the Registrar 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 one half 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 Registrar 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 Registrar may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

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

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

PART XII

AMENDMENT OF THE PENAL CODE, (CAP. 16)

Construction
Cap.16

41. This Part shall be read as one with the Penal Code, hereinafter referred to as the “principal Act”.

Amendment of
section 138C

42. The principal Act is amended in section 138C(1), by adding immediately after paragraph (c) the following:

“(d) with or without the consent of a male person who is under the age of eighteen years.”.

PART XIII

AMENDMENT OF THE PROBATE AND ADMINISTRATION OF ESTATES ACT
(CAP. 352)

Construction
Cap.352

43. This Part shall be read as one with the Probate and Administration of Estates Act, hereinafter referred to as the “principal Act”.

Amendment of
section 107

44. The principal Act is amended in section 107(3), by deleting the words “to a fine not exceeding two thousand shillings or to imprisonment for a term not exceeding six months” and substituting for them the words “to a fine not exceeding two million shillings or to imprisonment for a term not exceeding two years”.

PART XIV

AMENDMENT OF THE TANGANYIKA LAW SOCIETY ACT,
(CAP. 307)

Construction
Cap.307

45. This Part shall be read as one with the Tanganyika Law Society Act, hereinafter referred to as the “principal Act”.

Amendment of
section 2

46. The principal Act is amended in section 2, by adding in their appropriate alphabetical order the following definitions:

““Chapter” means Chapter established under section 17A;

“Chapter zones” means Chapter zones established under the provisions of section 17A;

“member” means a member of the Tanganyika Law Society;

“member in good standing” means a member with good ethical standards and has renewed his membership by paying the subscription fees and complies with all the requisite conditions for renewal of membership for a particular

- year;
- “Minister” means the Minister responsible for legal affairs;
- “non-practicing advocate” means a member of the Tanganyika Law Society who does not possess a practicing certificate issued under the provision of section 35 of the Advocates Act;
- “Secretariat” means Tanganyika Law Society Secretariat established under section 19;”.
- Cap. 341
- Amendment of section 4
47. The principal Act is amended in section 4, by inserting the word “, Parliament” immediately after the word “Government” appearing in paragraph (c).
- Amendment of section 6
48. The principal Act is amended in section 6, by adding immediately after paragraph (c) the following:
- “(d) all persons who are admitted in the roll and have sought suspension to practice and received approval of the Chief Justice.”.
- Amendment of section 8
49. The principal Act is amended in section 8(1), by-
- (a) deleting paragraph (a) and substituting for it the following:
- “(a) the Attorney-General, Director of Public Prosecutions, Solicitor General, Parliamentary Draftsman and State Attorneys in the public service, for the time being resident in Tanzania, and any other person duly qualified holding office in the Office of the Attorney-General, National Prosecutions Service and the Office of the Solicitor General;”;
- (b) deleting paragraph (b);
- (c) renaming paragraphs (c), (d), (e) as paragraphs (b),(c) and (d) respectively.

Amendment of section 9

50. The principal Act is amended in section 9, by deleting the word “elect” and substituting for it the word “appoint”.

Amendment of section 15

51. The principal Act is amended in section 15, by-
(a) deleting subsection (1) and substituting for it the following-

“(1) For the proper governance of the affairs of the Society, there shall be a Council consisting of a President, Vice-President, Honorary Treasurer and eight other members, all of whom shall be members of the Society duly elected during the Society’s General Election.

(2) The eight members of the Council referred to in subsection (1) shall comprise of seven zonal leaders and one member representing an association of young lawyers.”;

(b) renumbering subsections (2) and (3) as subsections (3) and (4);

(c) adding immediately after subsection (4) as renumbered, the following:

“(5) The President, Vice President, Honorary Treasurer and the eight other members shall be elected for a term of one year and shall be eligible for re-election for one further term.

