

THE UNITED REPUBLIC OF TANZANIA

No. 2

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THE WRITTEN LAWS (MISCELLANEOUS AMENDMENTS) (NO. 2)
 ACT, 2025

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THE UNITED REPUBLIC OF TANZANIA

NO. 2 OF 2025

I ASSENT

SAMIA SULUHU HASSAN,
President

[4th March, 2025]

An Act to amend certain written 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, 2025.

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
THE AMENDMENT OF THE ADVOCATES ACT,
(CAP. 341)

Construction
Cap. 341 **3.** This Part shall be read as one with the Advocates Act,
hereinafter referred to as the “principal Act”.

Amendment
of section 4 **4.** The principal Act is amended in section 4-
(a) in subsection (1), by adding the words “or the
Executive Secretary of the Law Reform
Commission of Tanzania” immediately after the
word “Prosecutions” appearing at the end of
paragraph (b);
(b) in subsection (4), by adding the words “or the
Executive Secretary of the Law Reform
Commission of Tanzania” immediately after the
word “Prosecutions”; and
(c) in subsection (5), by adding the words “or the
Executive Secretary of the Law Reform
Commission of Tanzania” immediately after the
word “Prosecutions”.

PART III
AMENDMENT OF THE BASIC RIGHTS AND DUTIES
ENFORCEMENT ACT,
(CAP. 3)

Construction
Cap. 3 **5.** This Part shall be read as one with the Basic Rights
and Duties Enforcement Act, hereinafter referred to as the
“principal Act”.

Amendment
of section 9 **6.** The principal Act is amended in section 9(1) by
deleting the words “unless the parties to the proceedings agree
to the contrary or the magistrate is of the opinion that the raising
of the question is merely frivolous or vexatious”.

Amendment
of section 10 **7.** The principal Act is amended in section 10(1) by
deleting the words “save that the determination whether an
application is frivolous, vexatious or otherwise fit for hearing
may be made by a single Judge of the High Court”.

Amendment
of section 14

- 8.** The principal Act is amended in section 14, by-
- (a) deleting subsection (2); and
 - (b) renumbering subsection (3) as subsection (2).

PART IV
AMENDMENT OF THE COMMUNITY SERVICE ACT,
(CAP. 291)

Construction
Cap. 291

- 9.** This Part shall be read as one with the Community Service 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 “National Co-ordinator”; and
 - (b) adding in the appropriate alphabetical order the following new definition:
““Director” means the Director of Probation Services appointed under section 10;”.

Amendment
of section 3

- 11.** The principal Act is amended in section 3-
- (a) in subsection (1), by deleting the word “three” appearing in paragraphs (a) and (b) and substituting for it the word “four”; and
 - (b) in subsection (3), by deleting the words “Community Service Orders Committee” and substituting for them the words “community service officer”.

Amendment
of section 7

- 12.** The principal Act is amended in section 7(2) by deleting paragraph (k) and substituting for it the following:
“(k) Director of Probation Services.”.

Repeal and
replacement
of section 10

- 13.** The principal Act is amended by repealing section 10 and replacing for it the following:

“Director of
Probation
Services **10.-(1)** There shall be the Director of Probation Services under the Ministry responsible for home affairs.

(2) The Director shall be appointed by the Minister from amongst public servants with proven knowledge and experience in the administration of criminal justice or correctional matters.

(3) The Director shall be the head of the Probation Service Division.”.

Repeal of
section 11

14. The principal Act is amended by repealing section 11.

Amendment
of section 13

15. The principal Act is amended in section 13 by deleting the words “in consultation with the relevant Community Service Orders Committee,”.

PART V
AMENDMENT OF THE KARIAKOO MARKET CORPORATION
ACT,
(CAP. 132)

Construction
Cap. 132

16. This Part shall be read as one with the Kariakoo Market Corporation Act, hereinafter referred to as the “principal Act”.

Amendment
of section 2

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

““specified market” means the Kariakoo Market and includes any other markets the control and management of which is vested in the Corporation;”.

Amendment
of section 3

18. The principal Act is amended in section 3, by-
(a) adding immediately after paragraph (a) the following:

“(b) be capable of entering into contracts or other transactions;”; and

(b) renaming paragraphs (b) and (c) as paragraphs (c) and (d) respectively.

Amendment

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

of section 4

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

“(e) to establish and maintain efficient system of marketing by securing the most favourable arrangements for the purchase, handling, packing, sale and exportation of goods;

(f) to establish and maintain market outlets for goods;

(g) to provide for the collection, transportation, storage, grading, packing and processing of goods;”;

(b) renaming paragraphs (e) and (f) as paragraphs (h) and (i) respectively.

