

THE UNITED REPUBLIC OF TANZANIA

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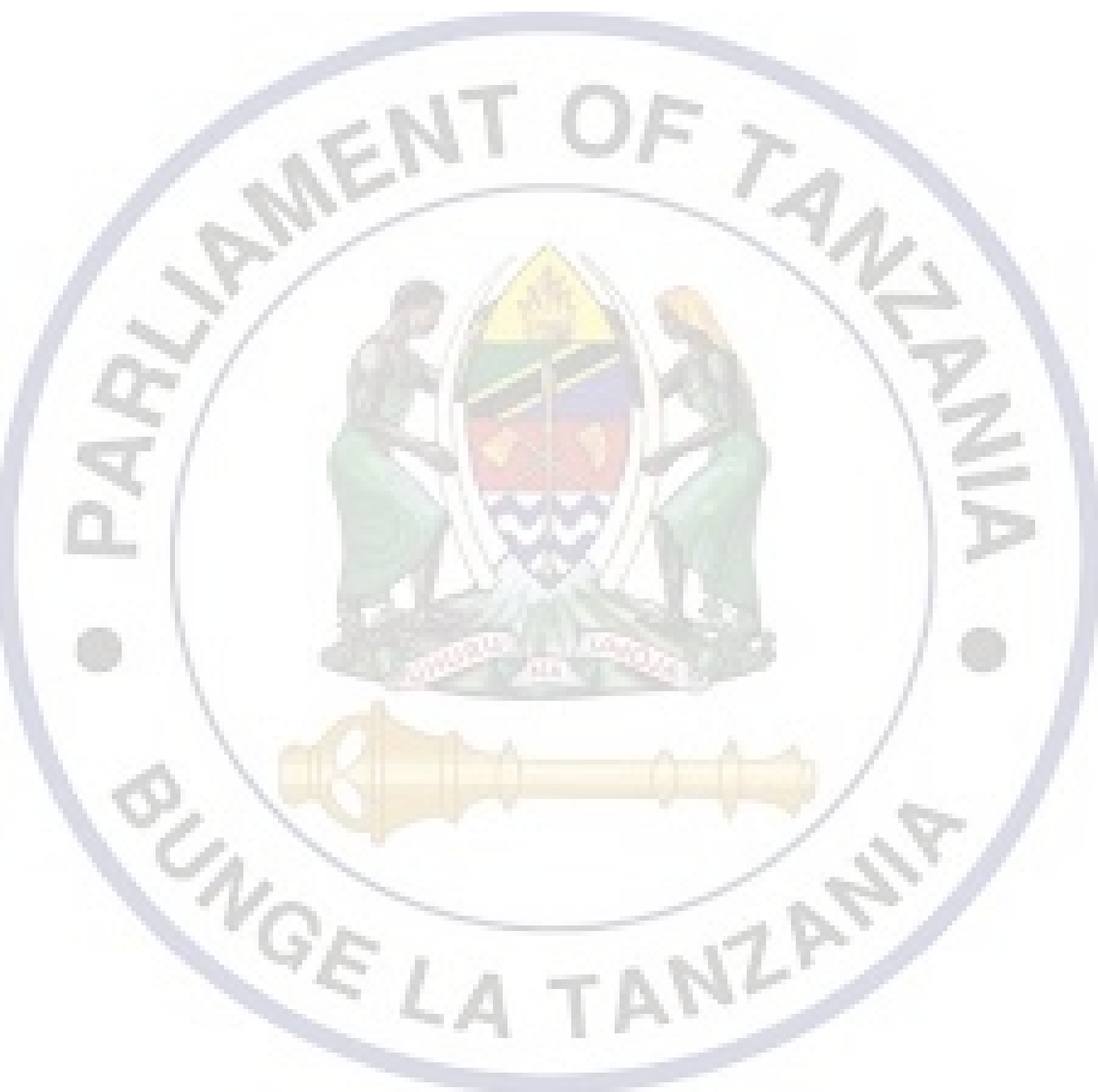
ACT SUPPLEMENT

*To The Gazette of the United Republic of Tanzania No.42 Vol. 105 Dated 11th October, 2024
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THE PREVENTION AND COMBATING OF CORRUPTION (AMENDMENT)
ACT, 2024

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THE UNITED REPUBLIC OF TANZANIA



NO. 11 OF 2024

ASSENT

SAMIA SULUHU HASSAN

President

[2nd October ,2024]

An Act to amend the Prevention and Combating of Corruption Act with a view of making better provisions for its effective implementation.