(6) The President, the Vice-President, Honorary Treasurer and other members of the Council shall assume office immediately after being sworn-in and hold office until expiration of the tenure, Provided that:

(a) in the event of death, resignation, removal or disqualification of the President,

Vice President or Honorary Treasurer during his term of office, the vacancy so created shall be filled by qualified persons who are members of the Council and in the case of absence of a qualified member, the Nomination Committee shall appoint a qualified member to fill the vacancy;

- (b) in the occurrence of death, resignation, removal or disqualification of any other member of the Council during his term of office, the Nomination Committee shall appoint a qualified member to fill the vacancy.”.

Repeal and replacement of section 16

52. The principal Act is amended by repealing section 16 and replacing for it the following-

“Powers and duties of Council

16. The Council shall have the powers to-

- (a) exercise all powers of governance for and on behalf of the Annual General Meeting;
- (b) govern the affairs of the Society;
- (c) establish chapters and chapter zones;
- (d) employ the Executive Director of the Society;
- (e) approve the Society strategic plans, action plans and budget of the Society;
- (f) oversee the

- implementation of the Society's strategic initiatives and its functioning within the agreed framework, in accordance with relevant statutory and regulatory structures;
- (g) ensure the adequacy of financial, operational systems and internal controls;
 - (h) ensure the implementation of corporate ethics and the Code of Conduct;
 - (i) convene Annual General Meetings; and
 - (j) perform any other duty in relation to the affairs of the Society subject to this Act or regulations made hereunder.”.

Addition of section 17A

53. The principal Act is amended by adding immediately after section 17 the following-

“Chapters of Society

17A.-(1) There shall be Chapters of the Society in designated regions as the Council may consider necessary.

(2) There shall be Chapter zones established by the Council for proper governance and management of the affairs of the Chapters.

(3) In establishing Chapter zones under this section, the Council shall, for the purpose of ensuring

even representation of Advocates in a Chapter zone, have regards to the proportionality of the size of the zone and the number of Advocates in that zone.

(4) The Council may make rules to govern the conduct and operations of Chapters and Chapter zones.”.

Amendment of Part V

54. The principal Act is amended by deleting the title to Part V and substituting for it the following:

PART V
SECRETARIAT

Repeal and replacement of section 19

55. The principal Act is amended by repealing section 19 and replacing for it the following-

“Secretariat of Society

19.-(1) There shall be a Secretariat of the Society which shall be responsible for the day to day management and administration of the affairs of the Society.

(2) The functions of the Secretariat shall be to-

- (a) implement decisions of the Council;
- (b) assist the Council in the preparation of reports and any other information for the members or stakeholders;
- (c) support the committees, Chapters, zones and other bodies of the Society to discharge their functions;

- (d) organise conferences of the Society;
- (e) raise funds and manage the financial affairs of the Society within the limits of its approved budget;
- (f) keep proper books and records of all financial affairs of the Society;
- (g) keep proper minutes and activity reports of the Society;
- (h) keep up to date records and database of members of the Society;
- (i) develop and implement projects aimed at realizing the objects of the Society and its strategic plans; and
- (j) perform any other activities in the attainment of the Society's objectives.

(3) The Council shall employ a person from amongst members or officers of the Society to be the Executive Director of the Secretariat.

(4) The Executive Director shall be employed by the Council through a transparent and competitive recruitment process.

(5) The Executive Director shall be the chief executive officer and the accounting officer of the Society and shall, in particular-

- (a) be responsible for the recruitment of staff of the Secretariat;
 - (b) be responsible for the preparation of periodic strategic plans, annual action plans and budget;
 - (c) be responsible for the supervision and monitoring of the day to day implementation of objectives and functions of the society;
 - (d) be responsible for raising funds of the Society;
 - (e) be the Secretary to the Council;
 - (f) be accountable to the Council; and
 - (g) perform any other duties for the proper management and administration of the affairs of the Society.
- (6) A person shall not be eligible to be employed as the Executive Director of the Society unless that person-
- (a) is an advocate of the High Court of Tanzania and the courts subordinate thereto, with at least ten years of practice;
 - (b) is of good moral standing in the society; and
 - (c) has demonstrated experience in

management of the same position or its equivalent.

(7) A person employed as Executive Director shall hold office for a term of five years and may be eligible to serve for one further term subject to good standing performance.

