

THE UNITED REPUBLIC OF TANZANIA

No. 8

6th October, 2023

ACT SUPPLEMENT

*To The Gazette Of The United Republic Of Tanzania No. 40 Vol. 104 Dated 6th October, 2023
Printed By The Government Printer, Dodoma By Order Of Government*

**THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 2)
ACT, 2023**

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THE UNITED REPUBLIC OF TANZANIA



NO. 8 OF 2023

I ASSENT

SAMIA SULUHU HASSAN,
*President*29th September, 2023**An Act to amend certain laws.**

ENACTED by the 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, 2023.

Amendment of certain 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 ATOMIC ENERGY ACT,
(CAP. 188)**Construction
Cap. 188

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

Amendment of
section 4

4. The principal Act is amended in section 4, by-

(a) deleting subsection (1) and substituting for it the following:

“(1) This Act shall not apply to any material or use of any material which contains-

(a) radioactive substances of a concentration of less than 1 Becquerels per gram for unsealed sources, the limit being increased to 10 Becquerels per gram for sealed sources; or

(b) material containing radionuclides of natural origin at an activity concentration of less than 1 Becquerel per gram for any radionuclide in the uranium decay chain or the thorium decay chain and of less than 10 Becquerels per gram for Potassium - 40 (⁴⁰K).”;

(b) adding immediately after subsection (4) the following:

“(5) Notwithstanding subsection (1), surface contamination clean up criteria for alpha and beta radiation shall not exceed an average of 0.8 Becquerels per centimetre square.”;

(c) renumbering subsection (5) as subsection (6); and

(d) adding immediately after the renumbered subsection (6) the following:

“(7) Except as provided for under subsection (1), any exemption under this section may be granted or confirmed subject to such limitations or conditions as may be specified by the Minister.”.

Amendment of
section 11

5. The principal Act is amended in section 11-

(a) in subsection (1), by inserting the words “dispose, lend, let, hire, transfer, import,” between the words “possess” and “export”;

(b) by adding immediately after subsection (1) the following:

“(2) A person shall not, in pursuance of his undertaking-

(a) construct, operate, decommission or closure of a mine or ore processing facilities involving radioactive minerals; or

(b) explore, store, transport, use, transfer, posses, process, dispose, import, export or enrich any radioactive minerals, nuclear materials or other materials containing radioactive minerals,

unless licensed or registered as such in accordance with the provisions of this Act.”; and

(c) by renumbering subsection (2) as subsection (3).

Amendment of
section 20

6. The principal Act is amended in section 20 by deleting the word “mobile” wherever it appears in that section.

Addition of
section 20A

7. The principal Act is amended by adding immediately after section 20 the following:

“Authorisation
of technical
service
providers

20A.-(1) A person shall not provide technical service except with the authorisation of the Commission.

(2) A person who intends to provide technical services shall apply to the Commission in writing for authorisation.

(3) The Commission shall, based on criteria it may set, consider and authorise any of the following technical services:

- (a) personnel dosimetry services;
- (b) individual and work place monitoring services;
- (c) standard calibration services;

- (d) environmental monitoring services;
- (e) radio analytical measurements;
- (f) repair and maintenance of nuclear equipment; and
- (g) any other related services as the Commission may authorise.

(4) A person who contravenes this section commits an offence and on conviction, shall be liable to a fine of not less than three million shillings or to imprisonment for a term of not less than five years or to both.

(5) The court may, in addition to the fine or imprisonment, order the forfeiture to the Republic of any property which has passed in connection with the commission of the offence.”.

Amendment of
section 21

8. The principal Act is amended in section 21-

- (a) in subsection (2), by-
 - (i) deleting figures “74” and “3700” appearing in paragraph (a) and substituting for them figures “1” and “10” respectively; and
 - (ii) deleting the word “greater” appearing in paragraph (c) and substituting for it the word “lesser”; and
- (b) deleting the word “mobile” appearing in subsection (3).

Amendment of
section 24

9. The principal Act is amended in section 24 by deleting the words “mobile devices” wherever they appear in that section and substituting for them the words “radiation sources”.

Amendment of
section 30

10. The principal Act is amended in section 30, by-

- (a) designating the content of section 30 as content of

subsection (1);

(b) deleting the word “foodstuff” appearing in subsection (1) as designated and substituting for it the words “food chain and related commodities”; and

(c) adding immediately after subsection (1) as designated the following:

“(2) Notwithstanding subsection (1), a radioactivity analysis certificate shall not be required where a competent authority of an importing country does not require such certificate.