ENACTED by the Parliament of the United Republic of Tanzania.

Short title

1. This Act may be cited as the Prevention and Combating of Corruption (Amendment) Act, 2024 and shall be read as one with the Prevention and Combating of Corruption Act, hereinafter referred to as the “principal Act”.

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Amendment of section 3

2. The principal Act is amended in section 3, by-
(a) deleting the definition of the term “advantage” and substituting for it the following:

““advantage” means a gift or any property movable or immovable, loan, fee, reward or favour, and includes valuable consideration of any kind, discount, commission, rebate, bonus, deduction or percentage and employment, services or an agreement to give employment or

render services in any capacity”;
and

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

““appropriate measure” includes legal and administrative measures;

“Deputy Director General” means the Deputy Director General of the Bureau appointed pursuant to the provisions of this Act;

“election” in all its forms, means any electoral process, including political elections;

“entertainment” means an event, performance, activity or anything designed to entertain people which includes television and radio airings, movies, music, festivals, beauty pageants, talent competitions, advertisements or other performances or activities;

“examine” includes conducting survey, research, study, inspection or any other act related thereto;

“gaming activity” has the meaning ascribed to it under the Gaming Act;

“member of the Bureau” includes all employees of the Bureau;

“sport” includes any game, race or other sport to which the public or any section thereof, is admitted on payment or otherwise;

“sports competition” means any event or contest in any sport, between individuals or teams, or in which animals compete, and which is usually attended by the public and is governed by rules that include a constitution, rules or code of conduct of any sporting body that organises any sport competition or

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of any regulatory body under whose constitution, rules or code of conduct the sport competition or event is conducted;

“sports manipulation” means an intentional arrangement, act or omission aimed at an improper alteration of the sports’ results or the course of sport competition in order to remove all or part of the unpredictable nature of the aforementioned sport competition with a view to obtain any undue advantage for oneself or others;

“undue advantage” means an advantage which is inappropriate, unreasonable or unlawful;”.

Amendment of section 6

3. The principal Act is amended in section 6, by-

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

“(3) The Deputy Director General shall-

(a) be a principal assistant to the Director General in performing day to day activities of the Bureau; and

(b) perform any function as may be assigned by the Director General.”; and

(b) renumbering subsection (3) as subsection (4).

Amendment of section 7

4. The principal Act is amended in section 7-

(a) in paragraph (e), by deleting the phrase “prosecute offences under this Act and other offences involving corruption; and” and substituting for it the phrase “prosecute corruption and related offences under this Act and any other written law;”;

(b) in paragraph (f), by-

(i) deleting subparagraph (i) and substituting for it the following:

- “(i) corruption and related offences under this Act and any other written law;”; and
- (ii) deleting a full stop appearing at the end of subparagraph (iii) and substituting for it a colon and the word “and”; and
- (c) adding immediately after paragraph (f) the following:
 - “(g) take appropriate measures as may be necessary for expedient prevention and combating of corruption.”.

Amendment of section 10

5. The principal Act is amended in section 10(3) by-
- (a) deleting the word “or” appearing at the end of paragraph (a);
 - (b) adding immediately after paragraph (a) the following:
 - “(b) without reasonable cause, fails to appear upon being ordered to appear;
 - (c) without reasonable cause, fails to produce document; or”;
 - (c) renaming paragraph (b) as paragraph (d).

Amendment of section 13

6. The principal Act is amended in section 13(1) by inserting the word “search,” immediately after the word “arrest”.

Amendment of section 15

7. The principal Act is amended in section 15(3) by deleting the words “or any of its part” appearing in paragraph (a)(i) and (b) and substituting for them the phrase “or any part of its proceeds, instrumentalities or pecuniary penalty”.

Amendment of sections 16, 17 and 18

8. The principal Act is amended in sections 16(4)(a)(i) and (b), 17(3)(a)(i) and (b), 18(3)(a)(i) and (b), by adding immediately after the phrase “or any part of it” the phrase “proceeds, instrumentalities or pecuniary penalty”.