(8) The Executive Director may be removed from office by the Council by votes of at least two thirds of the members on any of the following grounds-

- (a) inability to perform functions of the office due to mental or physical infirmity;
- (b) gross misconduct;
- (c) incompetence;
- (d) has been adjudged bankrupt;
- (e) desertion of office or duty; or
- (f) has been convicted of a criminal offence punishable by imprisonment for a period of not less than two years.

(9) The Council shall, before removing the Executive Director-

- (a) notify the Executive Director, in writing, of the reasons for the intended removal; and
- (b) afford the Executive Director an opportunity to be heard in defence of

allegations brought against him.”.

Repeal and replacement of section 21

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

“Annual General Meeting

21.-(1) The Council shall, in at least the second week of April of each calendar year, convene an Annual General Meeting of the Society.

(2) The Council may, where circumstances so permit, convene other general meetings of the Society.

(3) The Annual General Meeting shall be convened by way of representation.

(4) The Annual General Meeting shall be duly constituted where it is composed of:

- (a) members of the Council;
- (b) members of all Standing Committees;
- (c) all Chapter leaders including members of their Standing Committees;
- (d) four members from each Chapter comprising of representatives of young lawyers, female lawyers, senior lawyers and persons with disability, all elected annually by Chapter members in the Chapter general meetings;
- (e) members of the Zonal Executive Committees;
- (f) two members from the Chapter zones elected from the zone members during

zonal annual general meeting; and

(g) any other person, as the Council may consider necessary to invite.

(5) Annual General Meetings shall be conducted as prescribed by Council.”.

Amendment of section 22

57. The principal Act is amended in section 22, by deleting subsection (1) and substituting for it the following:

“(1) Notwithstanding section 21, the Council may convene a general meeting of the Society where at least one third of members of good standing consisting of equal percentage representation from each Chapter, at any time requisition a general meeting by written notice in that behalf signed by them, specifying the object of the proposed meeting, and deposit with the Executive Director.”.

Amendment of section 28

58. The principal Act is amended in section 28, by-

- (a) designating the contents of section 28 as contents of subsection (1);
- (b) adding immediately after subsection (1) as designated the following:

“(2) The Council shall submit to the Minister report of the Annual General Meeting or general meeting as the case may be within two months after the report have been confirmed by the Annual General Meeting or general meeting respectively.”.

Repeal and replacement of section 29

59. The principal Act is amended by repealing section 29 and replacing for it the following-

“Accounts of Society

29.-(1) The Council shall cause proper accounts of all funds,

property and assets of the Society to be kept, and to be audited, by an auditor approved by the Annual General Meeting from amongst auditors approved by the Minister responsible for finance.

(2) The Council shall present the audited accounts, together with the auditor's report to the Annual General Meeting convened at a time and manner prescribed in accordance with section 21.

(3) The Council shall serve a copy of the audited accounts together with the auditor's report to the Minister and the Minister responsible for finance within six weeks after the report is presented at the Annual General Meeting.”.

Repeal and replacement of section 30

60. The principal Act is amended by repealing section 30 and replacing for it the following-

“Reports and accounts

30.-(1) The Council shall, in the Annual General Meeting, present to the Society an annual report of the activities of the Society.

(2) The Council shall deliver a copy of the annual report to the Minister within six weeks after being presented at the Annual General Meeting.”.

PART XV

AMENDMENT OF THE TRUSTEES' INCORPORATION ACT,
(CAP. 318)

Construction
Cap.318

61. This Part shall be read as one with the Trustees' Incorporation Act, hereinafter referred to as the "principal Act".

Amendment of
Section 2

62. The principal Act is amended in section 2, by adding immediately after subsection (3) the following:

"(4) The Administrator-General may, before a trust is incorporated or at any later stage after incorporation, require disclosure of the names of settlors and beneficiaries of the trust."

Amendment of
section 8

63. The principal Act is amended in section 8(1), by adding the words "finance, shares, monies, securities, stock or other property after the word "land," wherever it appears in paragraph (c).

Passed by the National Assembly on the 28th January, 2020.

STEPHEN KAGAIGAI
Clerk of the National Assembly