(3) The Commission may conduct random inspection and conduct radioactivity analysis in respect of any consignment of food chain and related commodities imported into the country or exported out of the country or distributed for human and animal consumption for the purposes of research, safety, security or for any other purpose it deems necessary.”.

Amendment of
section 39

11. The principal Act is amended in section 39, by-

(a) designating the content of section 39 as subsection (1); and

(b) adding immediately after subsection (1) as designated the following:

“(2) The Commission shall ensure that measures for the prevention and detection of, and response to incidents of-

(a) theft;

(b) unauthorised acquisition;

(c) illicit trafficking; or

(d) sabotage of related facilities,

in nuclear and other radioactive material are in place.”.

Amendment of
section 45

12. The principal Act is amended in section 45 by adding immediately after paragraph (b) the following:

“(c) protective actions to reduce existing or

unregulated radiation risks are taken by taking into account the principles of justification and optimisation.”.

Amendment of
section 58

13. The principal Act is amended in section 58(2) by deleting the words “both the Chairman and”.

Amendment of
section 72

14. The principal Act is amended in section 72 by deleting subsection (4).

Addition of
section 72A

15. The principal Act is amended by adding immediately after section 72 the following:

“Compounding
of offences

72A.-(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, the Director-General 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 two thirds 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 Director-General 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 Director-General may enforce the compounding order and interest accrued thereof in the same manner as a decree of court.

(4) The moneys charged under this section shall, unless otherwise directed by the Minister responsible for finance, be paid into the Consolidated Fund.

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

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

PART III

AMENDMENT OF THE DAR ES SALAAM MARITIME INSTITUTE ACT, (CAP. 253)

Construction
Cap. 253

16. This Part shall be read as one with the Dar es Salaam Maritime Institute Act, hereinafter referred to as the “principal Act”.

General
amendment

17. The principal Act is amended generally by deleting the word “Principal” wherever it appears in the Act and substituting for it the word “Rector”.

Amendment of
section 2

18. The principal Act is amended in section 2-

- (a) in the definition of the term “students’ organisation”, by deleting the word “Minister” and substituting for it the word “Board”; and
- (b) by adding in its appropriate alphabetical order the following definition:

““Academic Council” means the Academic Council of the Institute established under section 6A;”.

Amendment of
section 4

19. The principal Act is amended in section 4, by-
- (a) inserting the word “economics” between the words “enterprises” and “special skills” appearing in paragraph (a); and
 - (b) deleting paragraph (h) and substituting for it the following:
“(h) conduct examination on trained programs;”.

Amendment of
section 5

20. The principal Act is amended in section 5, by-
- (a) adding immediately after subsection (2) the following:
“(3) The Board may, subject to such terms and conditions as it may determine, form from among its members, such number of committees as it deems necessary for better carrying out of its functions under this Act.”; and
 - (b) renumbering subsection (3) as subsection (4).

Amendment of
section 6

21. The principal Act is amended in section 6(2) by-
- (a) adding immediately after paragraph (e) the following:
“(f) provide strategic guidance and formulate policies for operation and management of the Institute;
(g) conduct managerial oversight and review the activities and performance of management of the Institute;
(h) approve strategic and investment plans, operational guidelines and any other operational instruments of the Institute; and”; and
 - (b) renaming paragraph (f) as paragraph (i).

Addition of

22. The principal Act is amended by adding

sections 6A
and 6B

immediately after section 6 the following:

“Establishment of
Academic Council

6A.-(1) There is established the Academic Council whose members shall be appointed by the Board as follows:

- (a) Rector who shall be the Chairman;
- (b) Deputy Rector Academic, Research and Consultancy who shall be the Vice Chairman;
- (c) Deputy Rector Planning, Finance and Administration;
- (d) Director of Academics;
- (e) Director of Academics Support Services;
- (f) one representative of the student's organisation;
- (g) two members representing other academic training institutions; and
- (h) one member from other maritime related institutions.

(2) A member of the Academic Council shall, unless his appointment is determined by the appointing authority, or he otherwise ceases to be a member, hold office for a term of three years, and be eligible for re-appointment.

(3) The Council may co-opt any person to attend and deliberate on a specific matter as the Council may determine but such person shall not have the right to vote.

Functions of
Academic Council

6B.-(1) The Academic Council shall, subject to the directives of the Board, be responsible for the control of education, research, consultancy and all other academic activities within the Institute.