Amendment of section 20

9. The principal Act is amended in section 20 by adding immediately after subsection (3) the following:

“(4) In addition to the penalty prescribed for under this section, the court may, if such person-

- (a) is an agent, order such person to pay to his principal, in such manner as the court may direct-
 - (i) the amount of money or value of any advantage received by him or any part of it proceeds, instrumentalities or pecuniary penalty; or
 - (ii) part of the amount of money or value of any advantage received by him, and that the whole or part of the residue be confiscated to the Government; and
- (b) is an agent or not, order that amount or value of any advantage received by him, or any part of it, proceeds, instrumentalities or pecuniary penalty be confiscated to the Government.”.

Amendment of section 25

10. The principal Act is amended in section 25 by deleting the words “to a fine not exceeding five million shillings or to imprisonment for a term not exceeding three years” and substituting for them the words “to a fine of not less than two million shillings but not exceeding ten million shillings or to imprisonment for a term of not less than five year but not exceeding ten years”.

Amendment of section 27

11. The principal Act is amended in section 27(1) by deleting paragraph (b) and substituting for it the following:

“(b) possesses or owns property disproportionate to his present or past lawful income;”.

Repeal and replacement of section 31

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

“Abuse of position

31. A person who-

(a) in the discharge of his functions intentionally abuses his position in the performance or failure to perform an act in violation of the law for purposes of obtaining undue advantage for himself or another person or entity; or

(b) uses his position for the purpose of obtaining undue advantage for himself or for another person or entity,

commits an offence and on conviction shall be liable to a fine of not less than five million shillings but not more than twenty million shillings or an amount equivalent to three times the market value of the advantage or to imprisonment for a term of

not less than five years but not exceeding ten years or to both.”.

Amendment of section 35

13. The principal Act is amended in section 35 by deleting the word “contract” and substituting for it the word “favor”.

Addition of section 38A

14. The principal Act is amended by adding immediately after section 38 the following:

“Freezing bank account

38A.-(1) Where the Director General suspects on reasonable grounds that any person has been involved in the commission of a corruption or related offence, he may authorize and direct an investigator of the Bureau of the rank of senior investigator or above to freeze a bank account or electronic money account and seize any document from that bank or financial institution for fourteen days during which leave of the court for continued seizure and freezing shall be obtained.

(2) Upon application, the court may order extension of a period of seizure or freezing an account where there are reasonable grounds to suspect that the money held in the account is related to the commission of an offence under this Act.

(3) Where the court orders an extension of period of seizure or freezing of an account under subsection (2), it may, at any later time vary or set aside that order where the continued seizure or freezing is no longer required or upon production of additional evidence, and where the court is satisfied that money held into the account is not related to the commission of an offence under this Act.”.

Amendment of section 43

15. The principal Act is amended in section 43(3) by deleting the words “Treasury Registrar” and substituting for them the words “Permanent Secretary in the Ministry responsible for treasury”.

Amendment of section 46

16. The principal Act is amended in section 46 by deleting the words “in particular, financial institutions” appearing in paragraph (a).

Addition of Part VA

17. The principal Act is amended by adding immediately after Part V the following new Part:

**“PART VA
CORRUPTION IN ELECTION, SPORTS, GAMING
AND ENTERTAINMENT**

Penalties for offences relating to corruption in election

46A. A person who commits an offence relating to corruption in election shall, without prejudice to any penalty provided in any other written law, be liable, on conviction, to a fine of not less than three million shillings but not exceeding twenty million

shillings, or to imprisonment for a term of not less than three years but not exceeding five years or to both.

Corrupt activities relating to sports

46B.-(1) A person who, directly or indirectly-

(a) promises, offers, gives, or agrees to provide any advantage to another person, for himself or for another person or entity as an inducement to manipulate the sports results, or during a sports competition;

(b) solicits, accepts, obtains, attempts to obtain or agrees to any advantage or the promise or offer thereof, for himself, another person or entity, as an inducement to manipulate the sports results or course of a sports competition,

commits an offence and on conviction shall be liable to a fine of not less than three million shillings but not exceeding twenty million shillings or an amount equivalent to the market value of an undue advantage

received, or to imprisonment for a term of not less than three years but not exceeding twenty years or to both.