Amendment
of section 5

20. The principal Act is amended in section 5-

(a) in subsection (2), by deleting paragraph (b) and substituting for it the following:

“(b) eight other members who shall be appointed by the Minister as follows:

(i) one member representing the Ministry responsible for local government;

(ii) one member representing the Ministry responsible for finance;

(iii) one member representing the Ministry responsible for industry and trade;

(iv) one member representing the Ministry responsible for planning and investment;

(v) a law officer nominated by the Attorney General;

(vi) one member representing the Dar es Salaam City Council;

(vii) one member representing the Tanzania Chamber of Commerce, Industry and Agriculture;

(viii) one member representing the Corporations Business Community.”;

(b) by deleting subsection (3) and substituting for it the following:

“(3) A person referred to under subsection (2)(b) shall be eligible for appointment if he possesses experience in the field of agriculture, commerce, finance, law, economics, administration or management.”;

(c) by adding immediately after subsection (4) the following:

“(5) The General Manager shall be the Secretary to the Board.

(6) The Board may invite any person who is not a member to participate in the deliberations of the Board, but the person so invited shall not vote at the meeting.”; and

(d) by renumbering subsections (5) to (7) as subsections (7) to (9) respectively.

Repeal of section 10

Amendment of section 15

10. **21.** The principal Act is amended by repealing section

22. The principal Act is amended in section 15(4) by deleting the words “exceeding a fine of five thousand shillings or a term of imprisonment” and substituting for them the words “not less than two hundred thousand shillings but not exceeding one million shillings or to imprisonment for a term of not less than one year”.

Repeal and replacement of section 16

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

“Compoundi
ng of
offences

16.-(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 General Manager 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 equal to 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 General Manager or a person authorised by him may, in addition to the sum ordered, require the person to pay an interest at the market rate.

(3) Where the person fails to comply with subsection (2), the General Manager may enforce the compounding order and interest accrued thereof in the same manner as a decree of a court.

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

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

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

Amendment
of section 17

24. The principal Act is amended in section 17, by-

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

“(c) such monies as may be appropriated by the Parliament;”;

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

“(d) grants, donations, bequests or other contributions made to the Corporation;

(e) monies earned or arising from any property, investments, mortgages or debentures

acquired by or invested in the Corporation;” and
(c) renaming paragraphs (d) and (e) as paragraphs (f) and (g) respectively.

Addition of
section 18A

25. The principal Act is amended by adding immediately after section 18 the following:

“Account of
Corporation

18A. Subject to the requirements of any other written law, the Corporation shall, upon approval of the Board, open and maintain a bank account into which all payments and deposits shall be made.”.

Repeal and
replacement
of section 24

26. The principal Act is amended by repealing section 24 and replacing for it the following:

“Allowances
and
remunerations

24. A member of the Board shall be paid from the funds of the Corporation such allowances and remuneration as may be determined by the relevant authority.”.

PART VI
AMENDMENT OF THE MINING ACT,
(CAP. 123)

Construction
Cap. 123

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

Addition of
section 88A

28. The principal Act is amended by adding immediately after section 88 the following:

“Withholdin
g of royalty
payable by
constructor

88A.-(1) A public sector entity which makes a contractual payment to a constructor who uses minerals for construction purposes shall-

- (a) withhold royalty and inspection fees payable for the minerals used at the rate provided for under this Act; and
- (b) remit the royalty and inspection fees to the Commission within seven days from the date of

collection of the royalty and inspection fees due.

(2) Where any royalty or inspection fees imposed pursuant to this Act is not paid when due, the Commission shall require the retention by way of deduction or set-off of any amount to be paid as royalty or inspection fees from or out of the amount that is or may become payable by any public sector entity to the royalty or inspection fees payer or to any other person on behalf or for the benefit of the royalty or inspection fees payer.

(3) The obligation of a public sector entity to withhold royalty and inspection fees under subsection (1) shall not be reduced or extinguished on the reason that-

(a) the entity has a right or is under an obligation to deduct and withhold any other amount from the payment; or

(b) any other law provides that the payment of a royalty or inspection fees payer from the entity shall not be reduced, retained, or subject to attachment.

(4) In this section, “public sector entity” means ministry, Government department, regional secretariat, local government authority, regulatory authority, public corporation, executive agency, commercial entity owned by the government and any other public institution.”.

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

Construction
Cap. 298

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

Amendment
of section 26

30. The principal Act is amended in section 26-
(a) in subsection (2), by deleting the words “the Chief Secretary,”;
(b) by adding immediately after subsection (2), the following:

Cap. 371 “(3) In addition to benefits granted pursuant to the Public Service Social Security Fund Act, the Chief Secretary shall be granted by the appropriate authority terminal benefits set out in the Third Schedule to this Act.”; and

(c) by renumbering subsections (3) and (4) as subsections (4) and (5), respectively.

Addition of
Third
Schedule

31. The principal Act is amended by adding immediately after the Second Schedule the following:

“

THIRD SCHEDULE

(Made under section 26(3))

Description of Benefits Granted to the former Chief Secretary:

- (a) a diplomatic passport for him and his spouse;
- (b) medical treatment for him and his spouse borne by the Government within the United Republic or outside the United Republic after the referral by the National Hospital;
- (c) the service of one motor vehicle to be provided by the Government replaceable after every seven years;
- (d) one driver;
- (e) necessary security and other protection to him and his spouse;
- (f) burial expenses for him and his spouse; and
- (g) use of VIP lounge.”.

Passed by the National Assembly on the 29th January, 2025

BARAKA ILDEPHONCE LEONARD
Clerk of the National Assembly