(2) Notwithstanding the generality of subsection (1), the Academic Council shall undertake the following functions:

- (a) approve the curricular for long and short programmes leading to the conferment of any award of the Institute;
- (b) set, safeguard and maintain academic standards of the Institute;
- (c) decide whether any candidate for a degree, diploma, certificate or other awards of the Institute has attained the standard of proficiency and is otherwise a fit and proper person for the grant of the degree, diploma, certificate or other awards of the Institute;
- (d) withdraw award fraudulently obtained by any person from the Institute;
- (e) consider recommendations made to it by academic Committee of the Institute, and to

take such action on it as it may consider appropriate;

- (f) make proposal to the Board on the academic affairs of the Institute;
- (g) recommend to the Board the establishment or disestablishment of academic bodies of the Institute;
- (h) recommend to the Board the fee structures and other charges for various programmes or course and services offered or provided by the Institute;
- (i) handle matters relating to examination results, appeals and irregularities; and
- (j) discharge such other function as may be conferred upon it by or under the Act.”.

Amendment of
section 7

23. The principal Act is amended in section 7-

(a) in subsection (1), by-

- (i) deleting the opening words and substituting for them the following:

“(1) The Board may make rules prescribing-”;

- (ii) deleting paragraph (a) and substituting for it the following:

“(a) fees and other charges of the Institute;”;

and

- (iii) adding immediately after paragraph (a) the following:

“(b) for the regulation of disciplinary proceedings against the officers and students of the

Institute;

- (c) academic procedures;
- (d) matters relating to discipline among the members of the staff of the Institute and students;
- (e) the qualifications necessary for entry to the Institute, the courses of instruction to be provided by the Institute, the type of awards to be offered and the duration and number of academic terms; and
- (f) the grant of scholarships and studentship and the revocation of any such grant;"

- (iv) renaming paragraph (b) as paragraph (g); and
- (b) deleting subsections (3), (4) and (5).

Amendment of section 8

24. The principal Act is amended in section 8 by deleting subsection (2) and substituting for it the following:

“(2) The Rector shall hold office for a period of five years renewable once based on satisfactory performance.”.

Amendment of section 10

25. The principal Act is amended in section 10(2) by deleting the word “Minister” and substituting for it the word “Board”.

Amendment of Part IV

26. The principal Act is amended in the heading to Part IV by deleting the words “BOARD OF EXAMINERS” and substituting for them the word “CERTIFICATION”.

Amendment of section 11

27. The principal Act is amended in section 11, by-
- (a) deleting figure “24” appearing in subsection (2) and substituting for it figure “7(1)”; and
 - (b) adding the words “to be determined by the Institute” at the end of subsection (3)”.

Repeal and
replacement of
section 12

28. The principal Act is amended by repealing section 12 and replacing for it the following:

“Examination and
certificates

12.-(1) Examinations shall be conducted by the Institute in accordance with the law of relevant institutions established for that purpose.

(2) The Institute shall issue to a candidate who qualifies examinations a certificate in a prescribed form.”.

Repeal of
section 13

29. The principal Act is amended by repealing section 13.

Amendment of
section 15

30. The principal Act is amended in section 15, by-

- (a) designating the contents of subsection (1) as section 15; and
- (b) deleting subsection (2).

Repeal and
replacement of
section 21

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

“Remuneration and
fees

21. Members of the Board shall be entitled to and be paid such fees, allowances or expenses as may be prescribed by the relevant authority.”. 2023 19

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Amendment of
section 22

32. The principal Act is amended in section 22-

- (a) in subsection (1), by deleting the reference to subsection (6) and substituting for it the reference to subsection (5);
- (b) deleting subsection (5); and
- (c) renumbering subsection (6) as subsection (5).

Amendment of
section 24

33. The principal Act is amended in section 24(1), by-

- (a) deleting paragraphs (a) and (b) and substituting for them the following:

- “(a) prescribing terms, conditions and procedures for carrying out research and providing consultancy services; and
- (b) providing for anything which, in the opinion of the Minister, is necessary or expedient for the better carrying out of the provisions of this Act.”; and
- (b) deleting paragraphs (c) and (d).

Amendment of
Schedule

34. The principal Act is amended in the Schedule-

(a) in paragraph 1, by-

- (i) adding the words “at least one of whom shall be from the private sector” immediately after the word “Minister” appearing in subparagraph (b);
- (ii) deleting subparagraph (2) and substituting for it the following:

“(2) Appointment made under subparagraph (1) shall be of a person with necessary experience or qualification in maritime transport, maritime economist, marine engineering or navigation, human resource and public administration, accounting and finance or maritime law.”; and

- (iii) adding immediately after subparagraph (2) the following:

“(3) The Board may co-opt any person to attend and deliberate on a specific matter as the Board may determine and such person shall not have the right to vote.”;

- (b) in paragraph 2, by deleting the words “after the end of that period” and substituting for them the words “for one further period”; and
- (c) by deleting paragraph 7 and replacing for it the following:

“Meetings

7.-(1) The Board shall meet quarterly every year.