(2) In addition to the penalty imposed under subsection (1), the court may order pecuniary penalty or forfeiture to the Government of all instrumentalities and proceeds derived from the offence committed under this section.

(3) A person who has knowledge, whether verbally, in writing or otherwise, that an offence has been committed against any provision of subsection (1), shall communicate such knowledge to the Bureau.

(4) A person who fails to communicate the knowledge referred to under subsection (1) within twenty-one days from the date of becoming aware of such knowledge commits an offence and upon conviction, shall be liable to a fine of not less than three million shillings but not exceeding twenty million shillings or an amount equivalent to the market value of an undue advantage received or to imprisonment for a term of not less than three years but not exceeding twenty years or to both.

(5) In this section, "person" includes individual and any partnership,

corporation, association, sports organization or any other entity.”.

Corrupt activities relating to gaming

46C.-(1) A person who, directly or indirectly-

(a) pledges, offers, provides, or agrees to furnish any advantage to another person, for oneself, or for another person or entity, as an inducement or reward for influencing the outcome or undermining the integrity of any gaming activity;

(b) solicits, accepts, obtains, attempts to obtain, or agrees to obtain, or offers to obtain, or the promise or offer thereof, for oneself, another person, or entity, as an inducement or reward for influencing the outcome or undermining the integrity of any gaming activity,

commits an offence and on conviction shall be liable to a fine of not less than three million shillings but not exceeding twenty million

shillings, or an amount equivalent to the market value of an undue advantage received, or to imprisonment for a term of not less than three years but not exceeding twenty years or to both.

(2) In addition to the penalty imposed under subsection (2), the court may order pecuniary penalty or forfeiture to the Government of all instrumentalities and proceeds derived from the offence committed under this section.

(3) A person who possesses knowledge, whether verbally, in writing, or otherwise, of an offence committed against any provision of subsection (1) shall promptly communicate such information to the Bureau.

(4) A person who fails to communicate the knowledge referred to under subsection (1) within twenty-one days from the date of becoming aware of such knowledge, commits an offence and on conviction shall be liable to a fine of not less than three million shillings but not exceeding twenty million shillings or an amount equivalent to the market value of an undue advantage received or to imprisonment for a term of not less than three years but not exceeding twenty years or to both.

Corrupt activities relating to entertainment

46D.-(1) A person who directly or indirectly-

(a) promises, offers, or gives or agrees to give any advantage to another person, for himself or for another person or entity, as an inducement to, or reward for influencing the outcome or undermining the integrity of any entertainment activity;

(b) solicits or accepts or obtains or attempts to obtain or agrees any advantage or the promise or the offer thereof, for him, or for another person or entity, as an inducement to or reward for influencing the outcome or undermining the integrity of any entertainment activity,

commits an offence and on conviction shall be liable to a fine of not less than three million shillings but not exceeding twenty million shillings, or an amount

equivalent to the market value of an undue advantage received, or to imprisonment for a term of not less than three years but not exceeding twenty years or both.

(2) In addition to the penalty imposed under subsection (1), the court may order pecuniary penalty or forfeiture to the Government of all instrumentalities and proceeds derived from the offence committed under this section.

(3) A person who has knowledge, whether verbally, in writing or otherwise, that an offence has been committed against any of the provision of subsection (1), shall communicate such knowledge to the Bureau.

(4) A person who fails to communicate the knowledge referred to under subsection (1) within twenty-one days from the date of becoming aware of such knowledge, commits an offence and on conviction shall be liable to a fine of not less than three million shillings but not exceeding twenty million shillings, or an amount equivalent to the market value of an undue advantage received, or to imprisonment for a term of not less than three years but not exceeding twenty years or to both.”.

Repeal and replacement of section 49

18. The principal Act is amended by repealing section 49 and replacing for it the following:

“Valuation of property

49. In proceedings for an offence under this Act where the subject matter involves buildings, the method for valuation of the building shall be based-

- (a) where it is established that such property or building was built, on actual construction value;
- (b) where the building was purchased-
 - (i) on the actual price of purchase;
 - (ii) on the market value of such property or building.”

Passed by the National Assembly on the 03rd September, 2024.

NENELWA JOYCE MWIHAMBI
Clerk of the National Assembly