(2) The Chairman or in his absence, the Vice-Chairman, may at any time, call a special meeting of the Board upon request by a majority of the members.”.

PART IV

THE TANZANIA INDUSTRIAL RESEARCH AND DEVELOPMENT ORGANISATION ACT, (CAP. 159)

Construction
Cap.159

35. This Part shall be read as one with the Tanzania Industrial Research and Development Organisation Act hereinafter referred to as the “principal Act.”

Amendment of
section 4

36. The principal Act is amended in section 4(1), by-

(a) deleting the words “applied research” wherever they appear in subsection (1) and substituting for them the words “industrial research”;

(b) deleting paragraph (a) and substituting for it the following:

“(a) to carry out, and promote the carrying out of, industrial research designed to facilitate the evaluation, development and use of raw materials in industrial processes;”;

(c) deleting the word “local” appearing in paragraph (c);

(d) deleting paragraph (d) and substituting for it the following:

“(d) in collaboration with relevant authorities or any person or body of persons, carry out monitoring of industrial establishments with the purpose of evaluating their performance and productivity to avert or minimize any loss to the public;”;

(e) adding immediately after paragraph (f) the

following:

- “(g) to provide to the Government, firms and enterprises intending to establish new industries or engaged in industrial production, technical assistance necessary for the technological sustainability of the envisaged industrial enterprise;”;
- (f) renaming paragraphs (g), (h) and (i) as paragraphs (h), (i) and (j) respectively;
- (g) deleting paragraph (j) as renamed and substituting for it the following:
 - “(j) provide advice to the Government and to firms or organisations engaged in industrial production, on the establishment of systems for the control and regulation of industrial processes to improve performance and to avert or minimise the sources of industrial pollution;”;
- (h) adding immediately after paragraph (j) as renamed the following:
 - “(k) carry out testing and analysis of industrial technologies and raw materials for enterprises and undertake primary technology testing of locally manufactured machinery and imported industrial machineries;
- (l) establish incubators for the purpose of developing or exploiting research outputs, inventions and innovations or technological expertise;
- (m) represent Tanzania in international fora in matters relating to industrial research;”;
- and
- (i) renaming paragraph (j) as paragraph (n).

Amendment of
section 7

37. The principal Act is amended in section 7 by adding immediately after subsection (4) the following:

“(5) Notwithstanding subsection (1), the Council may establish such other

committees as it considers necessary or desirable for the effective discharge of its functions.”.

Repeal of
section 8

38. The principal Act is amended by repealing section 8.

Amendment of
section 9

39. The principal Act is amended in section 9-

(a) by deleting subsection (1) and substituting for it the following:

“(1) For the purposes of the proper performance of its functions under this Act, the Organisation may require in writing any firm or organisation engaged in industrial production or in industrial research within Tanzania to furnish to it such information relating to industrial production as the Organisation may specify.”; and

(b) in subsection (2), by-

(i) deleting the words “to a fine not exceeding fifteen thousand shillings”;

(ii) adding immediately after the opening phrase the following:

“(a) in the case of first offender, to a fine of fifty thousand shillings; and

(b) in the case of second or subsequent offender, to a fine of five hundred thousand shillings, or to imprisonment for a term of six months or to both.”.

Repeal of
section 12

40. The principal Act is amended by repealing section 12.

Amendment of
section 13

41. The principal Act is amended in section 13(2), by-

(a) deleting paragraph (c); and

(b) renaming paragraph (d) as paragraph (c).

Amendment of

42. The principal Act is amended in section 18, by-

section 18

(a) adding immediately after paragraph (b) the following:

“(c) any grants, donations, bequests or other contributions made to the Organisation as provided in the other relevant legislations”; and

(b) renaming paragraph (c) as paragraph (d).

Amendment of
section 19

43. The principal Act is amended in section 19 by deleting the words “of a Resident Magistrate” wherever they appear in that section.

Amendment of
section 24

44. The principal Act is amended in section 24-

(a) by deleting the words “balance sheet” wherever they appear in that section and substituting for them the words “financial statement”; and

(b) in subsection (1), by deleting the words “a balance sheet” and substituting for them the words “a financial statement”.

Amendment of
Schedule

45. The principal Act is amended in paragraph 1 of the Schedule, by-

(a) designating the content of subparagraph (1) as contents of paragraph 1;

(b) deleting the word “sixteen” appearing in item (c) of paragraph 1 as designated and substituting for it the word “ten”; and

(c) deleting subparagraph (2).

Passed by the National Assembly on the 29th August, 2023

NENELWA JOYCE MWIHAMBI
Clerk of the National Assembly